

The Restorative Justice Approach for Sexual Violence against Women:

Healing Survivors, Offenders, and Communities

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Introduction

Violence against women is defined by the 1993 UN Declaration on the Elimination of Violence against Women as, “any act of gender-based violence that results in or is likely to result in physical, sexual, or psychological harm or suffering to women” (as cited in Barzaletto, 1998, p. S14). The criterion “gender-based” indicates that such acts of violence are implicated in wider cultural phenomena. Sexual violence includes sexual attack, unwanted sexual touching, institutional or public sexual harassment, coerced sexual activity, and stalking. Acts of sexual violence against women are individual manifestations of a cultural system of oppression. Kloos et al. (2011) cite Friere’s finding that “Oppressive systems have long historical roots. Those systems, not individuals currently living in them, are the source of injustice” (p. 232). Sexual violence against women is perpetrated in a patriarchal system that creates disparities in gender privilege and often places women in a disadvantaged or subjugated position. Barzaletto (1998) states that women are made vulnerable by their cultural gender roles, “Mainly by limiting their autonomy and capacity for decision making; situating their position within the family as dependent from male members; constraining their access to and control of resources; imposing an unfair and dependent social division of labor; and even establishing arbitrarily different moral norms for men and women” (p. S14). They argue that this leads to a cultural association of femininity with “subjectivity, emotions, passivity, and weakness”; while masculinity is associated with “objectivity, rationality, action and strength” (p. S14). As such, female sexual agency is denied and male sexuality is demonized: resulting in a relationship in which men are consistently sexual instigators and women are consistently compliant (Lea & Auburn, 2001).

For the confrontation of sexual violence against women, it is necessary to address not only the individual offender-victim¹ relationship, but the wider dynamic in which both oppressor and oppressed are implicated. Kloos et al. (2011) emphasize “the liberation perspective,” the aim of which “is to change the system, emancipate both the privileged and the oppressed” (p. 236). The liberation perspective is also attributed to Friere, who identifies three necessary resources for “dismantling oppression”: “This first is critical awareness and understanding of the oppressive system. Second is involvement and leadership from members of the subordinated group. Third is collective action” (Kloos et al., 2011, p. 237). At present, most strategies for addressing sexual violence operate at the individual level. Individual counseling for survivors, rehabilitative treatment for offenders, and individual sentencing in the criminal justice system all serve to address personal injuries, transgressions, and pathologies. These approaches fail to address larger cultural consciousness and therefore are ineffective to motivate to collective action. For effective **confrontation** of the phenomenon, it is necessary to recognize the cultural oppressions in which sexual violence against women is perpetrated, and address them in an approach that acknowledges the experiences of survivors and offenders within the broader community.

Three Dimensions for Impact of Sexual Violence Against Women

Dimension One: Survivor

At the individual level, negative impacts for survivors of sexual violence include, “depression, anxiety, heart disease, suicide, and increased alcohol and drug abuse among many

¹ In discourse violence against women, the choice between terms “victim” and “survivor” is a controversial debate (McGlynn, Godden, & Westmarland, 2012). In this paper, I have chosen to mainly use the term “survivor” to emphasize the agency of women who have experienced violence and avoid identifying them as disempowered. However, I choose to use “victim” here to refer specifically to a process in which survivors are objectified and disempowered. Furthermore, I occasionally use the term “target” when describing an incident of sexual violence, to identify the individual against whom the offense is committed.

other symptoms” (Tabachinick, 2013, p. 55). Most intervention methods seek to address the incident of sexual violence at this level: individual counseling, report of assault, and pursuit of justice. Boal (1995) claims, “all problems are political,” (p. 4). He believes that symptoms such as depression or anxiety are, in fact, “internalized oppressions”, as these symptoms are enabled by systematic inequalities in our social life (2006, p. 5). Many survivors of sexual violence struggle with self-blame (Lea & Auburn, 2001). Kloos et al. (2011) state that victim blaming is an example of reinforcing oppressive systems through “widely accepted myths that rationalize them,” so that “even subordinated groups often fail to recognize how systems of oppression are creating injustices” (p. 233). “Internalized oppression” is enacted when oppressive myths are so thorough that groups who are oppressed believe and perpetuate their own inferiority. This experience is amplified for survivors of sexual violence, as their own bodies are implicated in the offense. Livingston, Wagner, Diaz, and Lu (2013) find that in many accounts of experiencing sexual violence, the experience of being targets feeling of violation is a main contributor to the expressed emotional trauma.

