

FRAMING BATTERER ACCOUNTABILITY IN THE CONTEXT OF OUR WORK AS ADVOCATES: ISSUES & QUESTIONS

By Grace Poore, March 2006

For the Asian and Pacific Islander Institute on Domestic Violence

How do we hold someone accountable if we don't know what accountability is? What are the key elements of accountability that we can all agree on and what are the additional elements of accountability that can vary from survivor to survivor, family to family, community to community?

Different expectations of accountability can be a nightmare to enforce and monitor. It can be very time consuming and expensive to implement, which is why we rely on the legal and criminal systems that have standardized the process of holding someone accountable. On the other hand, many families and communities avoid the criminal and legal systems because these systems approach "justice" in a way that takes a huge toll on victims, families and perpetrators who are also part of family.

The three main questions that need to be addressed in this conversation are:

- ❑ What needs to happen in order to hold someone accountable?
- ❑ How does the process of holding someone accountable get practiced and implemented?
- ❑ What are the resources needed to make the accountability process meaningful and sustainable?

In order to answer these questions, several key issues have to be first looked at:

1. Who has the right to hold violators accountable?
2. Who has the right versus who has the capacity for the job? For instance, what role will victims/survivors play in the process of holding their abusers accountable?
3. How do we resolve differences in approaches to holding perpetrators accountable and who decides this?
4. What are the anticipated outcomes of accountability and how do we decide which outcome is adequate? Who decides this?

How we hold perpetrators accountable is also related to how we talk about domestic violence, sexual violence and child sexual abuse within the family. For instance, how many words are there in our cultures for battering, rape, incestuous sexual abuse? Do these words convey force? Dishonor? Carnal desire? Violation?

Disciplining of an insubordinate? Mistreatment? Abuse of power? What determines the way we talk about sexual violence? Is it easier to find words if the perpetrator is a stranger versus someone in the family, someone without status versus someone with high status? How do factors such as the form the violence takes, age of victim, age of perpetrator, and where or when the violence happened determine how we talk about accountability?

1. Right and Responsibility

Those who perpetrate domestic violence and sexual violence often do not initially acknowledge intention to commit the violence, acknowledgment of harm caused, full acceptance of responsibility for violence, and/or willingness to make amends. Given this reality, should it be the victim/survivor's responsibility or burden to hold their own perpetrator or perpetrators accountable or should this responsibility be expected of others? In which case, the question becomes, who has the right to hold perpetrators accountable versus who can be entrusted with this responsibility? What if those to whom we give the responsibility have the necessary authority to hold perpetrators accountable but are not necessarily a survivor's ally? What if this person has decision-making power in that community/family but is also the family, community or clan patriarch? Does the person holding perpetrators accountable have to come from within the community or can they also be non-community allies?

Ideally, a combination of all these people is important. The definition of ally must be taken in conjunction with who has the right versus the power to enforce accountability.

2. Right versus Capacity

Whose responsibility should it be to hold perpetrators accountable if the victim/survivor lacks the ability or capacity to do it? What does capacity mean? Material capacity? Emotional and mental capacity? Capacity to enforce accountability? Capacity to access or galvanize resources like a family support structure?

While it is important to keep the voice of the victim/survivor central to the process of seeking accountability from perpetrators, it is also critical that the victim/survivor does not bear the sole responsibility of holding perpetrators accountable. Depending on the level of harm and impact of the trauma, the victim/survivor may not be able to think about holding someone accountable while she is trying to deal with the immediate aftermath. So timing is important. But how much time is sufficient time and who gets to decide when the accountability process begins? Depending on who the perpetrator is, the victim may or may not

feel safe, confident, comfortable to ask for, let alone demand accountability. This means that there has to be a reliable and consistent support structure in place for those who are doing the work of holding perpetrators accountable.

To facilitate the ability of victims/survivors to hold perpetrators accountable, we need to give the people who have been most harmed the resources to hold someone accountable. We also need to facilitate the ability of trustworthy allies. Often what we end up doing is leaving the process to the criminal and legal systems because it is easier, less overwhelming and ensures greater safety.

