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**RESTORATIVE AND TRANSFORMATIVE SOLUTIONS TO
SEXUAL VIOLENCE**

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The death penalty or castration is not going to cure society of [sexual] violence. We have to look at the roots of this violence: inequality, injustice, inequity and a very bad system of governance, where the systems you've put in place to implement the law are exploiting it for their own purpose. So what we really need is to look at the total picture.

–Aruna Roy

I am not proposing that sexual violence and domestic violence will no longer exist. I am proposing that we create a world where so many people are walking around with the skills and knowledge to support someone that there is no longer a need for anonymous hotlines. I am proposing that we break through the shame of survivors (a result of rape culture) and the victim-blaming ideology of all of us (also a result of rape culture), so that survivors can gain support from the people already in their lives. I am proposing that we create a society where community members care enough to hold an abuser accountable so that a survivor does not have to flee their home. I am proposing that all of the folks that have been disappointed by systems work together to create alternative systems. I am proposing that we organize.

–Rebecca Farr, CARA member

ABSTRACT

The criminal justice system rarely produces prosecutions in cases of sexual assault let alone true and enduring satisfaction for the victims and their families (Naylor, 2010). It offers little, if any, provision for perpetrators, their families, or the community that produced them (Hayden, 2012). Perhaps most importantly, it has neither stopped sexual violence nor curtailed it in any reassuring way in the United States, and by reaffirming male-dominated hierarchies and authoritarianism, such as in the police force and prisons, the criminal justice system maintains the culture of violence that gives rise to sexual assault and rape. This view is upheld by the target population to be studied: social justice and anti-authoritarian organizations.

Far from frivolous or unorganized in their approach to combating sexual violence within their own ranks, these groups employ interventions in alignment with restorative and transformative justice, which are philosophies and practices representing nonviolent alternatives to retributive justice. Due to their commitment to radical change, these groups have the highest propensity to practice such interventions and may be the only population that does so both systematically and non-professionally.

This thesis will list and examine the various models of intervention; demonstrate that the overarching rationale for these approaches is based on four major themes: ideology, safety, accountability, and survivor support/self-determination; and highlight the most significant benefits and challenges of these interventions— answering the question: *how is a restorative/transformative vision of justice being applied to sexual violence within anti-authoritarian/social justice organizations?*

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CHAPTER ONE

INTRODUCTION

The criminal justice system rarely produces prosecutions in cases of sexual violence let alone true and enduring satisfaction for the victims and their families (Naylor, 2010). It offers little, if any, provision for perpetrators, their families, or the community that produced them (Hayden, 2012). Moreover, in three years of counseling survivors of sexual assault, rape, and child abuse through their trauma in the United States, not one client ever expressed unqualified support for the current system of justice in how it handles such crimes.

Perhaps most importantly, the current system has neither stopped sexual violence nor curtailed it in any reassuring way in the United States, and by reaffirming male-dominated hierarchies and authoritarianism, such as in the police force and prisons, the current system maintains the culture of violence that gives rise to sexual assault and rape. This view is upheld by the target population to be studied: social justice and anti-authoritarian (leftist) organizations. For the sake of balance, these groups, whose membership consists of those seeking to effect social change on the grassroots level without adhering to the rules and dictates of government and other structures of authority, will also be referred to as “social justice organizations,” which is a more positive-sounding term. Their use of alternatives to the status quo, regardless of their size, mission statement, or level of professionalization, is what will be examined — namely restorative and transformative justice.

Restorative and transformative justice, in short, are philosophies and practices representing nonviolent alternatives to retributive justice.¹ Restorative justice, in particular, has been criticized in its application to sexual violence due to concerns about survivor safety, emphasis on the perpetrator (as opposed to the victim), and re-traumatization (Hayden, 2012). Yet, measures can be taken to address these criticisms, so this concern alone is insufficient to justify barring practitioners from providing sexual assault survivors and their families an additional resource, which need not serve

¹“Retributive justice” is a term used by restorative justice scholars and practitioners to describe the current dominant state of affairs regarding laws, courts, and punishment in the West and elsewhere (Ptacek, 2010, p. 26).

as a substitute for a punitive or legal response but can be complementary. Moreover, although it is outside the scope of this research, recent scholars, notably Michelle Alexander in her seminal work, *The New Jim Crow* (2010), have demonstrated the high costs — moral, financial, and otherwise — of retributive justice, particularly the use of prisons, to society as a whole and to its marginalized members especially. These are costs that arguably supersede those of even the most experimental restorative responses, according to the views of those in this study's target community of anti-authoritarian organizations (Milo Eadan, personal communication, Nov. 24, 2013).²

Transformative justice is a largely unexamined grassroots phenomenon that could be considered a sub-category of restorative justice or a different approach altogether (Zehr, 2011). It emphasizes not only intervention to address the offense in question but also altering the underlying societal conditions or forms of oppression that give rise to the offense through community education and organizing (Staci Haines,³ personal communication, Jan. 18, 2014). Transformative justice is especially relevant to sexual violence due to the pervasive undercurrents of gender, race, class, ability, age, and sexual orientation that accompany such a crime, and it is also especially relevant to anti-authoritarian organizations and individual activists due to their sensitivity to those undercurrents coupled with their general mistrust of law enforcement and state intervention (Generation Five, 2007).

Through snowball sampling,⁴ oral and written testimonies, case studies drawn from a handful⁵ of organizations — including Transformative DC, Support NY, Philly Stands Up, and Generation Five — and Grounded Theory as a method of analysis, this study examines the role of restorative and transformative justice in addressing sexual violence

²It is important to note that the groups under examination have been targeted specifically because they have an ideological and in many cases practical opposition to prisons, courts, and other official institutions of justice.

³Staci Haines is co-founder of Generation Five, an organization that seeks to end child abuse in five generations through transformative justice.

⁴"Snowball sampling" refers to the process of locating hard-to-find research subjects by asking for leads from those who are more accessible (Babbie, 2001). It is an appropriate technique for this study due to the private nature of sexual violence as well as the off-the-radar nature of certain anti-authoritarian groups.

⁵Since these processes are used informally and confidentially, it is possible that there are many such initiatives. However, there are very few established organizations dedicated to this mission.

occurring within anti-authoritarian organizations.⁶This is done using the following questions as a starting point:

1. How is a restorative/transformational vision of justice being applied to sexual violence within anti-authoritarian/social justice organizations?
2. What are the benefits as well as the challenges of restorative and transformational justice applied to sexual violence within anti-authoritarian/social justice organizations?

Chapter One is devoted to introducing the concepts under study, key terms that will be used throughout, a short review on the major theories of restorative and transformational justice, and the relevance of the study and its subject matter to the field of Peace Studies and to general public awareness. Chapter Two will present the pre-existing restorative and transformational models that are relevant to addressing sexual violence within social justice organizations. Chapter Three will discuss the methodology behind the deeper, thematic analysis that will follow — which will attempt to explain the rationale behind existing restorative and transformational approaches to sexual violence within social justice organizations. Chapter Four will list the research and interview questions used, outline the results of the thematic analysis, and discuss their significance. Chapter Five will review existing literature on the benefits and challenges of restorative and transformational justice approaches to sexual violence and make comparisons to the study's own findings. Chapter Six will conclude the study and discuss the potential for further research in this area.

1.1. Defining the Terms

Although the argument could be made that each of these refer to a fundamentally different concept, for the sake of clarity and variety, the words *criminal justice system*, *punitive justice*, and *retributive justice* will be used interchangeably to refer to the status quo of American justice, which emphasizes legality, fault, and punishment in addressing crime (Liebmann, 2007, p. 32). Due to the frequency of its use when referring to sexual violence and the contextual need to avoid even the appearance of euphemism, the word *crime* will be used interchangeably with *harm*, which is already a

⁶The use of the term “within” is meant to signify that all major parties to an incident of sexual violence must identify with the social justice organization in question or the larger social movement it is a part of in order for that incident to be considered relevant to the context under examination.

preferred term within the field (Daly, 2013, p. 23-30).⁷The use of the word *crime*, for the purposes of this study, does not imply any investigation into whether the act in question constitutes a crime under U.S. law or any other system of law — it merely affirms that sexual violence is in at least the same category as other behaviors commonly associated with serious shame and wrongdoing and should be viewed accordingly by society in order to encourage a befitting, if not necessarily punitive, response (Braithwaite, 2013, p. 20-22). In keeping with this principle, the word *conflict* will not be used to describe an act of sexual violence, although it will be used to refer to general tension between individuals involved in such an incident.

It should be noted, however, that in recording testimonies from survivors of sexual violence and reaching conclusions, all efforts will be made to reproduce as accurately as possible their own descriptions of their experiences of victimization. If survivors refuse to label the harm they suffered as a crime, then this will be respected both for the purpose of achieving more nuanced qualitative results and also for the purpose of survivor empowerment and self-determination, which is in keeping with the ideology behind transformative and restorative justice. Yet, Braithwaite's call for a "strategy that retains ritual seriousness for the crime concept: one that regularly renews the shamefulness of crime through ceremonies that are not stigmatising [sic], and that advances the struggle to uncouple crime and justice from hard treatment" is fully compatible with the goals of this study (2013, p. 21).

The word *crime*, of course, invokes another controversial term in the field already alluded to: *victim*. While an individual's experience of victimization and how said individual chooses to label it will be regarded as nearly sacrosanct, for the sake of empowerment of still-living sufferers of sexual violence, the word *survivor* will be used in accordance with the general practice of the organizations under study (Philly Stands Up, p. 4) as well as more mainstream anti-violence institutions (DC Rape Crisis Center).

Perhaps more controversial are the words used to describe the individual who causes the harm rather than the one who receives it. The labels *offender* and *perpetrator* are two of

⁷Sometimes the word *wrong* is used as a synonym for *harm* or *crime*, but I dislike it because it implies that there is a correct or *right* behavior.

the most common that crop up not only in academic papers but also in everyday language. *Perpetrator* is particularly common in the literature of the organizations under study (Philly Stands Up). Moreover, both words are typically used in legal proceedings and other adversarial contexts, and Nils Christie's (2013) eloquent critique of *offender* could certainly apply to *perpetrator* as well: "to use this concept is to conclude and close the process where we ought to start" (p. 17). Restorative justice advocates and practitioners are wary about labeling not only because it has the potential to stigmatize vulnerable members of the community but also because it inevitably limits the narrative. There could be moments, both within the broader context and the crime or conflict in question, where the so-called perpetrator is a victim and vice versa. Once strong labeling occurs nuance is stymied and conclusions are quickly and often crudely drawn. While there is no consensus on a suitable term for the concept of *offender* in this field, *actor* will be used whenever possible because it does not carry the same emotional weight as *offender* or *perpetrator*, and it is not value-laden unless used in the pejorative sense to describe someone who is disingenuous. In the context of this paper and the broader field, it will simply refer to the person (i.e. the *offender* in the context of retributive justice) whose actions led to the restorative intervention. As Barter (2010), who first repurposed the word *actor* in this way, emphasizes to his trainees in Restorative Circles: *Actor* is not a synonym or euphemism for offender but representative of a new paradigm of justice.

"Sexual violence," for the purposes of this study, refers to all cases of unwanted, intentional sexual contact or harassment, which includes repeated advances stopping at words and gestures of a suggestive nature. The most important addition to this definition in the context of restorative and transformative justice theory and practice is that the survivor's perception supersedes that of all other parties to the incident and even objective reality itself. This is because the goals of using restorative or transformative approaches are not to determine what is factual, who was at fault, and who is to blame (Liebmann, 2007, p. 32). Therefore, when incidents of sexual violence are discussed in this study, whether they be directly referred to as "assault," "rape," "abuse," or any other frequently used or more specific term, they are labeled as such due to the survivor's perception and intent.

Although the common stereotype is that women are the victims or survivors of sexual violence and that men are the perpetrators, the definition includes violence against adult men, people who are transgender or gender-ambiguous, and children of all genders.⁸ Just as the definition includes all gender groups as potential victims, it includes all gender groups as potential perpetrators.⁹

The specific definition of “violence” is not important for the purposes of this study as long as it is understood that “violence” when juxtaposed with “sexual” creates a negative connotation of what would otherwise be a relatively neutral term in the context of social justice organizations — not all of which are opposed to violence if used for revolutionary purposes. This community as a whole is widely sex-positive due to its libertarian values and would view the term “sexual” in a neutral or positive light if not juxtaposed with the word “violence.”

