

The book cover features a mosaic-style illustration. The background is a dark blue, textured mosaic. In the foreground, there is a red mosaic figure that appears to be a person's head and shoulders, rendered in a stylized, almost abstract manner. The figure is positioned in the lower right quadrant of the cover. The overall aesthetic is somber and contemplative.

JUDITH L. HERMAN, MD

AUTHOR OF *TRAUMA AND RECOVERY*

TRUTH AND REPAIR

HOW TRAUMA SURVIVORS
ENVISION JUSTICE

The Basic Rules of Tyranny

- The strong impose their will.
- The weak submit.
- Bystanders seem helpless, willfully blind, indifferent, or willingly complicit.
- There is no justice

The Problem of Impunity

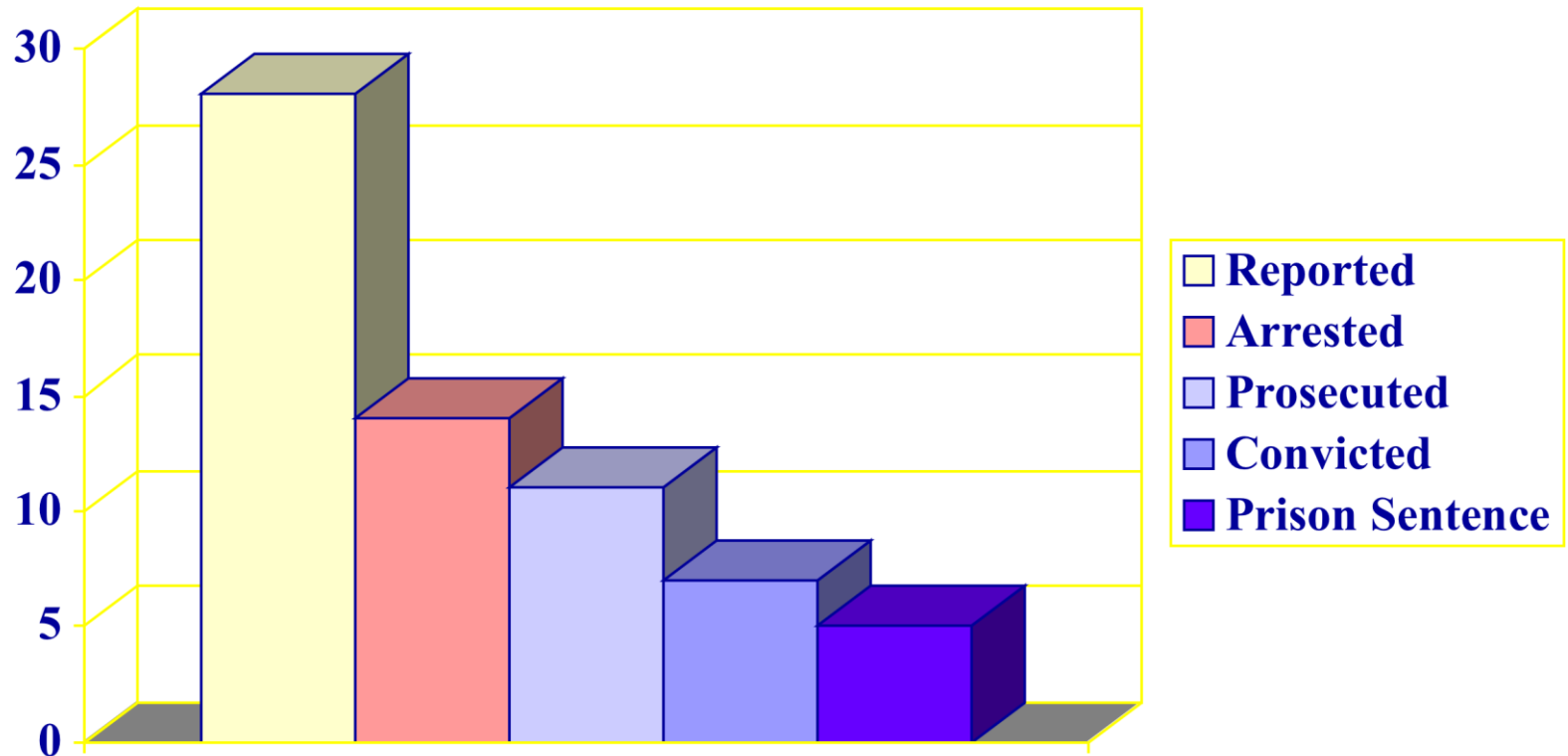
Violence against women and girls is perpetrated in every country in the world. This occurs in situations of peace and conflict. However, the state agents and private actors responsible are not held to account. This climate of impunity encourages the persistence of such violations. We urge states to take immediate action to end such impunity and to bring perpetrators to justice.