3. Methods and Mechanisms

Who decides what the most appropriate process is for implementing accountability? For instance, should the process be in the best interest of the woman, her children, her family, her community? What if the best interest of the victim or survivor is not in the best interest of her children or other members of her family? Should we also consider the perpetrators involved — those who committed the violence as well as those who colluded?

In some communities, rapists are made to marry victims. The idea is, “If she is good enough to rape then she is good enough to marry.” This is seen as saving the victim’s honor and also holding the perpetrator responsible for acting in a dishonorable way. Another mechanism for holding perpetrators accountable is public humiliation where shaming is viewed as necessary for accountability. But how does this impact the victim and other family members? In most countries, the criminal and legal systems excise the perpetrator from society as a way to punish the wrongdoing and keep society safe from violent perpetrators. Again, how does this affect the family and community decisions to hold a perpetrator accountable at all if they choose to have the perpetrator go through that kind of punishment?

Criminal remedies may not get the perpetrator to be accountable in a way that is satisfactory to the victim/survivor and her/his family members. Methods used to hold the perpetrator accountable take a toll on victims, survivors and their families.

4. Outcomes

Discussions on accountability tend to evoke emotional responses that can be polarized. How do we balance different emotions and keep from watering down the outcomes of accountability? First, it is important to know what to ask for. We need to negotiate the different ideas that people have about what is satisfactory accountability. For instance, do we want long-term versus short term accountability? What should the perpetrator’s amends be? Who decides this? Should perpetrators have a say in this decision or do they relinquish their rights

because they committed the violation? Should the outcome involve punishment? Each of these outcomes means different things to different people. Those most harmed may want an apology and a promise never to do it again while people least harmed may also want punishment. But punishment by whom? What form will the punishment take? Punishment of what? In addition, allies of the victim may not agree with allies of the perpetrator. Advocates and survivors from one community may not want the same thing as those from another community. The legal system may have its own idea of what constitutes suitable accountability, which may or may not be satisfactory to those who have been harmed by the perpetrator. Survivors may want one outcome in the immediate aftermath of the violence but ask for another outcome at a later time. It is difficult to conclude what outcomes are satisfactory to everyone.

Two important and related questions to ask when we are dealing with violence in intimate networks is: What constitutes a perpetrator and how many perpetrators are involved? The answer to these questions will help determine if perpetrator accountability needs to be different from by-stander accountability.

a. Perpetrators versus By-Standers

Should members of a victim/survivor's family, clan, or religious organization be held accountable for active collusion with the perpetrator? Should those who looked the other way be punished for passive by-standing? Should local law enforcement or family members be held accountable for not taking an active role to prevent the violence or intervene effectively? If the answer is yes, then what constitutes collusion? Should all colluders be held accountable in the same way? Are some forms of collusion more reprehensible than others? Do we rank collusion according to levels of circumstances in a person's life? Will we rank the different acts of collusion and betrayal just as we rank the different levels of violation? For instance do we divide by-standers into "active" and "passive" by-standers? Or do we instead divide people into "by-standers" and "colluders" where colluders are those who actively aid and abet the perpetrator in acts of abuse and by-standers are those who do nothing to intervene. If so, do we rank accountability procedures according to the levels of betrayal people engaged in or do we hold people accountable equally for harm caused — i.e., overt acts of violence as well as overt acts of collusion and omission?

If accountability standards should apply to all of us, then all of us need to be part of the process of holding each other accountable and being held accountable by others. This means reframing our understanding of violence in intimate networks and looking at how this violence is perpetuated, permitted, and sometimes advocated by various members of community and family. In this setting, the perpetrator's actions are often in line with what is already a misogynistic environment.

While this perspective is useful for bringing about overall community-level change, it also poses the danger of backfiring when perpetrators end up being exonerated for their actions, which gives them the opportunity to skip out on owning up to, making amends for, and providing restitution for the harm they have done. Given the pre-existing dynamics of abusive power involved in battering and sexual violence, such an outcome would further harm victims-survivors and non-offending family members, and send a message to perpetrators that they can offend with impunity.

b. Complexity of Holding Perpetrators Accountable

The process of holding perpetrators accountable requires resources. Some communities have more resources and some have more barriers. For instance, the responsibility of holding a perpetrator accountable involves monitoring to make sure that perpetrators are fulfilling their “contract” to victims and others who have been harmed. Enforcing accountability takes time and can be emotionally draining. Without adequate emotional and material support, taking on this process can be daunting, especially if outcomes are uncertain.