“Restorative justice” and “transformative justice,” in short, are processes and practices serving as non-violent,¹⁰ non-punitive responses to harm committed within a community (Creative Interventions, 2012, p. 63). The terms are also used to indicate the philosophies and principles justifying those responses. Because the definition of restorative justice in particular is both controversial and expansive (Keenan & Joyce, 2013), interventions that label themselves as restorative and are relevant to the target population under examination will be considered without squabbling over semantics.

Restorative justice processes are diffuse in both number and application, but all address through dialogue — to varying degrees — the following three questions: 1) “Who has been hurt?” 2) “What are their needs?” and 3) “Who has the obligation to address the needs, to put right the harms, to restore relationships?” (Zehr, 2009). It should be noted that restorative justice, while codified in the 1970s by Mennonite intellectuals, has

⁸Consent to sex based on age will not be discussed here because the cases under study exclusively involve consenting adults under the law of their respective jurisdiction in order to avoid lumping sexual violence cases involving children (defined legally) together with those involving adults. I leave it to other scholars more informed about child development and psychology to focus on cases of child sexual abuse and the practicality of restorative and transformative responses.

⁹ Some may be put off by the terms “victim” and “perpetrator” due to their presumption of dichotomy and inflexibility — not to mention their overuse by champions of the status quo (Hayden, 2012, p. 11) — but I use them here for the sake of clarity and practicality in making the point that they can be applied to virtually anyone.

¹⁰ There are, of course, both violent and retributive alternatives to the current criminal justice system, such as vigilantism or civil lawsuits, but this paper will relegate its focus to alternatives that do not seek retribution or litigation.

ancient roots in indigenous societies all over the globe (Zehr, 2002, p. 11-12). Restorative justice generally manifests in three forms: 1) victim-offender dialogue, 2) conferencing, and 3) circles. Victim-offender dialogue, sometimes called victim-offender mediation, is a facilitated conversation between perpetrators, generally in prison or detention during the sessions, and their victims (Amstutz, 2009). Restorative conferencing, also called community conferencing or family group conferencing, is a facilitated conversation between those involved, both directly and indirectly, in a conflict or crime (MacRae&Zehr, 2004). Circles are also dialogue-based and can include consensus decision-making but involve a more structured process that involves sitting in a circle and passing around a 'talking piece' to regulate discussion (Pranis, 2005). Restorative justice can also be infused in larger systems or infrastructure. Specific models or manifestations of restorative justice as they relate to sexual violence and anti-authoritarian organizations will be examined in more detail later.

In order to avoid creating the perception of a dichotomy, transformative justice will be explained by way of positive comparison to the better known restorative justice. M. Kay Harris (2006) outlines four conceptual connections between transformative and restorative justice: 1) transformative and restorative justice are completely distinct, 2) restorative justice creates conditions for transformative justice to occur, 3) restorative justice lies on a spectrum between transformative justice and retributive justice, and 4) transformative and restorative justice are functionally the same. Because this controversy is not relevant to this study, which is focused on non-punitive, non-violent responses to sexual violence in the general sense regardless of how precisely they are labeled or how restorative or transformative they are in nature, neutrality will be maintained to the extent possible, and no effort will be made to distinguish between the results of a restorative vs. a transformative response unless those distinctions are made by the research subjects.

Regardless of which conception is accepted, transformative justice advocates tend to emphasize not only the offense in question but the underlying societal conditions and layers of oppression that give rise to it. They insist that transformative justice not only seeks to change harmful relationships but also to challenge harmful systems and conditions (Generation Five, 2007).

1.2.Theories

While little scholarship has been produced on the theory behind transformative justice by those who consider it distinct from restorative justice, Generation Five (2007), which takes credit for the term “transformative justice,” lists three core beliefs that guide its own philosophy and practice: 1) individual justice and collective liberation are equally important, mutually supportive, and fundamentally intertwined; 2) the conditions that allow violence to occur must be transformed in order to achieve justice in individual instances of violence; and 3) state and systemic responses to violence ... not only fail to advance individual and collective justice but also condone and perpetuate cycles of violence (p. 5).

There are several theories that attempt to explain or defend restorative justice. One of the earliest and most popular is John Braithwaite’s (1989) “reintegrative shaming” theory. Unlike what Braithwaite calls “desintegrative shaming,” which condemns and casts out the perpetrator, “reintegrative shaming” welcomes the perpetrator back into the community if remorse is displayed (Ptacek, 2010, p. 20-21). In other words it condemns the negative behavior but not the person displaying the negative behavior. This theory is compatible with both restorative and transformative justice.

Much evidence indicates that people’s reactions to those responsible for administering justice are based more on the fairness of the justice process itself than on the outcome or result — this is the foundation of “procedural justice” theory (Tyler, 2003). It is self-evident given restorative justice practitioners’ typical refusal to impose any consequences whatsoever —leaving it to the participants themselves to decide instead — that restorative justice emphasizes the process rather than the outcome.

Further evidence suggests that, in keeping with procedural justice theory, restorative justice increases the legitimacy of the broader rule of law when implemented effectively because it fosters the self-regulation of anti-social or harmful behaviors rather than relying on third-party controls or punishment (Tyler, 2006).

Restorative justice is also bolstered by “social support” theory, which holds that individuals who receive more social support in their environment commit fewer crimes (Cullen, 1994). Restorative justice at its core is about maintaining and reinforcing that

support by extending the responsibility for a crime to the larger community — beyond those directly involved — and involving it in the resolution.

A basic assumption that any practitioner of restorative or transformative justice holds is that offenders share the same needs and tendencies of non-offenders — otherwise a retributive approach would be preferable — and this is compatible with still another theory of crime prevention and intervention, which emphasizes treatment as opposed to punishment, called the “Good Lives Model” (Ward, Mann & Gannon, 2006).

1.3. Social Justice

Social justice, rather than concerning itself with individual crimes or offenses, is the concept of fairness in the general treatment of different groups — along with the interests of those groups by extension — within a society. The term was first used in 1840 by Luigi Taparellid’Azeglio, a Sicilian priest, but was made popular later by scholars and ethicists, most notably Immanuel Kant and John Stuart Mill (Zajda, Majhanovich& Rust, 2007, p. 9). Although it is relevant to restorative and transformative justice in the theoretical sense and a prime motivator of many of their practitioners, social justice as a concept should not be confused with efforts to address individual harms or obligations. This is an important distinction, especially given the tendency of certain activists and organizations focused on achieving broader societal transformation to overlook issues of injustice within their own ranks. It is this paradox that has led to this study and the author’s desire to promote a more inward focus in that community.

1.4. Social Justice Organizations

Social justice organizations or *anti-authoritarian organizations* — used interchangeably here — are effectively, for the purposes of this study, micro-communities of individuals who come together not so much because of occupational, geographical, or familial ties but due to shared socio-political identity and ideology.¹¹ This study is effectively coining the designation as a subset of larger and harder-to-define social movements, which

¹¹Particular aspects of the ideology of the groups under study will be discussed in chapter four. It is worth noting that, even though these groups were not selected due to their ideology but due to their use of transformative or restorative approaches to sexual violence, they could all be placed on the ‘left’ of the political spectrum and far outside the mainstream American public discourse.

come together around certain issues that may have a limited lifespan whereas social justice organizations remain even during periods of widespread political and social inaction or apathy. Far from mere lobby groups pressuring the system from without, these organizations are often dedicated to “constructive program” in the Gandhian sense, as they seek to create a better world within and often in spite of the current one (Gandhi, 1957). Both terms are used to mark the same designation because neither term is complete. The term “anti-authoritarian” is meant to invoke the pursuit of both individual liberty and social equality, which includes a deep respect for the rights of women and other oppressed groups. It includes self-described anarchist groups but is not limited to them.

Despite these groups’ radical views, their membership, while generally small, is often very diverse. This is due to their environment, which is primarily urban, as well as their belief in inclusion. All races and ethnicities are accepted, along with those of varying ages — even though individuals in their 20s and 30s predominate — social classes, and genders. Transgender and gender-nonconforming individuals, while under-represented in the larger society, are highly visible in these groups. Gays, lesbians, and queer-identified individuals are also present, visible, and significantly involved. Economic diversity exists, but it would be rare to find representatives of the upper strata of society in these groups due to divergent ideologies and geographical locations. Although adherents of any religion would likely be accepted as long as they refrained from excessive proselytizing, these groups’ membership is mostly secular.

1.5. Why Sexual Violence?

Sexual violence is a scourge not only to organizations and micro-communities but also to society more broadly. International human rights groups, such as U.S.-based Amnesty International and Human Rights Watch, often highlight the numerous cases of sexual violence in times of war, ethnic cleansing, and economic or environmental catastrophe, but the quieter, everyday cases where the perpetrator and survivor know each other are what are most relevant here. It’s noteworthy, given the proximity to one of the groups featured in this study, that Human Rights Watch (2013), which generally does not focus on local concerns, produced a report on the inadequacy of the police in Washington, D.C. in dealing with sex crimes.

Although it is beyond the scope of this study to prove this scientifically, anecdotal evidence would suggest that, despite their rhetorical tendency toward liberation, peace, and justice, anti-authoritarian organizations suffer from enough sexual violence and its accompanying ills to rival, if not exceed, the equivalent in mainstream society, where 30 percent of women 15 and older globally — along with more than 20 percent of North American women — have suffered intimate partner violence (Devries et al., 2013). In the context of anti-authoritarian organizations and their social justice work, these numbers loom larger when one considers that even one rumored case is enough to render trust and good relations nearly impossible. By the same token, most true believers would affirm that even one case is one too many to tolerate regardless of the circumstances under which it occurred and its immediate consequences. It would not be a stretch to argue that of all the issues threatening anti-authoritarian organizations internally as well as externally that sexual violence is the most pernicious because it impacts both the internal operation of an organization and its external image to the larger community.

Moreover, as Angela Davis and other bastions of the progressive movement argue, intimate partner violence is related to various other forms of violence within an oppressive state (Chen, Dulani & Samarasingha, 2011). Any movement or organization seeking to address or end international war, police brutality, or general violence against women and other marginalized communities would find it hard to ignore the connections between those examples of violence and interpersonal violence occurring within its own ranks. After all, social movements in particular see it as their goal to change not only the party or set of individuals in power but also to change the culture of a society or nation. To achieve this goal it would not be enough to isolate particular manifestations of violence and address those; one would have to take a more holistic approach.

1.6. Why Social Justice Organizations?

Since peace and conflict studies is one of the few fields where normative research is encouraged (Galtung, 1985), the larger goal of focusing on groups and organizations committed to social change is to support their goals, which include racial equality, economic justice, gender equality, prison abolition, and international peace — to name a

few. This is not to say that all groups that are part of this study always use laudable or effective means to achieve these goals or that the author shares their entire ideology. Since divisions are rife within these organizations due to ideological sensitivity to race, gender, class, ability, age, and other social cleavages, this research could be seen as an effort to bridge those rifts by studying outwardly disparate groups with the assumption that they share common goals regarding social change and also with the assumption that the vast majority take sexual and gender-based violence seriously within their ranks and within society as a whole.

Social justice organizations also comprise a sympathetic audience relative to the larger population. If it turns out through future research that restorative and transformative justice are most effective in combating cases of sexual violence, the most amenable audience and the most likely to adopt it quickly and comprehensively would be individuals ideologically opposed to concepts associated with sexual violence, such as domination, coercive power, and sexism. While an argument could be made in favor of choosing pro-authoritarian or more mainstream groups as the main audience due to recent shifts in opinion (Institute for Public Policy Research, 2013), it would be premature given the continued reliance on and ideological preference for mainstream penal and civil structures. In theory any approach to addressing crimes as serious as sexual violence that does not include police, courts, or punishment is not taken seriously by the vast majority of society.¹² Anti-authoritarian organizations are on the margins of society, and, in turn, are more open to marginalized ideas and solutions.