Furthermore, pursuit of justice through the legal system may serve to further the survivors experience of internalized oppression, as the focuses on the offender isolates the survivor, and often silences their experience. Jülich found survivors to be consistently disappointed in the criminal justice system, finding it denied them “a voice and an active role in proceedings” (as cited in McGlynn, Godden, & Westmarland, 2012, p. 232). Though survivors may testify on their experience, they are rarely given opportunity to confront the offender directly. In a case study of one survivor’s experience, “Lucy” notes in her trial the judge “shifted power back to the offender” with the statement that he had “ruined this woman’s life” (McGlynn, Godden, & Westmarland, 2012, p. 218). She felt disempowered by this statement, as it granted

the offender agency to affect her life. Furthermore, she found that solicitation of the offenders confession, in fact, focused more on his rehabilitation than her own healing: she felt his admission “gave him the opportunity to go round and say to everyone that I should forgive him because he did such a good thing” (as cited in McGlynn, Godden, & Westmarland, 2012, p. 225). Madsen advocates the necessity of validating survivors’ voices to combat internal- and externalized oppression, stating this is a “necessary and rewarding step to take on the way to reclaiming a subject position in their lives” (as cited in McGlynn, Godden, & Westmarland, 2012, p. 222).

Dimension Two: Offender²

Most research on treatment methodology for sexual offenders focus on individual traits, such as “psychopathology,” “hostility,” or “denial” (Lea & Auburn, 2001, p. 12). This is problematic in regards to preventing future offenses as it perpetuates the misconception that sexual offense is an “isolated, idiosyncratic act limited to a few ‘sick’ men” (Lea & Auburn, 2001, p. 12). This is a devaluation of survivors’ experience, as it fails to acknowledge the widespread cultural variables to make women vulnerable to sexual violence. In regards to rehabilitation for sex offenders, the individualized approach is ultimately ineffective as well. Lea and Auburn (2001) suggest, “The exclusive attention of the cognitive-behavioural approach to the mind of the individual renders it incapable of conceptualizing acts of sexual violence as part of gendered relations of power” (Lea & Auburn, 2001, p. 25). As such, offenders are not provided with an adequate understanding of their actions as implicit in patriarchal culture, and therefore do not have the liberation perspective necessary to seek systemic change. In an analysis of one offender’s account of his offense, Lea and Auburn (2001) found the offender’s

² Trigger warning: this section contains an offender’s description of his act of rape.

narrative to be limited by a failure to fully comprehend the implications of his actions. The offender, “Nathan,” narrates the events in a way which diminishes the aggression and violation of his actions, stating he “um and just picked her up and grabbed her [and] just (.) cuddled, kissed, cuddled” (as cited in Lea & Auburn, 2001, p. 28).

Ultimately, the individualized approach of the criminal justice system does a disservice both to survivors and offenders. Lea and Auburn (2001) found that the framework that the offender was encouraged to employ made it too easy for him to ignore the long-term effects of his action on his target’s life, and excuse himself for what he thought to be an isolated incident. Nathan fails to understand the cultural context and his own cultural condition that led to his actions; he expresses confusion at the escalation of the incident, “And I didn’t know, it was all well out of control” (as cited in Lea & Auburn, 2001, p. 29). Furthermore, it denies offenders the opportunity to analyze their actions “in the specific culture and socioeconomic context in which they occur” and understand their own cultural attributes that may place them at risk for offending (Barzaletto, 1998, p. S14). This has an adverse affect on the potential for prevention of future incidents, as it fails to identify lifespan trajectories and cultural risk factors for sexual offenders (Lussier & Davies, 2011).

Dimension Three: Community

Barzaletto (1998) states that acts of violence have serious implications within a community: “a culture of violence negates democracy, equality, and social justice; does not recognize the existence and rights of others; does not accept and much less value diversity [...] Basically a culture of violence represents the loss of the sense of community” (p. S15). When an act of violence occurs within a community, the community becomes an unsafe space. Community response to the act of violence informs community members of the cultural attitudes

towards the offense. If an act of sexual violence fails to be dealt with in a way which is satisfying to the survivor, it informs women of the response they will receive, should they be in the same situation. This may diminish trust and security in a community, ultimately impeding collective collaboration. Furthermore, the discourse that surrounds an incident—such as discussion of the victim’s clothing or sentiment that she may have been “asking for it”—may serve to reinforce biases in the cultural consciousness that enabled the violence to occur in the first place. Therefore, to comprehensively respond to an act of sexual violence, with the intention of healing all parties involved and preventing further incidents, approaches must holistically address the survivor, the offender, and the community.