Perpetrators often perceive the process of holding them accountable as revenge-taking by victims-survivors or their allies. This adds another layer of pressure on those who are doing the work of holding someone accountable. They may end up on the receiving end of different forms of retaliation – overt and covert. What is the line between seeking accountability and seeking revenge?

Having to deal with these questions while also coping with the aftermath of the violence is one reason we persistently turn to the criminal and legal systems for solutions, and why we don't seek alternative ways to bring about accountability – even when we know that the closer the perpetrator's relationship to the victim's network, the more difficult it is to turn them in to the criminal and legal systems. For instance, only 12% of child sexual abuse is committed by strangers. Yet, incestuous child sexual abuse is the least likely form of family-based violence to be reported. Studies report that only 10% of those who commit child sexual abuse are reported and only 2% of these are convicted.

OTHER CRITICAL ISSUES

➤ Advocates' Roles In Holding Perpetrators Accountable

In reality, the right to hold a perpetrator accountable and the capacity to put it into practice do not always coincide. How do we resolve this at the community level?

Sometimes advocates take themselves out of community in order to challenge the community. They set themselves apart from community because they don't share the same values and beliefs. How does this pose a problem for achieving community-level accountability when we, as advocates, choose not to be part of the communities we work with? For instance, for some (or many) advocates it is critical to be grounded in their communities. But does this result in silences and compromises by advocates in the form of subtle endorsements of attitudes that minimize battering or sexual violence? How do advocates play into victim blaming or excusing perpetrators, and how does this undermine their responses to domestic violence and to sexual violence against women and/or children?

➤ No Such Thing As Perfect Intervention

There is no perfect intervention because there is no one-size-fits-all technique that is adequate for all situations in all communities. The criminal and legal systems do standardize ways to address domestic violence, sexual violence and child sexual abuse. However, when we talk about intervention, it may be counterproductive to prescribe set methods of intervention for everyone. For instance, a place of worship may be open to some interventions and a community center may be open to others. Male community leaders may be interested in some kinds of intervention that women in that community may not want because the intervention is an excuse to police women's freedom, sexuality or autonomy. The criminal justice system may prefer certain interventions that families find problematic or harmful.

To conclude, more work clearly remains to be done on the issue of framing accountability. It is important that anti-violence advocates are involved in these efforts in order to consider the questions and contradictions that arise in dealing with systems and communities.

HIGHLIGHTS OF GROUP DISCUSSION

- ❑ The process of holding perpetrators accountable has to be guided by survivors and by women. The difficulty is who will ensure that batterers will follow through on what they say?
- ❑ Let us get away from “I want this” versus “survivor wants that.” This is too individualistic. We need to develop a collective plan for accountability such as a set of options based on a range of violence.
- ❑ If we see ourselves as part of the community, do we necessarily have to endorse the community’s values? Can we be part of community and also outside of it, can we be beyond community?
- ❑ If we endorse community values by remaining silent around violence, we betray the survivors and ourselves.
- ❑ In order to bring about social change we need to also look at how to hold women accountable for harmful practices, such as women abusing other women in polygamous marriages, or female in-laws abusing daughters-in-law.
- ❑ We need multi-layered approaches for achieving accountability but do we spend our energy on developing community strategies for accountability or systems reform?
- ❑ As advocates we are at the intersection of many communities and we occupy many different positions in society — as victims/survivors, as members of our community, as advocates, as representatives of various systems. We should recognize in which positions we have privilege and use that privilege.
- ❑ Co-optation means (among other things) giving up on making radical demands on systems and on our communities. What is a radical demand? Is a public apology by a perpetrator a radical demand or a minimal demand?
- ❑ We cannot think about accountability as one moment in time. Accountability is what we set up before violence happens as well as what happens after the violence. Each may look very different from the other.
- ❑ Does our responsibility re: accountability end when the survivor’s relationship with the perpetrator ends? Do we limit the accountability process to leaving?
- ❑ How can we create a community that is ready for accountability given centuries of victimization of women?

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