As someone who identifies as a social justice activist and affiliates with social justice organizations, this author is primarily concerned with the potential for this research to strengthen internal structures within such organizations— hence this is not merely the passive contribution of an ‘armchair revolutionary.’¹³ It is also quite necessary to make social justice organizations both the subjects and audience of the research due to the high rates of sexual violence in their ranks, if one relies on anecdotal evidence in lieu of

¹²The qualifier “in theory” is used here because in my experience as a sexual assault crisis counselor, many survivors are far more forgiving toward their perpetrators than they are often perceived to be, and oftentimes people are more harsh/less forgiving toward perpetrators when talking about sexual violence happening to someone else or in the abstract sense than when talking about their own experiences.

¹³The exact origin of this expression is a mystery to me, but within activist circles that I am familiar with it refers to an individual who criticizes the social movement he or she identifies with in an unconstructive manner and does not personally participate on the practical, operational level.

comprehensive studies — which have not been conducted because the subjects under study are not part of a recognized or formal demographic in the United States.

A detailed overview of the problem, along with several case studies, can be found in the one-of-a-kind book, *The Revolution Starts at Home: Confronting Intimate Violence Within Activist Communities* (Chen, Dulani & Samarasinha, 2011). The consequences of poor interventions or a lack thereof include one or more individuals leaving the organization and, in some cases, the entire community; retaliatory violence of a physical, psychological, or social nature; and increased tensions coupled with decreased enthusiasm and cooperation in the organization or community. This thesis, in many ways, is the much-needed sequel focusing on solutions. Other relevant case studies that include commentary on successful and unsuccessful interventions can be found in various self-published pamphlets or ‘zines’ distributed by social justice/anti-authoritarian organizations.¹⁴

In two years of practice in the Washington, D.C. area, including serving as a mediator of sorts to the District’s manifestation of the Occupy Movement, plus eight more years of experience as a self-identified member of one social justice organization or another, this author has personally witnessed friends become enemies, organizations become disorganizations, and communities become battlefields arranged along race, gender, and class lines as a result of sexual violence. The scope of the fear and insecurity caused by the mere knowledge that the potential for it exists is both immense and difficult to perceive — and is greatly exacerbated by the lack of effective interventions.

1.7. Relevance to Peace Studies and Other Fields

As mentioned previously, this research is concerned not only with addressing sexual violence but also strengthening the organizations striving for social change so that they may better meet their goals. Consequently, it falls within the framework of normative and action research as well as within the broader study of social movements dedicated to achieving peace and justice.

¹⁴ In the context of social justice organizations, a “zine” is an unpublished magazine or pamphlet typically meant for purposes of political organizing.

There is some intentionality in pursuing this topic on route to a Master's in Peace and Conflict Studies rather than women's studies or another relevant field: it is an attempt to focus the field inwardly rather than outwardly. "Peace studies" or "peace and conflict studies" implies an outward focus, especially in the United States, because Americans are taught that peace and conflict occur somewhere else — usually overseas, in the Middle East, Ireland, etc. — with the implication that the United States does not need peace or already has it. This is a mistake. Not only is the United States the global leader in military spending (Goodman, 2013), it is also teeming with gang violence, domestic violence, inequality, and various other forms of conflict within its borders. The fixation on the American role in promoting world peace diverts attention away from the very real problems within that might otherwise be addressed, which, in turn, would give the country — the old republic as opposed to the relatively new empire — more capability and credibility in working to prevent, manage, and resolve international conflict (Galtung, 2009).

The relevance to women's and gender studies, which are well within the multidisciplinary reach of peace studies — even if the reverse is not the case — is profound and undeniable. Yet, the gendered dimension of sexual violence, except as it applies to restorative and transformative justice approaches, is outside the scope of this study because it is both too narrow and too complex.¹⁵ Nonetheless, scholarship on the gendered dimension of not only sexual violence but also violence more generally — including war, social inequalities, and domestic violence — as well as solutions to violence, informs this research (Jenkins & Reardon, 2007).

¹⁵This is to say that this study is focused on all cases of sexual violence occurring within the chosen context whether they have a specific gender dynamic or not (i.e. whether they occur between men and men, women and women, men and women, transgender male and transgender female, etc.). Furthermore, the complexity of gender and its relevance to peace and nonviolence warrants specific attention and is receiving it thanks to such scholars as Jenkins & Reardon (2007).

CHAPTER TWO

PRE-EXISTING MODELS (LITERATURE REVIEW)

Much space could be devoted to the numerous restorative and transformative justice models developed and practiced throughout the world. For the purposes of this study, only models that are directly applicable to sexual violence and social justice organizations will be examined. Despite this seemingly strict limitation, the pool is relatively large because models that pertain to children, indigenous peoples, and other groups that could overlap with the target population have been included. Models that require or presuppose a response from the police or judiciary will generally not be examined because, while important to the overall discussion, they are beyond the scope of this research due to the target population's resistance to state intervention.

It is important to note that due to the nature of social justice organizations, "models" may be more accurately referred to as "guides" as variation based on regional and contextual preferences is common.

While it is difficult to neatly categorize due to a lack of consensus on the definition of restorative justice and its relation to transformative justice, this section will be broken down into interventions that are more closely associated with restorative justice—starting with Restorative Systems and ending with Victim-Offender Dialogue/Mediation—and those that are more closely associated with transformative justice—starting with Communities Against Rape and Abuse and ending with Hollow Water. The final model is a hybrid that has not yet been put into practice.

The chapter will close with a brief overview of retributive justice, which will not be further examined in this study except as it is juxtaposed with restorative and transformative justice.

2.1. Restorative Systems

Barter (2013), who is best known for developing a process called Restorative Circles in collaboration with slum communities in Brazil, conducts trainings around the world on not just how to facilitate a Circle but also on the larger process of setting up what he

calls a “restorative system” in a community, workplace, or family. He offers five preconditions: 1) agreement, 2) space, 3) host(s)/people, 4) publicity, 5) access.

“Agreement” entails engaging with what already works and responding to what doesn’t without imposing, “space” entails providing a space with meaningful and symbolic significance for the restorative processes to be conducted, “hosts” are those who bring the process together and facilitate it (Barter, 2013).

Publicity is necessary because otherwise the community will not know that the particular agreement, space, or hosts exist. Moreover, the community may not be aware of restorative justice as a concept or any of the processes that fall under its framework. While society may be years away from a 911 hotline for restorative justice, publicity (and perhaps more sophisticated marketing) is essential for its growth (Barter, 2013).

“Access,” in the words of Barter (2013), means that there is “no permission phase” because restorative systems are bottom up; therefore, any and all members of the community should have access to them.

2.2. Restorative Circles

The central process used in Barter’s restorative system is what he and his colleagues call a “Restorative Circle.” It consists of three phases: the pre-circle, the circle, and the post-circle. The pre-circle is tantamount to a preparation process whereby the facilitator introduces each participant individually to the conflict warranting a response, listens to his or her thoughts and feelings about it, and requests consent in order to proceed to the circle. The pre-circle is often the most time-intensive aspect of a Restorative Circle and is done in a formal fashion where the same questions are asked to each participant and coercion or persuasion of any kind — as well as blame or judgment — are to be avoided. In the Restorative Circle process, unlike other similar processes, the facilitator need not be distant from the conflict in question and is a respected (but equal) member of the community (Barter, 2010).

The circle itself is carefully facilitated — with agreed-upon guidelines posted where all can see — in a manner that includes everyone on an equal level. All participants come into the circle leaving their titles and positions of authority at the door and are asked the

same questions including “what would you like known, and by whom, about how you are right now in relation to the act and its consequences?” When a participant is addressed by another, the listener is asked to repeat back to the speaker what was heard until the speaker is satisfied that he or she was understood correctly. Once all participants understand each other fully, they are invited to take responsibility for their actions and eventually to consent to a course of action that will improve the situation and/or repair the harm done (Barter, 2010).

The post-circle is a follow-up process where the facilitator checks in to determine the status of the agreement and whether it is meeting the needs of the participants. Further action can be taken at this point to either celebrate success or re-evaluate and decide on new actions when expectations have not been met (Barter, 2010).

While the Restorative Circles process is not specifically designed for social justice organizations or to address sexual violence, Barter insists that it is an invaluable process for any group functioning as a community and has been utilized in the context of sexual violence (Barter, 2010). The flexibility of the process allows for it to adjust to the needs and specifications of social justice organizations as well as to those of survivors of sexual violence. In order to take into account power dynamics that are intrinsic to sexual violence, Restorative Circles have been conducted with a substitute or surrogate participating in place of the accused perpetrator with the accused perpetrator in a separate room talking through the wall or through a telephone (Dominic Barter, personal communication, Feb. 20, 2013).

2.3. Restorative Conferencing

Similar to Restorative Circles, restorative conferencing, which is also called Community Conferencing — derived from Family Group Conferencing (MacRae&Zehr, 2004) — allows everyone affected by a conflict or crime to come together to hear what happened, allow the perpetrator(s) to take responsibility, achieve transformation, and reach an agreement to make the situation better (Naylor, 2010). Restorative conferencing was developed in the 1980s in New Zealand based on indigenous Maori practices as a process to facilitate difficult decision-making in families and is now the foundation of the entire juvenile justice system there (Naylor,

2010). In Australia in 1991 the model was reinvented as a community policing technique by Terry O'Connell and, therefore, became more closely associated with the field of criminal justice (McCold, 2006, p. 32).

Pennell & Kim (2010) have adopted family group conferencing to suit the needs of survivors of sexual violence by expanding systems of support. The four elements that guide their work are 1) centralizing the family in decision-making and implementation, 2) involving different sides of the family in the process, 3) allowing family members to utilize their traditions toward resolution, and 4) collaboration with other local entities that have compatible goals (Pennell & Kim, 2010, p. 178).

Due to the sensitive nature of sexual violence and the safety concerns associated with it, certain organizations that offer conferencing allow letter writing or video conferencing to take the place of face-to-face meetings ("Facilitated Dialogue," 2013).

2.4. Peacemaking Circles

Not to be confused with Restorative Circles, which are entirely different in form — if not in function — Peacemaking Circles resemble a North American indigenous practice called the "Talking Circle" that has spread from the fringes of Western society since the 1970s (Pranis, 2005, p. 7). The process was introduced to the United States as part of the Minnesota criminal justice system under the framework of restorative justice, and it "offered a way to include those harmed by crime, those who commit crime, and the community in a partnership with the justice system to determine the most effective response to a crime" (Pranis, 2005, p. 8).

Peacemaking Circles establish a safe, non-hierarchical place to share stories and experiences or address conflict and make agreements by consensus. All individuals present have the opportunity to speak without interruption. Communication is regulated by passing a talking piece (often an object of special meaning to the group) that fosters respectful listening and reflection while preventing one-on-one debate or attacks. After the circle facilitator briefly describes the purpose of the circle, he or she passes the talking piece to the person on the left who is then invited to speak while the others listen. Those who are unwilling to speak may simply pass the talking piece to the next person and elect to speak at a later time (Pranis, 2005).

Peacemaking Circles take on many different names and forms based on their purpose. The most relevant to this study are Healing Circles, Support Circles, Sentencing Circles, and Reintegration Circles (Pranis, 2005, p. 15-16). The purpose of a Healing Circle is to empathize with a person experiencing trauma while a Support Circle convenes to help an individual through a difficult period in life; Sentencing Circles are designed to hold an offender accountable while Reintegration Circles function as a re-entry mechanism for offenders returning from prison or isolation/estrangement from the community (Pranis, 2005, p. 15-17).

2.5. Victim-Offender Dialogue/Mediation

Victim-Offender Dialogue, also known as Victim-Offender Mediation or Victim-Offender Conferencing, is another form of restorative justice that is applied in the context of sexual violence as it involves bringing the survivor and/or his family in direct dialogue with his perpetrator (Amstutz, 2009). It will not be examined here in detail, however, because it presupposes the involvement of the government or another overarching correctional authority that is not present in the context under study.

2.6. Communities Against Rape and Abuse (CARA)

Communities Against Rape and Abuse (CARA), which formed in 1999 in Seattle, Washington, takes a community organizing approach to sexual violence and justice that is rooted in oppressed communities and communities of color (Chen, Dulani&Samarasinha, 2011). Its “community accountability strategies”¹⁶ are as follows:

Recognize the humanity of everyone involved; prioritize the self-determination of the survivor; identify a simultaneous plan for safety and support for the survivor and community members; carefully consider the potential consequences of the strategy; organize collectively; make sure everyone involved in the group seeking accountability shares a political analysis of sexual violence; be clear and specific about what you want from the aggressor in terms of accountability; let the aggressor know your analysis and demands; consider help from the aggressor’s community; and prepare to be engaged in the process for the long haul (Chen, Dulani&Samarasinha, 2011, p. 60).