The Restorative Justice Approach

The restorative justice approach is a process by which, following an offense, the offender and the survivor come together with families and the general community to tell their stories (McGlynn, Godden, & Westmarland, 2012). It stems from Aboriginal perspectives on justice and healing, in which “wrongdoing is a collective responsibility and the process involves all parties acknowledging the wrong, allowing for atonement and installing a system of reparation or compensation in order to restore harmony to the community” (Baskin, 2002, p. 133). This perspective regards legal sentencing as a failure of justice as, “it lets offenders off the hook because it doesn’t hold them accountable to the people who truly matter—victims, families and communities” (Baskin, 2002, p. 134). The restorative justice approach aims to make offenders directly accountable to survivors and offer survivors greater agency in the process of seeking justice for their violation. Lucy explains that in her engagement with restorative justice, she sought validation of her story that was not awarded to her in the legal process: “I just wanted him

to hear me, without him twisting it really” (as cited in McGlynn, Godden, & Westmarland, 2012, p. 225).

Kloos et al. (2011) stress that cultural programming should always aim to address specific “aspects of the culture for which they are designed,” and as such, should be developed “in genuine collaboration with members of the local culture and community” (p. 243). Rather than adhering to rigid legal processes, the restorative justice approach allows members of the community involved in the incident to determine setting, audience, structure, and sentencing process for each mediation between survivor and offender (McGlynn, Godden, & Westmarland, 2012). Project Restore, in New Zealand, seeks to be “truly victim-centred” by “empowering victim-survivors to take many of the decisions regarding the restorative justice conference” (McGlynn, Godden, & Westmarland, 2012, p. 220). It is additionally community-centred, as it invites community experts to work as victim advocates in preparation for and during the conference. This program is modeled on an earlier established program in the United States, entitled RESTORE: Responsibility and Equity for Sexual Transgressions Offering a Restorative Experience. RESTORE seeks to provide justice specifically in incidents of rape and sexual assault and operates with a mission to “facilitate a victim-centred, community-driven resolution of selected individual sex crimes that creates and carries out a plan for accountability, healing and public safety” (as cited in McGlynn, Godden, & Westmarland, 2012, p. 221). Both programs have been shown to encourage earlier and more willing admissions of guilt from offenders (McGlynn, Godden, & Westmarland, 2012). This validates the survivor’s experience and serves to reduce the potential trauma of an extended court case. Additionally, this has been reported by survivors to be “the most powerful form of healing because when they hear the offender take responsibility for the abuse and see everyone else believing this, they truly

understand that it was not their fault” (Baskin, 2002, p. 136). Lucy explains that conviction of her offender was ultimately unsatisfying, as it is simply a confirmation of his actions, not an acknowledgement of her experience: “I realized later how important that bit was, because it was the first time he admitted that he had deliberately created harm and that he knew that having sexual intercourse with me would be harmful” (as cited in McGlynn, Godden, & Westmarland, 2012, p. 227). Furthermore, hearing the offender take ownership of their action may reduce victim-blaming and help to dispel cultural myths that silence survivors’ voices and facilitate re-offense.

Storytelling and Narrative Healing

Dimond, Dye, Larose, and Bruckman (2013) note that “Storytelling and narrative have long played a part in social change and social movements. According to scholars of social movements, storytelling is how people learn and exercise agency, shape identity, and motivate action” (p. 1). A central component to the restorative justice approach is the mutual sharing of stories. Narrative therapy is often used in response to sexual violence, to treat both survivors and offenders (Bhuvaneshwar & Shafer, 2004). The narrative approach is thought to be effective for survivors of sexual violence, as it serves to address the physical and psychological violation of the act. As the sexual violence forces the survivor to be a participant in their trauma, it can result in a damaged sense of self. Narrative therapy allows the survivor to re-story their experience and their life, empowering them to take ownership of their identity, rather than be defined by the trauma; as such, “narrative is what heals the assaulted, fractured self” (Bhuvaneshwar & Shafer, 2004, p. 111). Narrative therapy is equally effective for offenders, as it allows them to identify variables in their life story which may have contributed to their offense, contextualize their actions in a broader cultural framework, and re-story their lives so that they do not come to be

defined by a pattern of abusive behaviour (Lea & Auburn, 2001). Ultimately, to achieve their own healing, offenders must also take ownership of their actions. In his early narrations, Nathan emphasizes the target's agency in the experience, making statements such as "she was now walking towards me" (as cited in Lea & Auburn, 2001, p. 28). This shows a clear internalization of the cultural myth by which women who put themselves in vulnerable positions are "asking" to be raped. However, after participating in narrative therapy, Nathan is able to take ownership of his actions. He begins "we started" and corrects himself, "I started raping her" (as cited in Lea & Auburn, 2001, p. 29). Kloos et al. (2011) emphasize that to work towards inclusive, non-oppressive systems, we must always be conscious of "attending to unheard voices" (p. 78). In the criminal justice system, the voices of offenders are condemned and the voices of survivors are silenced. The restorative justice approach creates a platform for listening to "unheard voices."