--- Joint Declaration of UN Special Rapporteurs on Human Rights

Radhika Coomaraswamy, Marta Altolaguirre, Angela Melo

International Women's Day, March 8, 2002

US Criminal Justice Process for Rape (1990's)



Rules for Relationships of Mutuality

- Everyone is entitled to respect
- Everyone is entitled to a voice
- Decisions are made by mutual consent
- Power and responsibility are shared
- Relationships are governed by principles of fairness

The Idea of a “Moral Community”

Belonging is predicated upon trust that members will respect a mutual moral code.

When that trust is violated, the moral community is expected to share the victim’s feelings of hurt and outrage, and to mobilize to hold the perpetrator accountable.

Injury to one is felt as injury to all.

When the Moral Community Fails

“Victims of crime whose suffering is regarded as solely their private misfortune are likely to feel isolated and, indeed, disrespected by the moral community. Only when a victim’s resentment and demand for justice are shared by the group can the victim feel restored to full membership in the moral community.”

---Ross London: *Crime, Punishment, and Restorative Justice: From the Margins to the Mainstream*, 2011.

The Impact of Family Betrayal

When I told my family about the abuse, they turned on me.... I was literally asked not to go to a family gathering to ensure that the issue of the abuse did not come up. The women in my family were more loyal to the abuser than they were to me. That devastated me!

----“Maria,” an incest survivor

The Impact of Institutional Betrayal

The DA didn't know if she was going to win, so she didn't want to try. She was the rudest person—I couldn't believe she was a woman—ruthless: no heart, no sensitivity. She basically told me she didn't believe me. She was questioning how many beers I had. She said to me, "Julie, I don't think you really know what happened." That hurt me more than the rape! I'll never forget that line.

-----Julie Cloutier, a college student and
rape survivor

Victims' Marginal Role in the Justice System

Advice from a Survivor:

Be prepared for the fact that you will simply be “a cog in something turning,” and you had better learn early on not to take things personally. ... For your own peace of mind, be prepared to throw any illusions about “justice” you might have had out the window.

----Mary Walsh, a survivor of domestic violence

Victim Needs vs. Justice System Requirements

- Safety/Protection
- Acknowledgment
- Dignity
- Power and Control
- Personal Narrative
- Limited Exposure to Trauma Reminders
- Outcome: Prevention of Future Harm
- Increased Risk
- Credibility Challenge
- Humiliation
- Rules and Procedures
- Yes-or-No Questions
- Confrontation with Perpetrator
- Outcome: Punishment

Requirements for Justice: The Views of Survivors (N=30)

- **Acknowledgment of Facts**
- **Acknowledgment of Harm**
- **Vindication by Community**
- **Apology**
- **Fair Restitution**
- **Prevention of Future Harm**
- **Exposure and Containment of Offender**
- **Punishment?**
- **Revenge?**
- **Forgiveness?**

Visions of Justice: The Importance of Acknowledgment

**Q: What do you think would be fair?
What do you think should happen?**

***A: I just want people to know who he is...
what he did to me. This is what he did to
another human being!***

---ER, a survivor of domestic violence

Visions of Justice: Transferring the Burden of Shame

The sex buyers were truckers. They felt it was a woman's job to serve them. I would never want to see them—they make my skin crawl.