¹⁶Mimi Kim, founder and executive director of Creative Interventions, uses the term “community accountability” to describe capacity building efforts to support survivors of sexual violence and hold perpetrators accountable, yet the term is often used interchangeably with “transformative justice” (Pennell & Kim, 2010, p. 180).

2.7. Friends Are Reaching Out (FAR OUT)

A similar approach ideologically is Friends Are Reaching Out (FAR OUT), a project of The Northwest Network of Bisexual, Trans, Lesbian, and Gay Survivors of Abuse, a sister organization of CARA that assists survivors from queer communities in breaking their isolation and developing support networks of clergy, service providers, friends, and family to aid them and develop agreements where necessary (Chen, Dulani & Samarasinha, 2011, p. 61).

2.8. INCITE! and Creative Interventions

Incite! Women of Color Against Violence is one of the most antagonistic organizations toward the state that applies models consistent with restorative and transformative justice. It emphasizes the victimhood of oppressed groups, namely women and people of color, and places responsibility for most, if not all, violence on the state and refuses to accept funding from it (Ptacek, 2010, p. 18). In keeping with these principles, a decade ago it gathered with two other California-based groups — Generation Five and Creative Interventions — to develop a community-based approach that focused on empowering the individuals closest to those most in need (Kim, 2010, p. 207).

This approach is not necessarily survivor-centered and does not hold safety as the main goal of the intervention; it even allows for engagement of the perpetrator in cases where it is deemed suitable or necessary (Kim, 2010, p. 208). Its three elements are 1) determining goals, 2) discovering tensions between goals that are often based around societal and structural cleavages, and 3) deciding on an intervention based on consensus (Kim, 2010, p. 208).

2.9. Generation Five: Transformative Justice

The Generation Five approach is outlined in a detailed document called “Toward Transformative Justice” and, although it pertains specifically to child sexual abuse, it is the inspiration behind many approaches dealing with adult sexual violence under the label of transformative justice. The model can be summed up in nine self-explanatory steps: 1) building a collective, 2) preparation and capacity building, 3) naming and

defining child sexual abuse, 4) conducting assessment: level of concern, opportunity, and capacity, 5) developing a safety strategy, 6) supporting healing and resistance, 7) holding accountability, 8) working for community transformation, 9) strengthening collective resistance. The distinct element of this approach that is utilized in other transformative justice models is to emphasize the conditions of society that give rise to sexual violence and the transformation of those conditions through community outreach and organizing. For these activists it is not nearly enough to hold individual perpetrators accountable — the community and, indeed, the whole society must be scrutinized for their role (Generation Five, 2007).

2.10. The Chrysalis Collective Model

Directly relevant to the context of social justice organizations and stemming from the tradition of Generation Five, Incite!, and CARA is the model published in a zine entitled “Beautiful, Difficult, Powerful: Ending Sexual Assault Through Transformative Justice” by The Chrysalis Collective. It amounts to an eight-step program: 1) form a Survivor Support Team, 2) form an Accountability Team, 3) define the relationship between teams, 4) create a transformative justice plan, 5) prepare for the first approach, 6) [hold] the first meeting, 7) meetings with the Accountability Team, and 8) lessons learned.

The first step presumes that a survivor or victim has already come forward and is willing to work with a group of friends, colleagues, or family members to determine goals for support as well as goals for a larger transformative justice response based on skills, commitment levels, and available resources. The second step is forming a team to work with the perpetrator toward the goal of accountability by selecting members who not only possess the necessary skills and temperament to effectively and maturely handle sensitive situations but are close to or respected by the individual in question. The third step is determining how the two teams will work together based primarily on the needs of the survivor. A major element is how and what they will communicate with each other throughout the process given their somewhat conflicting roles and the perceived sensitivity of both the survivor and the perpetrator. A community liaison, who does not serve on other team but solely as a conduit, is often employed for this purpose.

The fourth step is to develop a transformative plan (by no means final) even before approaching the perpetrator. The fifth step is carefully determining the initial engagement of the perpetrator. The sixth step is to hold the first meeting with the perpetrator in order to listen to his story, share the survivor's story, and determine future steps and goals. The seventh and longest step is to hold as many meetings as necessary with the perpetrator with the goal of implementing a plan for accountability once a shared understanding of the offense or incident has been reached. This step also includes report-backs to the Survivor Support Team and utilization of outside resources and people as necessary. The final step is to debrief and evaluate the process (The Chrysalis Collective).

While this model has been modified and its exact origins are hard to trace, it is the most popular foundation for a transformative approach to sexual violence conducted by social justice organizations, according to the most seasoned practitioners (Eadan, personal communication, Nov. 24, 2013). Sister organizations Philly Stands Up and Support New York have practiced it for several years with only slight modification (Eadan, personal communication, Nov. 24, 2013) (Jenna Peters-Golden, personal communication, Jan. 2, 2014).

2.11. Hollow Water

Well known in Canada and among First Nations peoples is the "Community Holistic Circle Healing" (CHCH) model, which was developed in the mid-1980s to address the needs of survivors and perpetrators of sexual violence (Buller, 2005, p. 3). There are 13 steps: 1) disclosure (of the sexual abuse or assault), 2) protecting the victim/child, 3) confronting the victimizer, 4) assisting the spouse, 5) assisting the families and the community, 6) meeting of the assessment team and the authorities, 7) victimizer must admit and accept responsibility, 8) preparation of the victimizer, 9) preparation of the victim(s), 10) preparation of all the families, 11) the special gathering, 12) the healing contract is implemented, and 13) the cleansing ceremony (Buller, 2005, p. 4). The words "victim" and "victimizer" as opposed to this study's use of "survivor" and "perpetrator" have been retained in order to fully capture the philosophy behind the model. This is the oldest restorative or transformative model developed specifically to address cases of sexual violence that could be identified from the prevailing literature on the subject and

has fittingly served as a direct influence to the aforementioned newer models and is thus worthy of mention despite its lack of direct relevance to social justice organizations (Generation Five, 2007, p. 4).

2.12. Transcending TRANSCEND

Mediation, with its ancient roots, is perhaps the most popular form of non-punitive conflict resolution and is widely used in the Western world and beyond (Wall, Stark & Standifer, 2001). While mediation comes in a variety of forms, the overarching goal is to address conflict without going to court or resorting to violence or vengeance. Within the field there are several schools of thought that vary in their position on the role of the mediator and the best techniques, but there is a consensus around the assistance of a third party who lacks the authority to impose an outcome as the essential element of mediation (Wall, Stark & Standifer, 2001).

One popular method of mediation, known as TRANSCEND, will be examined here and expanded to include interpersonal criminal matters, which, despite strong opposition to mediation in these cases, fall under TRANSCEND founder Johan Galtung's conflict framework. Galtung's "conflict triangle" includes an analysis of attitudes, behaviors, and contradictions that make up a conflict (Galtung, 2012) — all of these factors are present in the case of sexual or gender-based violence occurring within social justice organizations. In fact, a crime in the legal sense is not determined by divergent positions, the level of harm done, or the strength of the underlying contradiction but whether there is a legal statute in existence that prohibits the action in question. Hence, there are many cases involving crimes that would be relevant for mediation but not for legal responses but not so many cases that would be relevant for a legal response but not for mediation.

Galtung's TRANSCEND method of mediation falls squarely within this consensus. A TRANSCEND mediator is permitted to give recommendations but cannot enforce them — "to propose but not impose." (Galtung, 2012). These recommendations are made only after a careful analysis has been made of each party to the conflict, their goals, whether their goals are legitimate, and how those goals collide (Galtung, 2012). The mediator meets with each party individually — rather than bringing them together in the same

room — and conducts interviews to determine goals. Goals are deemed legitimate if they do not violate the human rights of another party. Incompatible goals, also known as contradictions, lead to clashes. Once these clashes are fully understood by the mediator, a remedy can be determined that will ideally suit the needs of all parties to the extent that this is possible (Galtung, 2012). An oft-repeated example that illustrates a win-win or both-and solution involves a fight between siblings over who will get the last orange in the kitchen. Both siblings want it all to themselves and are unwilling to compromise — until it is determined by the mother that the sister wants to eat the orange while the brother wants only the peel so that he can test its pH level as part of an experiment for his science class. The mother then gives the peel to her son and the edible portion to her daughter. This line of thinking can be applied to far more complex conflicts with the result that all parties get all or some of what they wanted.

How does this example and Galtung's method relate to the philosophy and practice of restorative justice? As noted in the first chapter, Zehr (2009) outlines the field with the following three questions: 1) "Who has been hurt?" 2) "What are their needs?" and 3) "Who has the obligation to address the needs, to put right the harms, to restore relationships?" The first question, coupled with the additional question of 'who caused the harm?' matches with the first step in the TRANSCEND method — to determine the parties involved in the conflict. The second question addresses the goals of the parties in conflict, and the third speaks to the clashes as well as to the future resolution. While the two approaches are not wholly compatible, the only significant difference is that restorative justice at times ranks the parties by labeling one or more as 'victims,' although other restorative justice practitioners tend to reduce and eliminate the use of oppositional labels as much as possible (Dominic Barter, personal communication, Feb. 20, 2013).

While Galtung has applied his methodology to numerous conflicts ranging from domestic disputes to armed struggles, he has not specifically addressed criminal matters, namely conflicts where the parties are ranked (one is seen as more 'right' than the other) due to laws or ethics. Therefore, this model is strictly theoretical at this point in time.

2.13. A Word on Retributive Justice

As alluded to previously, retributive justice is not concerned with repairing harm done to individuals or improving relationships but focused on compelling the responsible party to repay a debt to society or to the state in the form of a fine, prison sentence, or other imposed consequence (Kauffman, 2006, p. 223). Despite the tendency of those heavily influenced by Western culture toward dichotomous thinking — black vs. white, good vs. evil, right vs. wrong, etc. — restorative justice and retributive justice are not diametrically opposed and, in fact, share some important similarities (Zehr, 2002, p. 58) (Brunk, 2001). The substantive difference in the two approaches is not *whether* something should be done to address a crime or harm against an individual or community but *what* should be done (Zehr, 2002, p. 58).

CHAPTER THREE

RESEARCH METHODOLOGY

While probing the existing literature and interviewing restorative and transformative justice practitioners on the specific interventions they use is fairly straightforward, there are numerous challenges, not to mention ethical concerns,¹⁷ inherent in discussing sexual violence with those close to the issue whether they are survivors, supporters of survivors, or perpetrators. As a consequence, gathering more in-depth, evaluative information on the various sexual violence interventions that occur within the context of social justice organizations was not an easy process. In order to manage the twin concerns of anonymity and access, snowball sampling was used to identify key individuals and their contact information when it could not/should not be found online or from other sources (Babbie, 2001). This process was largely facilitated by the author's pre-existing relationships with restorative and transformative justice practitioners and with social justice activists more generally. If not for those relationships, this study would have not only taken more time to complete but also would have been categorically different in quality and level of detail. While the total number of interviews conducted, 9, is not substantial, the interviewees make up a representative sample of current veteran practitioners. They represent the cutting edge of this work in the United States, and, in one case, internationally. They are mostly women, except for two males — which is not unusual given the context — and they are all under 50 years of age, with the majority in their late 20s or 30s. They are all working class or middle class.

3.1. Grounded Theory

Rather than focus on the success or failure of interventions in a quantitative fashion, which likely would not have been as revealing due to small sample sizes, this study utilizes Grounded Theory for its practicality and bent toward social change (Glaser &

¹⁷Since this research is intended to benefit humanity, it should not compromise the physical safety of even one individual in pursuit of broader social change. Therefore, all efforts have been taken to avoid disclosing information that could be used to track down survivors and other vulnerable individuals.

Strauss, 1967; Finley, 2014).¹⁸Grounded Theory, in short, is a process by which a researcher identifies a new theory — typically falling in or near the realm of sociology — by allowing patterns or themes to emerge in a data set through careful coding and analysis. While studies using Grounded Theory have focused on a variety of subjects — including restorative justice (Carson et al., 2009) — this is the only one in existence on this particular topic or conducted in this particular context to the best of the author’s knowledge.