Bhuvanewar and Shafer (2004) affirm, "Survivor narratives have personal and public meanings" (p. 111). In fact, they argue that survivor narratives have effect on all three of the previously identified dimensions for impact of sexual violence: survivor, offender, and community. They explain that narratives provide connection, with which the survivor can elicit empathy and validation from the offender and community; allow the individual to integrate their experience into their life story, with neither "disavowal of the past self that was abused, nor acceptance of continued violation"; and publically, "serve as social critique" (p. 111). Survivor stories confront oppressive cultural myths, such as "women who wear short skirts and tight tops are asking for trouble" (Lea & Auburn, 2001, p. 13). As previously established, such myths reinforce a culture of violence and encourage internalized impressions. Therefore, survivor stories play a key role in the liberation of oppressive systems. Furthermore, narratives can

inform the movement towards collective action: “storytellers help to define what the problem is and how to respond” (Dimond et al., 2013, p. 9).

Hollaback! as Restorative Justice³

Rebecca Faria, site leader of Hollaback! Halifax, claims, “Our stories have the power to change the world” (as cited in Beaumont, 2013). Hollaback! is a “collaborative software” for online sharing of stories of street harassment and offering support (Dimond et al., 2013, p. 1). Members of the Halifax community may post videos and stories of experiencing or witnessing street harassment, place their experience on a virtual map, and comment on other stories to provide support and indicate solidarity. Hollaback! may be considered a form of restorative justice for addressing street harassment. Survivors are brought together with members of the community, with the potential for stories to be viewed online by offenders. Hollaback! users are able to directly confront their offenders, through explicit accusation or sharing of photos and videos of their experience. Research on the efficacy of Hollaback! engagement demonstrates that it does serve as a healing process: “sharing their story fundamentally changed [users’] experience with street harassment [...] the act of writing their experience and reading other stories changed their cognitive orientation toward how they viewed the occurrence” (Dimond et al., 2013, p. 9). Those who are able to confront their offender experience less inward-targeted negative emotions and are able to channel their experience into outward-targeted emotions and positive response (Livingston et al., 2013). For example, in “Katelynn’s Story,” a user is able to confront the offender by directly quoting his words: “SWEET CHEEKS SWEETY. AND I AM NOT TALKING ABOUT THE ONES ON YOUR FACE” (Anonymous, 2014). She then goes

³ Trigger warning: this section contains an explicit quote from an incident of verbal street harassment.

through a healing process of examining her own negative inward-targeted emotions: “I felt embarrassed [...] I felt angry [...] I felt nervous.” At the conclusion, she is able to channel her emotions outward and contextualize the experience: “It started as a negative encounter and turned into a negative experience. I am mad about it.”

Hollaback! participates in the restorative justice model for understanding “wrongdoing as a collective responsibility” (Baskin, 2002, p. 133). Its virtual map unites isolated incidents of street harassment as a community epidemic. The collection of stories serves this purpose as well, as it enables users to understand their experience as part of a “greater phenomenon” (Dimond et al., 2013, p. 9). Dimond et al. define this process as framing. In the restorative justice approach, and in engagement with Hollaback!, survivors are able to reframe a story of trauma to move away from disempowerment, and extend their experience to a cultural pattern of gender-based violence. This achieves both healing and activism, as “Participants [shift] from blaming themselves to transferring that blame to the problem of street harassment and getting angry about it” (Dimond et al., 2013, p. 9).

Conclusion

Research has established that restorative justice approaches hold “great potential for deconstructing belief systems and norms on which gendered violence rests by its possibility to increase community understanding of these offences and encourage more victim-survivors to come forward” (Hopkins & Koss as cited in McGlynn, Godden, & Westmarland, 2012, p. 233). The community collaboration and collective sharing of stories serve to heal survivors, confront and engage offenders, and address the experience of sexual violence on a community and cultural level. Narrative sharing re-stories incidents of sexual violence in a way which empowers the individual and identifies the system of cultural oppression in which the act of

violence takes place. Lucy affirms of her experience, “it’s made me understand my position as a victim and see him as the offender, which has enabled me to resolve a lot of conflict [...] in retrospect ... it was more important to have my say and have him listen than for him to go to prison” (as cited in McGlynn, Godden, & Westmarland, 2012, p. 228).