But I would want them to hear my words: "I'm a living, breathing, human being. I'm not just a body." ... And I would want them to hear from all the other children they've hurt.

I would want their families to know, too. Maybe the men would be required to write a letter to their families and tell the truth.

---Kate Price, Visiting Scholar, Wellesley College, and a survivor of incest and trafficking.

Visions of Justice: The Importance of Vindication

I went on the stand, told what happened. The Judge ruled in my favor, and he put a half-million dollar value on the damages.

It's money I never thought I would see, never will see, but I remember, the feeling was overwhelming. *Not only did the judge believe me, but he thought this was important! That was the day the system acknowledged the harm to me!*

---Ross Cheit, Professor of Political Science at Brown University and sexual abuse survivor.

“A Vengeance of Sorts”

One Survivor’s Fantasies of Revenge



The Magic of Apology

I refuse to say *its* name. *It* makes me sick. I feel awful that I haven't killed *it* already. *It's* not a human being. *It's* a thing. *It's* an evil force...

But if I could put that rapist in a chair---I know this will never happen—but if he would admit it was a horrible thing, express regret, apologize to her and then do the same for me, I think that would help. ***Boy! I'm surprised to hear myself say that!***

-----Bill Bradford, husband of artist and rape survivor Amy Bradford

The Problem of Insincere Apology: Another Survivor's Caution

I suspect he would *enjoy* talking about what he did. He wouldn't *really* be sorry, in the sense of remorse or regret. I would feel slimed all over again. And I would be wary of an apology, because then I would feel pressure to forgive him.

---“Caroline,” a poet and incest survivor

The Question of Reconciliation

When I think of the man who raped me, reconciliation---redemption---it's not an issue in my mind. Reconciliation: that will most likely never happen.

I don't know that it needs to happen.

He doesn't need my forgiveness. He needs his Creator's forgiveness. I have no control over that, thank Goodness! I don't want to be at all a part of his recovery process.

I've had enough work to do on my own.

---Mary Margaret Giannini, attorney and rape survivor

Honor for Victims

Accountability for Perpetrators

Rather than moving victims to forgiveness, we need to be thinking about moving perpetrators to contrition and changed behavior.

-- Rev. Anne Marie Hunter, Director, Interfaith Partnership Against Domestic Violence and survivor of domestic violence.

Restitution: One Survivor's View

Trauma is a life sentence. When you get raped it affects your whole life from that moment on. How much money have I spent on doctors and hospitals! Years of treatment! I think that's very unfair. I wish there would be an institution that would be an arbiter, so that the person who committed the rape would have to pay for life. The money would be taken out of his paycheck, like taxes.

--- Lybia Rivera, graduate student and survivor of multiple traumas

The Importance of Restitution: One Model for Community Accountability

The Crime Victims Fund (the Fund), established by the *Victims of Crime Act of 1984 (VOCA)*, is a major funding source for victim compensation and victim services throughout the USA. Millions of dollars have been deposited into the Fund annually.

To date, Fund dollars have always come from fines on offenders convicted of federal crimes, not from taxpayers.

Righteous Indignation and the Resolution of Shame

People have at once a sense of their own honour and a respect for other people's honour; they can feel indignation or other forms of anger when honour is violated, in their own case or someone else's. These are shared sentiments, and they serve to bind people together in a community of feeling.

----Bernard Williams

Shame and Necessity, 1993

Bringing ★
★ *Honor to*
Victims ★ ★

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RESOURCES • INFORMATION
PARTICIPATION • ADVOCACY
COUNSELING • RESTITUTION
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National Crime Victims' Rights Week

APRIL 21-27, 2002

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