Those involved directly in restorative and transformative approaches to sexual violence within social justice organizations have much to say on the subject, and their evaluations allude to innumerable criteria that are not easily understood, relatable, or quantifiable. The themes or patterns that have been identified in the pages that follow are the author’s best attempt at synthesis — albeit through a biased lens — while refraining from the type of dry, statistical analysis that would alienate the target population and fail to capture nuance. Despite Glaser & Strauss’s (1967) early rejection of a literature review in Grounded Theory methodology on the grounds that it would bias the researcher and thus compromise the study, the author has integrated his knowledge of the existing literature with the study’s results but decided to conduct the review of critical literature *after* completion of the study. This integration, while controversial, is well within the parameters of Grounded Theory (Finley, 2014). Moreover, performing the study in such a fashion creates a link between academia and the grassroots on this somewhat esoteric and deeply controversial subject with the goal of strengthening the broader social movement.

3.2. Challenges in Studying Target Group

The most basic challenge of applying any delicate practice in the context of social justice organizations is that, perhaps ironically, organization in the traditional sense is not among their strengths. Thus, the structures that exist within these organizations tend to be informal, intermittent, and, consequently, difficult to study and generalize. Much of their membership eschews not only hierarchy in the anarchist fashion but also, in the post-Occupy Wall St. context, leadership in general.

¹⁸ “Grounded Theory” was designed as an inductive research method that allows patterns to emerge from raw data and eventually become the nucleus of a new theory (Glaser & Strauss, 1967).

Moreover, due to the demands of contemporary society, individual activists rarely throw their whole weight behind a particular social struggle in Che Guevara fashion but instead balance their activism with school, paid work, family obligations, and recreation. There is at times a large cleavage between an individual activist's political life and his or her non-political life. After all, even those who spend their free time fighting for a better world still have to feed themselves and their families, pay bills, and so on. Therefore, when restorative and transformative justice interventions are applied in the context of social justice organizations, this is not to say that the same processes will be embraced by individual members in a different context — such as family life or the workplace — and it is not to say that the individual who engages in such work should be defined by it. Although the mainstream media and society have a tendency to stereotype social justice activists, this will be avoided here in favor of a fair and deep analysis of a relatively narrow context.

Another challenge is the small size of the target group. While it is difficult to even approximate the number of self-described activists or members of social justice organizations — many of which are small, ad-hoc, and not registered with the government or any other body — in the United States, it is reasonable to assume that the number represents a small proportion of the total population. Studies of revolution show that the vast majority of any society participates in politics only sparingly — often relying on system-prescribed methods, such as voting — and engages en masse only in highly exceptional cases (Chenoweth & Stephan, 2011). Thus, it is possible that the context chosen for this thesis is too narrow and exceptional to alter the general public's thinking or behavior no matter how relevant or effective the interventions can be demonstrated to be. The response to this concern is that given the radical nature of restorative and transformative justice relative to the status quo of retributive justice, amplified in cases of sexual violence, nothing short of a revolution will bring these processes into the mainstream — and who better to lead such a revolution than self-described revolutionaries already struggling for economic, social, and political justice?

3.3. How Do I Affect My Research?

I have a concern that I am perhaps the wrong person to conduct this research for the simple fact that I am a straight, white, able-bodied male who, despite the relative

poverty that comes with being a student and a social justice activist, is extremely privileged in not only the context of the United States but also of the world. If I am not extremely careful, this privilege that I cannot control can render me blind to the realities I am seeking to understand through my research. In short, my lens cannot be neutral; therefore, I must honestly elucidate and reflect on my biases.

The first is perhaps the most worrisome: the white savior complex. It is no secret among anti-authoritarians and social justice activists in the West that the so-called 'white man's burden' is alive and well. I am not immune to this, and I take great efforts to monitor this tendency within myself and ask loved ones to help me when I am uncertain of how my words and actions are being perceived by others. If this research is the manifestation of a crusade, however noble or ignoble, to 'save' women from men's violence, people of color from whites, or queer people from straight people rather than an honest, evenhanded examination, it will never be as effective in reaching the very audience I seek to help.

The second is the bias toward hetero-normativity. I do not attribute this bias to myself simply because I am a straight man but because of the overarching emphasis of society on the heterosexual relationship, which encompasses marriage, social roles, and even the lens through which problems including violence within said relationship are viewed. While reviewing some of the key literature related to the topic of this thesis, I encountered a great deal on queer and homosexual relationships that defy the usual stereotypes, such as the view that intimate partner violence equals a man hurting a woman (Chen, Dulani&Samarasinha, 2011). It would not benefit my research to get fixated on a particular gender dynamic when the phenomenon of violence within anti-authoritarian organizations is fluid. It may be more convenient and relatable to mainstream audiences to further stereotypes, but it does not make for honest research.

There are other potential biases, but I will argue that their impact is minimal due to life factors that have rendered me resistant. It is typical to associate women with victims and men with perpetrators, but my family background with a domineering, aggressive grandmother has made me see things differently. I am also not as biased as other whites are toward people of color due to my positive experiences with and acceptance by communities of color both on the personal and political level.

Aside from my biases as a researcher and practitioner, I am encountering what seems like reflexive distrust from members of my own social justice/anti-authoritarian community, even those who have known me for years and have shared personal information with me in the past and have otherwise demonstrated elements of trust. I have been told by one long-time friend that I come off sometimes as if I know everything about sexual violence, which she finds off-putting (Vann, personal communication, July 29, 2013). However, she tacitly agreed with my stated assumption that some members of the community feel uncomfortable with me not so much because of my personality traits or level of knowledge but because I am the only straight, white man in a group of mostly women of color and sexual assault survivors.¹⁹ Whether or not the members have an issue with me personally is perhaps not so relevant given the high likelihood that each one of them has an issue with another straight, white man somewhere or with the social order as a whole, atop which straight, white men sit. While I see myself as sharing more interests and attitudes with my fellow activists than I share with most of my straight, white male counterparts, they may view things differently for the simple reason that my outward appearance is far more observable than my interests and attitudes. It may not even matter what I do, say, or write about if physical appearance coupled with perceived and actual sexual orientation is the primary lens through which I am viewed. This can be compared to a straight man being unable to look beyond the stunning physical attractiveness of a woman to see her other attributes, whether they be positive or negative. I, of course, acknowledge the historical reasons why objective judgment of my intentions and behavior is very difficult in the context of my research, but I nonetheless consider it a serious hindrance not only to the development of alternative approaches to sexual violence within social justice organizations, but also to the propagation of any revolution in the way justice is conceived and implemented. If dialogue is to replace judgment, facts, and evidence and true accountability, restoration, and reconciliation is to replace punishment, then should we not move beyond protective and reflexive responses to past (and present) injustices that do not further these goals?

¹⁹Since his work informs mine, I can echo James Ptacek's introduction statement except that I am not a "professional-managerial-class" man and probably never will be (Ptacek, 2010, p. 6)

CHAPTER FOUR

RESEARCH FINDINGS

The following questions guide this study:

1)How is a restorative/transformational vision of justice being applied to sexual violence within anti-authoritarian/social justice organizations?

2)What are the benefits as well as the challenges of restorative and transformational justice applied to sexual violence within anti-authoritarian/social justice organizations?

Data have been collected and analyzed with these questions serving as a framework for generating responses, in the case of direct interviewing,²⁰ and discovering patterns, in the case of examining written testimonies. These questions were selected after much wrangling over whether to attempt to measure the effectiveness of restorative and transformational justice beyond the reported benefits. It was eventually determined that the sample size under study was not large enough to make a fair generalization as to whether a particular process is effective, especially given discrepancies in competency and application from one intervention to the next. Moreover, effectiveness is hard to measure when it comes to a justice process. While it is common to fixate on rates of recidivism, there is no accurate way to measure recidivism for crimes that are as underreported as sexual violence. Relying on abstract variables, such as behavioral changes, would be equally problematic because there is no fixed profile of a sex offender, and it would be naïve to assume that showing remorse or making amends amounts to complete rehabilitation.

The decision to focus more on the nature of the restorative and transformational interventions than on their effectiveness not only avoids the aforementioned conundrums but also serves as a more appropriate starting point for the study of an obscure topic. The inclusion of a question on benefits and challenges is in keeping with the vast majority of pre-existing studies on restorative justice practiced in various contexts.

²⁰All interviews for this study were conducted between 2013 and 2014.

The first research question has already been addressed in the tangible sense through the summarizing of existing models, but certain less tangible elements of how these models are used in practice will be discussed in this section. Careful comparison has led to the selection of four major themes — ideology, safety, accountability, and support and self-determination — that serve to categorize the responses. Each interviewee either directly addressed or clearly alluded to each of the four themes.

The themes were selected by repetition of the terms, synonymous terms, ideas directly following use of the terms, or ideas clearly related to them. The terms/themes themselves are not nearly as important as the categories they serve to label. Whether the term “political views” substitutes “ideology” or “security” substitutes “safety” is irrelevant to successful categorization of compelling concepts brought up consistently by practitioners of restorative and transformative justice in the context of sexual violence occurring within social justice organizations. These concepts will be explored in detail and substantiated by primary sources where necessary.²¹

Once the themes are identified and justified, an attempt will be made to synthesize a theory that will explain the overarching rationale behind these interventions. This synthesis will allude to the benefits, challenges, and limitations, which will be explored further in chapter five.²²

The interview questions that generated the themes, not including clarifications or follow-up questions to elicit more information, were generally as follows:

- 1) How do you feel about [the specific process/intervention you use]?
- 2) What benefits do you see in this process?
- 3) What are the major challenges of this process?
- 4) Do you feel that there is anything this process cannot address/resolve? If so, what?

²¹Note: Any claim not supported by an in-text citation in this section is based on the author’s own experience as a practitioner of restorative and transformative justice in the context of sexual violence occurring within social justice organizations.

²²Analysis of the data yielded no practical difference in what interviewees saw as limitations vs. challenges; therefore, data generated from both questions were combined and discussed in the challenges section.

- 5) How has this process affected/changed you?
- 6) What are the preconditions of the process?
- 7) What do you think would make it better or more suited to your needs specifically?

These questions were chosen due to their open-endedness, directness — many of them resemble the general research questions — and ability to elicit long responses. Consistency or specificity of wording was not a major consideration and variations of the questions were used to extend the answers of certain interviewees.

4.1. Theme#1: Ideology

*...not all is ideology, beneath the ideological mask,
I am also a human person.*

–SlavojZizek

Most, if not all, approaches to restorative and transformative justice in the context of social justice organizations are rooted in ideological opposition to the status quo of retributive justice. This is certainly not true in the context of mainstream restorative justice practice, which often cooperates or, at least, coexists with the status quo, but is consistent with the overall aim of social justice and anti-authoritarian organizations toward sweeping societal change rooted in radical opposition to the established order. While ideology plays a strong role in both understanding and challenging the status quo, research shows that it is not as vital to the success of a revolutionary campaign as challenging the pillars of support of the existing regime through direct action and coalition building (Chenoweth & Stephan, 2011). This is compatible with the organization Generation Five's efforts to educate the larger community about child sexual abuse and its transformative alternative to addressing it while directly intervening where possible — what Haines calls “service intervention plus organizing” (Staci Haines, personal communication, Jan. 18, 2014).

Because this study is not primarily about political theory and delving into such a controversial area would be far beyond its scope, ideology will be defined loosely as a set of ideas forming the rules and foundation of government and society. A statement

such as “I don't think there is anything that the state can solve that people can't solve” is rooted in ideology because behind it is a presupposition, determined by the context in which the statement was made, that people *should* solve problems normally reserved for the state or government (Jenna Peters-Golden, personal communication, Jan. 2, 2014). This statement is emblematic of the target group's general belief in the power of individuals, organizations, and communities to manage, resolve, and transform not only instances of non-violent conflict but also crimes as serious as sexual assault and rape. Haines and her supporters, for their part, apply this even to child sexual abuse, which is for many people one of the worst crimes imaginable (Staci Haines, personal communication, Jan. 18, 2014).