Baskin (2002) insists, “In taking a culture-based approach to restorative justice, holistic healing practices and community involvement are the keys” (p. 135). Programs such as Project Restore, RESTORE, and Hollaback! bring together communities to share stories and move towards cultural agitation. Lea and Auburn (2001) state, “it is by understanding how practical ideologies construct human subjectivity that we may begin to challenge those conceptions that serve to produce and reproduce behaviours that facilitate the continued subjugation of women through sexual violence” (p. 25). Therefore, by sharing stories on an individual and community level, restorative justice approaches satisfy Friere’s three resources for dismantling oppression. Narratives raise “critical awareness and understanding of the oppressive system”; mediation structure is determined by survivors, thus involving “leadership from members of the subordinated group”; and address offenses on a community and cultural level to motivate towards “collective action” (Kloos et al., 2011, p. 237).

Restorative justice involves the collaboration of survivors, offenders, and the community in sharing stories, providing recognition and validation, and achieving collective action and healing. This paper aims to follow the restorative justice model by incorporating the voices of survivors, offenders, and the community (in the form of community programs and academic discourse). As such, the reader of this paper is not only a passive audience, but becomes implicated as active witness to the cultural phenomenon of sexual violence against women. My goal is for this paper to recreate the restorative justice process to validate experiences of sexual

violence and motivate readers towards a process of cultural change and healing.

References

- admin. (2014, November 27). Katelyn's story: "He had no right". [Online forum post]. Retrieved from <http://halifax.ihollaback.org/2014/11/27/katelyns-story/>
- Barzelatto, J. (1998). Understanding sexual and reproductive violence: An overview. *International Journal of Gynecology & Obstetrics*, 63. S13-S18. doi:10.1016/S0020-7292(98)00179-9
- Baskin, Cyndy. (2002). Holistic healing and accountability: Indigenous restorative justice. *Child Care in Practice*, 8. 133-136. doi:10.1080/1357527022014858 5
- Beaumont, H. (2013, June 23). Sticks and stones. *Halifax Magazine*. Retrieved from <http://halifaxmag.com/features/sticks-and-stones/>
- Boal, Augusto. (2006). *The aesthetics of the oppressed*. New York, NY: Routledge.
- Boal, Augusto. (1995). *The rainbow of desire: The Boal method of theatre and therapy*. New York, NY: Routledge.
- Bhuvanewar, C., & Shafer, A. (2004). Survivor of that time, that place: Clinical uses of violence survivors' narratives. *The Journal of Medical Humanities*, 25. 109-27. doi:10.1023/B:JOMH.0000023175.21955.dc
- Dimond, J. P., Dye, M., Larose, D., & Bruckman, A. S. (2013). Hollaback!: The role of collective storytelling online in a social movement organization. *Proceedings of the ACM Conference on Computer Supported Cooperative Work*, 477-489. Retrieved from <http://jilldimond.com/wp-content/uploads/2010/10/storytelling-cscwRev2-final.pdf>
- Kloos, B., Hill, J., Thomas, E., Wandersman, A., Elias, M. J., & Dalton, J. H. (2011). *Community psychology: Linking individuals and communities*. Boston, MA: Cengage Learning.

- Lea, S. J., & Auburn, T. (2001). The social construction of rape in the talk of a convicted rapist. *Feminism & Psychology, 11*, 11-33. doi:10.1177/0959353501011001002
- Livingston, B. A., Wagner, K. C., Diaz, S. T., & Lu, A. (2013). The experience of being targets of street harassment in NYC: Preliminary findings from a qualitative study of a sample of 223 voices who hollaback! Retrieved from Hollaback! website:
http://www.ihollaback.org/wp-content/uploads/2012/06/corrected-dataILR_Report_TARGET_1B_10232012-1.pdf
- Lussier, P., & Davies, G. (2011). Person-oriented perspective on sexual offenders, offending trajectories, and risk of recidivism: A new challenge for policymakers, risk assessors, and actuarial prediction? *Psychology, Public Policy, and Law, 17*, 530-561.
doi:10.1037/a0024388
- McGlynn, C., Godden, N., & Westmarland, N. (2012). 'I just wanted him to hear me': Sexual violence and the possibilities of restorative justice. *Journal of Law and Society, 39*, 213-240. doi:10.1111/j.1467-6478.2012.00579.x
- Tabachnick, J. (2013). Why prevention? Why now? *International Journal of Behavioral Consultation and Therapy, 8*(3-4), 55-61. doi:10.1037/h0100984