Furthermore, this strong confidence in the power of non-state actors is part of a deeper revolutionary ideology that could be associated with anarchism, which, although it will not be analyzed in detail due to the limited scope of this study, is the most popular political ideology within the target group. Multiple practitioners who were interviewed identified themselves explicitly as “anarchists” when discussing their position on the state and its role in matters of justice. At the risk of sounding reductive to anarchism's most ardent adherents, it can be plainly stated that anarchists in these circles tend to share a commitment to solving societal problems through popular, mutual aid and not through reliance on a powerful government for security and social uplift and stability. In the context of this study, this ideological commitment manifests itself in not only rejection, or, at least, suspicion, of state involvement in sexual offenses but also in opposition to mass incarceration (Jenna Peters-Golden, personal communication, Jan. 2, 2014) and, in some cases, opposition to any punishment of perpetrators (Mo-YainTham, personal communication, Dec. 21, 2013). This is due not only to real and perceived injustices about how punishment is meted out by the traditional structures of justice in the United States, but also to skepticism as to whether punishment can re-establish order or produce justice at all. These concerns are shared by mainstream practitioners of restorative justice (Aertsen et al., 2013).

Yet, even a wholesale rejection of state-administered justice and imposed consequences or punishment coexists with a strong belief in individual rights in the context of sexual violence within social justice organizations. Interventions often do not occur at all

without the survivor's consent, and even when they do occur, there is a consensus that the survivor must make his or her own (informed) decision as to whether or not to involve the police or other state authorities, despite the widespread ideological resistance to this approach among social justice organizations (Staci Haines, personal communication, Jan. 18, 2014). Therefore, despite the near-unanimous framing of transformative justice by scholars and practitioners as a diametrically opposed alternative to the status quo, it is conceivable that transformative justice, at least in the practical sense, can coexist with mainstream retributive justice.

Along similar lines ideology plays a role in the voluntariness implicit with a restorative or transformative approach. Unlike a retributive approach, where not only punitive consequences are imposed but the process itself is imposed by outside authorities, a restorative or transformative approach, in theory, does not force the survivor, the actor/perpetrator, or anyone else involved in the situation to do anything. The idea, instead, is for everyone involved to build the process together, even though general steps and guidelines are typically followed. The emphasis on a consensual, voluntary process — while ideologically essential to practitioners — conflicts with equally prevalent concerns about safety and accountability, which will now be explored.

Here are some selected quotes that further reveal the ideology of the groups under study:

- 1) “Ideologically I don’t support the legal system as an anarchist” (Adam Weissman, personal communication, Dec. 28, 2013).
- 2) “We have the strength and courage to handle violence ourselves without relying on the [state]” (Jenna Peters-Golden, personal communication, Jan. 2, 2014).
- 3) “The transformative justice movement plays an important role in other movements such as prison abolition [and] racial justice” (Jenna Peters-Golden, personal communication, Jan. 2, 2014).
- 4) “[It’s my] general philosophy that exporting issues that are so close to our lives to outside professionals is not only unnecessary but will create [an overreliance on outsiders]” (Milo Eadan, personal communication, Nov. 24, 2013).

5) “The state calls justice a legal process, which separates all the relationships and looks for ‘proven, intended harm’ ... who actually gets caught, tried, and ‘made accountable’ is based on race and class, [which] promotes how systems of oppression work” (Staci Haines, personal communication, Jan. 18, 2014).

4.2. Theme#2: Safety

*People often believed they were safer in the light,
thinking monsters only came out at night. But
safety – like light – is a façade.*

–C.J. Roberts

Safety, in this context, is not merely a matter of ensuring a survivor’s physical wellbeing. The concept of safety extends further into the realm of the psychological and even the social and political. The term “Safe(r) Spaces,” used during the Occupy Movement and in many other social justice contexts, is more about protecting a vulnerable community or individual’s right to dignity and respect than about protecting that community or individual from any physical attack. This extends to women feeling comfortable as women in spaces where men are present; lesbian, gay, transgender, and/or queer people feeling comfortable where straight people are present; and people of color feeling comfortable where white people are present.

Aside from ideological opposition to retributive justice on the part of the practitioners, alternative interventions are used out of concerns for the safety of the survivor, the actor/perpetrator, and the larger community. Survivors have the potential to be re-victimized or re-traumatized by the police and court system by having to repeat their stories and by having the details of their private lives exposed (Generation Five, 2007), and in many cases a victimized person of color is not given the same attention as a victimized white person (Mariah Blank, personal communication, June 18, 2013). While restorative and transformative interventions have the potential to serve those neglected by the mainstream system of justice, they are still considered by many participants to be in the early stages of development and now represent only a partial remedy to a crime as serious as sexual assault or rape (Mariah Blank, personal communication, June 18, 2013).

It is a major source of concern as to how to maintain safety, particularly when the perpetrator has social, economic, and/or political power to bring to bear and is not interested in participating in the intervention (Staci Haines, personal communication, Jan. 18, 2014). Although it has not happened often to the organizations under study, one particularly destructive tactic employed against these interventions has been lawsuits that are, according to one practitioner, designed to scare survivors and their supporters into silence (Adam Weissman, personal communication, Dec. 28, 2013).

The potential of survivors and their supporters — not to mention bystanders — being subjected to physical retaliation is always present. Therefore, even though social justice organizations usually promote and reinforce a non-violent internal culture, survivors and their supporters can never be truly at ease as long as the perpetrator remains free and unrestricted. Even if it were desirable for them to do so, members of social justice organizations lack the power and authority to detain or permanently restrict perpetrators, but they do, as part of the intervention, sometimes make efforts to ban them from places where they might encounter either the survivor or another vulnerable individual (Adam Weissman, personal communication, Dec. 28, 2013). Furthermore, as previously discussed, the shared ideology among practitioners leads them to allow survivors to take personal measures to protect themselves through restraining orders or other means.

Survivors and their supporters are also targeted by perpetrators and their supporters for derision or scapegoating. Rather than examine the merits of a claim of sexual violence, perpetrators and their supporters sometimes dismiss it as an attempt to divide the organization or movement and argue that the source of the claim is working for the state or another enemy of the movement (Adam Weissman, personal communication, Dec. 28, 2013). Perpetrators and their supporters may also make false claims against survivors and their supporters to discredit them, but this is something that could just as easily occur in the context of criminal prosecution or civil litigation (Adam Weissman, personal communication, Dec. 28, 2013). This is not to say, however, that restorative or transformative interventions in the context of sexual violence within social justice organizations increases the risk of some form of retaliation. Since these interventions do not all take the same form, or even similar forms, and are not regulated by any

authority, retaliation from the perpetrator's side could be in response to any number of actions by the survivor's side — many of which may not be part of the planned intervention or supported by the group as a whole. Moreover, some actions that are designed to get the perpetrator's attention or force him or her to the dialogue table have the effect of further escalating the conflict (Adam Weissman, personal communication, Dec. 28, 2013).

Somewhat paradoxically, the safety of the perpetrator or actor is also a consideration for practitioners — particularly if that person is a member of a vulnerable or marginalized group. This is in keeping with the ideology of social justice organizations as well as their goals. Social justice, after all, means fairness for even those condemned by the larger society. Those condemned most often by the criminal justice system in particular tend to be racial and ethnic minorities as well as people of limited social and financial supports (Alexander, 2010). In interventions I have taken part in, all efforts were taken to ensure that the team tasked with approaching the perpetrator included members of the perpetrator's own racial, ethnic, class, and/or gender group. We especially wanted to avoid sending white men, well intentioned as they may have been, to confront a person of color on his or her treatment of white women — to give one example. Doing so would not only have jeopardized the intervention due to barriers in trust, but also would have displayed a profound ignorance of historical wrongs committed against the very populations that social justice organizations seek to serve and to liberate.

We also wanted to take every effort to avoid retaliation against the perpetrator, if or when word got out about the incident. This was especially difficult in the context of close-knit groups like Occupy D.C., where members were camping together in a relatively small, unsecured area and individuals were easy to identify and target. In this context discretion was equally important in the effort to protect the survivors, given the tendency of some to rally around the accused.

Safety, given the ideology of the practitioners and the nature of sexual violence, is predicated on the view that “anyone can be assaulted” and that “anyone is capable of transgressing somebody else's boundaries” (Kelly, p. 8). This challenges the mainstream stereotypes of men as perpetrators and women as victims, poorer communities as particularly vulnerable, and dress and outward appearance playing a

strong role in victimization. It also challenges those that argue, both inside and outside the ranks of social justice organizations, that sexual violence is not a serious or pervasive problem.

Here are some selected quotes that further reveal concerns about safety:

- 1) “[Perpetrators] are not necessarily going to respond nonviolently to being called out for violence”(Adam Weissman, personal communication, Dec. 28, 2013).
- 2) “Even though our goal is to stop sexual assaults from happening, we can demonstrate that it's safe to take responsibility for when you fuck up” (Jenna Peters-Golden, Jan. 2, 2014).
- 3) “The more you isolate the offender, the [higher the] likelihood of recidivism. ... Transformative justice says: ‘don’t isolate [the offender]’” (Staci Haines, personal communication, Jan. 18, 2014).

4.3. Theme#3: Accountability

*A body of men holding themselves accountable to
nobody ought not to be trusted by anybody.*

–Thomas Paine

One of the most common words that came up directly or indirectly in every interview conducted for this study is accountability. While few interventions bring full accountability and satisfaction to all parties, the sentiment that they are “better than doing nothing” is sometimes enough of a driving force (Mariah Blank, personal communication, June 18, 2013). However, for those more dedicated to these alternative interventions, the end goal is total transformation not only for the perpetrator but for everyone involved (Generation Five, 2007).

To the organizations under study, it is clear what accountability is *not* in the context of sexual violence, but it is not so clear what it is. In mainstream American discourse, “holding someone accountable” often implies a harsh punishment of some sort — usually imprisonment. Although in the context under study accountability usually takes on a gentler meaning in line with anti-authoritarian ideology, long-time practitioners

have remarked that it is different for each and every survivor and that it is often difficult to square survivors' need for accountability with what is fair or reasonable (Milo Eadan, personal communication, Nov. 24, 2013) (Jenna Peters-Golden, Jan. 2, 2014). For example, what if the survivor asks for the perpetrator to be beaten up? While it would go against the values of accountability and survivor support if the survivor's requests were not fulfilled, it would go against the value of safety to retaliate against the perpetrator — not to mention the commitment that most of these organizations have to nonviolence (Kelly, p. 7).

Public shaming is a more popular yet similarly controversial method of accountability within this context. It seemingly aligns with the major theory behind restorative justice — namely Braithwaite's (1989) "reintegrative shaming" theory — but it tends to take the form of "disintegrative shaming" (Braithwaite, 1989) when the goal is to isolate or "call out" the perpetrator to the larger community as opposed to seeking acknowledgement and accountability within a restorative or transformative process (Milo Eadan, personal communication, Nov. 24, 2013) (Mo-YainTham, Dec. 21, 2013). This is not to say that the results of such a process should be kept private or that the community should not be informed about an individual who presents a risk to its safety²³; it merely speaks to the paramount importance of the goal of shaming in a particular case as the main indicator of whether shaming is considered a legitimate means of reaching accountability. If the goal is to punish, it is incompatible with a restorative or transformative approach (Mo-YainTham, personal communication, Dec. 21, 2013).

One solution to this dilemma is Support New York's effort to help survivors separate revenge fantasies from legitimate needs by directing them to first make a comprehensive list of what accountability looks like, and then reviewing each item on the list with them. The idea is to get to the heart of what the survivor is looking for with each demand or request and see if the less practical or ethical ones can be met in some other way (Milo Eadan, personal communication, Nov. 24, 2013). Generation Five, in

²³ While difficult, it is, however, sometimes necessary to be discreet or secretive to protect the survivor, the perpetrator, and/or other parties to the process as previously discussed (Mo-YainTham, personal communication, Dec. 21, 2013).

similar fashion, directs survivors to “map out the options”²⁴ after the crime has occurred with the help of a transformative justice practitioner, who will provide information on what the likely result of each option would be (Staci Haines, personal communication, Jan. 18, 2014).

Beyond demands or requests from survivors and their supporters to perpetrators, there is a second level of accountability identified by multiple practitioners: accountability to the community. The implication is that perpetrators have obligations to not only those they have victimized directly but also to others who were affected indirectly (Milo Eadan, personal communication, Nov. 24, 2013). Sexual assault or rape, like other crimes, affects the person directly assaulted along with his or her friends, family, and immediate community — who may experience a number of feelings in response including fear, anger, and despair. Regardless of the strength of previous relations, those affected, even indirectly, “are reluctant to trust the perpetrator as an organizer, worker, neighbor, performer, leader, roommate, or peer” (Kelly, p. 7). Therefore, the intervention is incomplete without a plan to support perpetrators in “becoming fully functional, trustworthy, and participating members of the community” (Kelly, p. 7). How this is done varies widely from case to case and organization to organization, but it often includes asking the perpetrator to read books; attend classes, counseling sessions, or support groups; write letters of apology; stay away from certain spaces where they might encounter the survivor or other vulnerable members of the community; serve as a mentor for those who are similarly situated, and engage in other actions — both practical and symbolic — to nurture trust (Milo Eadan, personal communication, Nov. 24, 2013) (Jenna Peters-Golden, Jan. 2, 2014).

According to practitioners, perhaps the greatest challenge to reaching accountability is perpetrator engagement in the process. The claim that many who are guilty of major crimes — not to mention lesser transgressions — seek to avoid the consequences of their actions needs no substantiation. Perpetrators in this context are no different, even though they will seldom be arrested or prosecuted. How does a small group of activists with no legal authority or authority of any kind, with the possible exception of moral authority, encourage a perpetrator of sexual violence to not only acknowledge the crime

²⁴Options would not be exclusive to those encouraged by restorative and transformative justice practitioners but would include contacting the police, filing a civil lawsuit, ignoring the issue, etc.

but consent to consequences? This remains an open question. Sometimes it is difficult to form an “accountability team”²⁵ on a given case to even ask this question due to anxiety and lack of training or skill (Mo-YainTham, personal communication, Dec. 21, 2013).

Even if practitioners have all the training and experience they need and are intervening under the guidelines of a proven restorative or transformative process, the perpetrator may choose to ignore, avoid, retaliate, or all of the above. Given that these processes are voluntary and that practitioners are ideologically opposed to coercive measures, accountability of any kind ultimately depends on the actor/perpetrator. This is why it is a question of encouraging, not compelling, the perpetrator toward accountability — a fundamental divergence from the mainstream criminal justice system. While there is no guaranteed method of achieving this, one long-time practitioner says that establishing trust is essential: “The more leadership someone shares in their own accountability process, the more buy-in they have” (Jenna Peters-Golden, personal communication, Jan. 2, 2014).

Another practitioner said it was about striking a balance between giving the perpetrator too much power over the process, which would not lead to genuine accountability, and giving him or her too little power, which would lead him or her to feel threatened (Mariah Blank, personal communication, Jan. 4, 2014). The amount of power or control given to the perpetrator would depend on both the process used in the specific intervention and how strictly that process was followed.

In the case of repeat offenders with a high level of institutional or social power, Haines says a “backup”²⁶ that includes methods outside of a transformative framework is needed to ensure both safety and accountability because this challenge cannot be overcome by existing interventions in some cases (Staci Haines, personal communication, Jan. 18, 2014). It would not be a stretch to claim that for most practitioners accountability and safety outweigh ideological purity and other concerns.

²⁵An “accountability team” is the informal name given to those activists committed to supporting the perpetrators’ accountability process under The Chrysalis Collective model and its derivatives.

²⁶While this would not include directly violent means, it might include involving the police or other state authorities (Staci Haines, personal communication, Jan. 18, 2014).

A final challenge to accountability is the real or perceived ability of the actor/perpetrator to take responsibility. While mental health and acuity are major factors in not only sexual violence but also other criminal and anti-social behavior, no comprehensive effort has been made to adjust restorative and transformative interventions to the needs of the mentally ill or developmentally challenged. This is partially due to the tendency of social justice organizations toward inclusivity, which in this context precludes judging certain individuals with diagnosable mental illnesses as deficient compared to the rest of the group and holding them to different standards. There is also an ideological opposition to professional opinion on mental health due to the association of the mainstream medical establishment with state authority and control (Generation Five, 2007) coupled with the concern that most practitioners are not equipped to manage the mentally ill (Mo-YainTham, personal communication, Dec. 21, 2013). Nevertheless, some practitioners have sought the involvement of licensed social workers and clinical psychologists (Jessica Quaranto, personal communication, Aug. 7, 2013).

Here are some selected quotes containing the word *accountable* or *accountability* — emphasis added — that describe or define the concept as it relates to the context under study.

- 1) “You can't hold someone *accountable* if there is no framework for *accountability*” (Adam Weissman, personal communication, Dec. 28, 2013).
- 2) “[While it is said that *accountability* is not about punishment], “there is still a coercive element” (Adam Weissman, personal communication, Dec. 28, 2013).
- 3) “I’m against [public shaming], even though people might have different opinions on *accountability*” (Mo-YainTham, personal communication, Dec. 21, 2013).
- 4) “[Transformative justice means] don’t isolate [the perpetrators] but build relationships of support and *accountability*” (Staci Haines, personal communication, Jan. 18, 2014).
- 5) “Transformative justice makes it possible to responsibility without being shunned, kicked out of the community, sent to prison ... but it doesn't mean we aren't holding people *accountable*” (Jenna Peters-Golden, personal communication, Jan. 2, 2014).

4.4. Theme #4: Support and Self-Determination

If you've come here to help me, you're wasting your time. But if you've come because your liberation is bound up with mine, then let us work together.

–Lilla Watson

Bound with the overarching ideology of collective action over state power is the emphasis on survivor support and self-determination. The words “support” and “self-determination” are inseparable because supporting the survivor in the context of sexual violence occurring within social justice organizations means nurturing self-determination as opposed to making decisions for the survivor (Staci Haines, personal communication, Jan. 18, 2014) (Milo Eadan, Nov. 24, 2013). Self-determination can be defined as “the ability to make decisions according to one’s own free will and self-guidance without outside pressure or coercion” (Philly Stands Up, p. 24). It follows that confidentiality is maintained and the survivor’s wishes are respected even when they are contrary to the organization’s overarching ideology, but it does not necessarily follow that practitioners will abandon their attempts at a transformative process if the survivor is not totally cooperative (Staci Haines, personal communication, Jan. 18, 2014) (Milo Eadan, Nov. 24, 2013) (Jenna Peters-Golden, Jan. 2, 2014). This a consistent approach given that practitioners in this context emphasize self-determination for everyone involved and not just the survivor or the individual most affected by the incident.

Survivor support, in concrete terms, can include a number of things:

...talking someone through a crisis, validating their emotional response to an assault, helping them find a safe place to crash, going with them to the doctor or an abortion clinic, aiding them in dealing with dissociation or panic attacks, or organizing friends to cook meals or provide childcare for them (Colman, p. 9).

In The Chrysalis Collective model, which is used by many of the practitioners interviewed for this study, survivor support is just as important as perpetrator accountability and is even performed in isolation of accountability in the early stages. The implication is that in order for survivors to feel safe again and to heal, they cannot rely solely on the level of accountability taken by the perpetrator, or, in the mainstream

criminal justice context, the amount of punishment or imprisonment inflicted on him or her. The importance of survivor support within this context is so strong that practitioners sometimes consider the intervention a success because a competent support group was formed for the survivor — even if the perpetrator took no responsibility (Mo-YainTham, personal communication, Dec. 21, 2013). Despite the difficulties of reaching accountability, there is a consensus that survivor support is one of the major benefits of transformative justice interventions. This is true to a greater extent for those employing The Chrysalis Collective model and to a lesser extent for those employing a model that leans closer to restorative circle or conference,²⁷ but the mere act of a community response is enough to give some credibility or affirmation to a survivor (Mariah Blank, personal communication, June 18, 2013).

There is another element to survivor support that goes deeper than simple intervention and affirmation. All restorative and transformative processes practices in this context have the potential to transform communal relationships, and some models, such as that of Generation Five (2007), are particularly designed for this end. It is this model and those who practice it who most emphasize the role of bystanders in incidents of sexual violence and how they have the power to both allow or reinforce the violence and discourage or prevent it (Staci Haines, personal communication, Jan. 18, 2014). Survivor support is not simply a matter of effective intervention after the fact but also about building a responsive and responsible community. This focus is based on the assumption that sexual violence is not an inevitable fact of life but one of the consequences of an unjust, patriarchal, and authoritarian society (Generation Five, 2007).

Overall, survivor support and self-determination as practiced by social justice organizations does not assume the survivor's needs without asking or intervene without considering the effect on the survivor. This is very different from the mainstream criminal justice system, which would attempt to punish the perpetrator if the necessary evidence had been acquired regardless of the survivor's wishes, and the punishment would be based not on what the survivor wanted or what would make him or her the

²⁷As detailed in Chapter 2, restorative justice models can be modified to suit the needs of sexual assault survivors, but they have largely not been developed for this purpose, and there is much debate over whether they should be.

safest but on what the law permitted and what the prosecution in that particular case sought (Naylor, 2010, p. 662-665). It is noteworthy that forgiveness, a concept that is often closely tied to any consideration of justice, was almost entirely absent from the discourse. This could be due to the secular nature of the organizations under study.

Here are some selected quotes that further reveal concerns about support and self-determination:

1) “[Philly Stands Up] responds to demands that are set by the community of survivors” (Jenna Peters-Golden, Jan. 2, 2014).

2) “Perpetrator accountability stuff is not brought up during survivor support meetings to keep them separate intentionally as they are not linked” (Milo Eadan, personal communication, Nov. 24, 2013).

3) “[Transformative justice] is supposed to empower the survivor; [it] makes [the survivor] the center of a process” (Mo-YainTham, personal communication, Dec. 21, 2013).

4) “Sometimes the survivor wants punishment/retribution and might not want to be involved in the [transformative justice] approach ... so the question is how do you support the survivor and continue the [transformative justice] approach” (Staci Haines, personal communication, Jan. 18, 2014).

4.5. Synthesis

It can be generalized from this research that members of social justice organizations that practice these interventions do so largely for ideological reasons: they do not trust the status quo — namely retributive justice — with its emphasis on punishment decided by the authority of the state, to fairly judge the offense and the circumstances under which it occurred and to protect vulnerable communities, such as women and people of color, from undue reprisal.

At the same time they are concerned, in the practical sense, about supporting the sexual assault survivor’s healing process on his or her own terms, maintaining the safety of everyone involved in an incident of sexual violence, and seeking accountability from

those who committed the harm as well as from the community. The overarching goal of these interventions is to combat oppression on both the micro and macro level in order to secure justice for both victimized individuals and marginalized communities. The achievement of this goal, however, is limited by practitioners' concerns about survivor self-determination, which trumps all other concerns except if the survivor is seeking violent revenge or something equally destructive.

CHAPTER FIVE

BENEFITS AND CHALLENGES (LITERATURE REVIEW)

While it is customary to conduct a comprehensive literature review before engaging in new research, due to considerations of bias with regard to Grounded Theory methodology, this section of the review was delayed until after the thematic analysis. This was also done as a way to emphasize those who practice over those who merely preach. Moreover, existing literature on this topic is extremely limited and even misleading for several reasons: 1) restorative and transformative interventions in the context of sexual violence occurring within the general population are rare and those occurring within social justice organizations without state involvement are even rarer in terms of total number of cases and participants, 2) those involved in such interventions are unlikely to share detailed information with a researcher or consent to serving as research subjects due to privacy considerations and ideological opposition, 3) variations in the models of intervention as well as the way those models are practically applied makes it difficult to generalize.

Thus, it would be impossible to generate anything but a tentative list of benefits and challenges that may help inspire further research and discussion. Much care will be taken to explain the nuance and controversy of each item, which will serve to represent a broad category of benefits or challenges, and to synthesize relevant literature and theory with real-world insight from practitioners.

It should be noted that there are various critiques of restorative justice from a feminist perspective (Ptacek, 2010, p. 19-20). These will not be examined here due to the nature of the social justice organizations that practice restorative and transformative interventions. While it would be naïve to claim that the progressive consensus of those organizations regarding women's equality relative to men is practiced by every member all the time, there is nonetheless a much greater emphasis on feminist principles than what exists in mainstream society. This emphasis not only guides the restorative and transformative interventions practiced by these organizations but also guides their overall mission and shared ideology. Therefore, feminist critiques of restorative justice

practiced in a mainstream context, even as a response to sexual violence, are not so relevant to this research.

5.1. Benefit #1: Social Safety

One of the most important and relevant benefits is the measure of social safety²⁸ that restorative or transformative justice provides beyond the detainment of the offender, which can prevent retaliatory violence and strengthen community cohesiveness in the wake of a crime (Hayden, 2012, p. 9). While it is far from a given, these alternative interventions have the “potential to build community and mobilize resources (e.g., social, emotional, and spiritual) ... in ways not possible through traditional forms of criminal justice (Cheon&Regehr, 2006, p. 388).

These earlier findings are consistent with the views of multiple practitioners, who routinely praise the friendships, familial ties, and various community supports that have been either created or reinforced due to their engagement in a restorative or transformative process (Staci Haines, personal communication, Jan. 18, 2014) (Jenna Peters-Golden, Jan. 2, 2014) (Mo-YainTham, Dec. 21, 2013) (Adam Weissman, Dec. 28, 2013).

5.2. Benefit #2: True Accountability

Unlike the adversarial court system where offenders are advised by their attorneys and supporters to lie or remain silent, alternative interventions aligned with restorative principles create the proper space and incentives for offenders to take full responsibility for their actions (Naylor, 2010). The view among practitioners is that a less formal, non-punitive approach will allow a perpetrator to admit more wrongdoing and consent to more sanctions or consequences leading to more personal and social change. There is a lot of disagreement, however, on what exactly constitutes accountability and whether it can be achieved through restorative or transformative interventions (Ptacek, 2010, p. 18).

²⁸While I credit Hayden (2012) for the inspiration, I believe I am the first to use the term “social safety” in this context.

5.3. Benefit #3: Resource Efficiency

Regardless of the outcome, restorative justice is far more efficient and cost-effective than the courts (Sherman & Strang, 2007). The cited studies on this, however, do not measure the context under examination but examine only restorative justice as a diversionary intervention and also reveal that restorative justice reduces recidivism (Sherman & Strang, 2007). Again, due to the relatively small sample size, the obscurity of the social justice organizations that practice restorative and transformative interventions, and the wide divergence in both the models used and how they are practiced, comparable studies are difficult — if not impossible — to conduct.

While no studies have been located on the cost-effectiveness of transformative justice²⁹ practiced in any context, due to its detachment from state structures and its tiny number of practitioners, it is self-evident that it costs far less than a retributive approach toward a similar crime. Furthermore, there is no evidence that it causes residual costs to the state if the intervention is unsuccessful.

5.4. Further Benefits

Most existing literature focuses on the benefits and harms, or challenges, of restorative justice. Transformative justice is usually brought up only as a side note, if it comes up at all. MacDougall (2009, p. 79-80) provides a summary of those benefits in the context of sexual violence, all of which could also apply to transformative justice, even if it were considered to be distinct from restorative justice:

- the survivor is allowed a voice
- the power of narrative for healing
- the survivor is validated/perpetrator is held responsible
- the process is flexible
- the process is less formal and less threatening
- the process allows for relationship repair
- the process can offer a continuum of choice

²⁹In order to remain neutral in the debate over exactly how transformative justice and restorative justice relate to each other, this claim is referring to “transformative justice” practiced exclusively under that label. In other words, no studies could be located on the cost-effectiveness of transformative justice conducted by those who see it as distinct from restorative justice and do not use the term “restorative” to describe their work.

- the process may be better able to serve the needs of diverse populations
- a less formal process allows perpetrator to take responsibility/consequences
- the process could circumvent the re-victimization of the court system
- the process can be personally empowering

5.5. Challenge #1: Centrality of Survivor

Ptacek (2010) provides a summary of the leading concerns over the centrality of the survivor of sexual violence in a restorative justice³⁰ process. Setting aside the feminist critiques related to survivor empowerment in a more mainstream context, critics have questioned whether restorative justice is truly victim- or survivor-centered, whether it can serve to reintegrate the survivor back into the community rather than just the offender, and whether it represents a genuine improvement of the status quo for survivors (Ptacek, 2010, p. 20-21). The first two concerns are shared by practitioners of transformative justice, but the third is largely irrelevant due to the practitioners' shared aversion to mainstream criminal justice and the customary formation of a team to focus solely on meeting the survivor's needs as part of the process (The Chrysalis Collective). While restorative justice interventions generally occur only when the survivor is willing to work with the offender — hence rendering the process arguably more centered around the offender — this is not true in the context of social justice organizations, whose members are ideologically in favor of survivor empowerment.

5.6. Challenge #2: Anger vs. Forgiveness

This challenge is typically framed in terms of how the survivor should or should not feel toward the perpetrator and the extent to which a restorative or transformative intervention can encourage those feelings (Ptacek, 2010, p. 22-23). In the context of sexual violence occurring within social justice organizations, those feelings will likely extend beyond the individuals involved into the socio-political realm. For example, the survivor may be encouraged by the community to display a certain degree of anger or mistrust not only toward the perpetrator but also toward other members with a similar profile — based on gender, race, ability, and other characteristics. This is likewise the

³⁰Again, “transformative justice” is not included in the cited essay and is virtually absent from the prevailing literature on challenges or harms associated with restorative justice utilized as a response to sexual violence.

case for positive feelings of forgiveness, even though forgiveness is a relatively foreign concept to the organizations under study, which are overwhelmingly secular in orientation.

Given the importance of survivor self-determination to the practitioners under study, no formal effort, theoretically speaking, would be made to encourage the survivor to feel any particular way at all. The challenge is that, in much the same way as Christian proponents of restorative justice emphasize forgiveness, the secular practitioners under study emphasize solidarity with the most oppressed or vulnerable members of society. This value can readily come into conflict with the value of survivor self-determination, especially if the survivor chooses to identify with or defend the perpetrator.

5.7. Challenge #3: Serving the Most Vulnerable

This alludes to another major challenge: how do restorative and transformative justice practitioners effectively serve the most vulnerable members of society without further marginalizing them? A related question that is just as relevant to social justice organizations is how to address not only individual incidents of violence through alternative justice interventions but also broader, more systemic forms of violence that are irrevocably linked (Smith, 2010). This was a major concern to the vast majority of those practitioners interviewed for this study, and almost all linked their practice to a larger struggle to transform society in favor of the underprivileged. The only real point of dissonance was the perceived extent to which restorative or transformative justice does or can meet the needs of marginalized communities and communities of color. This is, of course, related to the theme of safety discussed in the previous chapter, which is likely the biggest area of critique of restorative and transformative justice applied to sexual violence by radical and mainstream practitioners alike (Smith, 2010) (Hayden, 2012).

Included within this population are also those individuals who, due to a severe psychological or developmental dysfunction, are unable to feel empathy or take responsibility for their behavior. Empathy is a critical component of restorative justice in particular and can be defined as the ability to put oneself in another's shoes: "in empathic moments the empath [sic] cannot persist in inflicting pain, fear, disrespect, or

disregard on the other” (Pepinsky, 2006, p. 190). This quality can be juxtaposed with narcissism, or self-centeredness (Pepinsky, 2006, p. 191). Bader (2011) also uses the term “narcissism” to describe the early stages of a mediation participant’s mental state before a resolution is reached and likewise determines that the mediators, or in the context of this study, the restorative and transformative justice practitioners, are also susceptible to narcissistic self-interest that can hobble the process. What is not answered is: to what extent does an individual’s mental or developmental state determine the success, or lack thereof, of the intervention in the context under study?

5.8. Further Challenges

As with the benefits outlined above, MacDougall (2009, p. 78-79) provides a summary of challenges or “harms” of restorative justice from the prevailing literature³¹:

- the safety of the survivor
- the process will re-victimize the survivor
- potential power imbalance
- the perpetrator could manipulate the survivor and/or the process
- too much pressure on survivors to take part, rendering the process involuntary
- role of the community not well defined/may uphold violence or dominance
- there could be little impact on the perpetrator or his/her motivation to change
- re-privatizing violence against women by using an ‘informal’ approach
- facilitators lack the specific skills needed to deal with sexual violence incidents

³¹Note: Only those relevant to the context of social justice organizations have been included.

CHAPTER SIX

CONCLUSION

This study and its accompanying literature review is by no means a comprehensive evaluation of the subject matter. Social justice organizations and their membership, however they are labeled, are extremely complicated and controversial. Sexual violence is no less complicated and controversial — which is why no attempt was made in this study to review the existing literature on why it occurs, how it occurs, and how to prevent it from occurring. Restorative and transformative justice, whether viewed as one in the same, similar, or completely different, are far more obscure as concepts but also present unique challenges as research subjects, even for those who practice them. As a consequence it is likely that some of those who take the time to read this will take exception to its content, methodology, or both. Nevertheless, this represents the only systematic study of this subject matter to the best of the author's knowledge, and therefore, the aim was more toward establishing a fruitful precedent than achieving perfection — but time will only tell whether this study has come close to either.

The study began by defining key concepts, such as restorative and transformative justice, sexual violence, and social justice organizations, and explaining the relevance of these subjects to the emerging field of peace and conflict studies. It then detailed the specific models used to address sexual violence using restorative and transformative justice approaches, discussed the methodology and limitations of its unique research, and presented findings addressing the overarching research questions; thus elucidating how a restorative/transformative vision of justice is being applied and the key benefits and challenges that result from its application.

The key contribution of this study was the synthesis generated by the patterns or themes generated from the words of key practitioners whose insights have largely gone unrecognized, even in the larger academic fields of restorative justice and peace and conflict studies. These practitioners could be called activists, leftists, idealists and/or revolutionaries — depending on how one sees them based on his or her own perspective. Their zeal for justice, which demands accountability through community

and safety through empowerment,³² could be seen as a foolhardy, counterproductive undermining of the state and its legitimate institutions, or it could be seen as the seed of a new society built on a new set of principles.

There is no question that challenges abound: namely how to achieve the elusive goal of accountability, a controversial subject in any context, when those responsible for an offense lack the capacity or willingness to be accountable. Moreover, the commitment to the sexual assault survivor's self-determination and empowerment means that years of progress can be erased at his or her discretion, and the potential for empowerment is often limited by the lack of a unifying commitment to forgiveness or another value that would lead to a binding and popular resolution. Yet these challenges do not negate the potential for transformative and restorative interventions to provide a wider degree of both safety and accountability than what is achieved by merely isolating or punishing the offender, and there is no denying that these interventions are far more resource-efficient than reliance on police, courts, and prisons.

6.1. Potential for Further Research

This study, although unprecedented, is a mere baby step when compared to the journey ahead. More studies are needed to compare the various models utilized by practitioners to determine the strengths and weaknesses of each and to develop new and better models that address the numerous critiques of both mainstream practitioners and those who are members of social justice organizations. This will, in turn, make it easier for the practice to be evaluated based on its full potential. Much existing practice is so under-developed and impromptu that it would be unfair to judge restorative and transformative interventions more broadly based on it. However, these informal interventions must not be dismissed by scholars and more mainstream practitioners if this field is to maintain its dynamism.

Furthermore, in order to fully address MacDougall's (2009) documented challenges, more research needs to be done to determine whether the skills of existing practitioners are truly suitable to deal with the highly complex and sensitive issue of sexual violence

³²"Empowerment" or "self-determination" in this context could be considered a combination of both positive and negative liberty, where the survivor is free from further victimization and also free to pursue his or her legitimate self-interest (Rosen & Wolff, 1999).

as well as to determine whether an informal approach undermines formal approaches or reinforces sexual violence as a private matter that should not warrant intervention.

Research on transformative justice, treated distinctly, is very thin. This author invites those who practice it to bring as much critical theory into mainstream restorative justice practice and relevant academic journals as possible until a consensus can be reached on exactly how restorative justice and transformative justice relate. At the same time, more mainstream restorative justice advocates should remain open to the possibility that justice can be even more radical, inclusive, and iconoclastic than their Mennonite predecessors envisioned. Even the appearance of a rift in such a small community can be fatal — not unlike what results from incidents of sexual violence occurring within social justice organizations and their communities.

This author cannot emphasize enough that justice is a process. There is no finish line: justice advocates will continue to develop new methods, models, and theories as the population grows and technological innovation expands — and while it may nonetheless remain inherently incomplete, imperfect, and elusive, this author cannot imagine anything more worthy of pursuit.

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