

**Judith L. Herman, MD, Truth and Repair: How Trauma Survivors Envision Justice, Basic Books, NY**

1. The first precept of survivors' justice is the desire for community acknowledgment that a wrong has been done. This makes intuitive sense. If secrecy and denial are the tyrant's first line of defense, then public truth telling must be the first act of a survivor's resistance, and recognizing the survivor's claim to justice must be the moral community's first act of solidarity.

2. Many survivors sought acknowledgment of the truth not only from the perpetrators but also from the bystanders who were actively or passively complicit, and sometimes this kind of acknowledgement felt as important as the perpetrator's confession, or even more important.

3. Beyond the acknowledgment of bare facts, survivors also wished for acknowledgment of harm. Though denial of the facts tends to be the perpetrator's first line of defense, when confronted with evidence, some will acknowledge the facts while dismissing or minimizing their importance....Survivors do not want their injuries to be trivialized or ridiculed, and they do not want to be blamed for them. They do not want to be dismissed as overly emotional or told to "get over it." They want their communities to recognize and respect their suffering and to acknowledge the seriousness of the harm they have endured. As individuals they want the people who form their moral communities to hear them, to believe them, to recognize that they have been hurt, and to offer help and support.

4. Many survivors yearn for a genuine apology. They want the perpetrators to admit their crimes and take full responsibility with remorse and without excuses, to recognize the suffering they have caused, and to show that they are willing to do whatever needs to be done to make amends. True apology also offers a promise, implicit or explicit, that the offender has undergone a moral awakening: that he is a changed man and will never repeat his crime.

5. Genuine apologies are personal, they are emotional, and they create the possibility of repairing a relationship. When the offender humbles himself to beg for pardon, the gesture represents a reversal of the power dynamic between victim and offender. The power to grant or withhold pardon belongs to the victim. Such gestures of humility go a long way to restoring the victim's dignity and self-respect.

6. Justice, from the perspective of [survivors], was not centered on the question of the offender's fate; it was first and foremost about their *own* recovery. In their view, the primary obligation of the moral community was to help repair the harm that had been done to and only then to figure out what to do about the offenders. Survivors' visions of justice combine retributive and restorative elements in the service of healing a damaged relationship, not primarily between victims and offenders but rather between victims and the bystanders in their communities. In other words, survivors' justice demands that when a person has been harmed, the first duty of the moral community is to support and care for her. When the community embraces the survivor, justice is served.

7. Many survivors understand that their suffering is not simply a personal misfortune but rather the result of a larger social problem. Because they know that many people in their communities enabled the abuse that they endured, they seek community amends in the form of institutional and cultural change.

8. [B]ecause our system of justice has invested so much in punishing and incapacitating offenders and so little in understanding and rehabilitating them, at present this aspect of survivors' justice remains visionary. That does not mean that it is impossible, but it does mean that developing and implementing a program of rehabilitation on the vast scale required would necessitate lots of research and a massive reform of our concepts and practices of justice. Crimes of dominance and subordination would need to be approached as a matter of public health as well as public safety, with prevention as a primary goal. Rather than focusing on punishing the few individual offenders who were caught, the justice system would need to focus on changing the social and cultural factors that increase risk of offending, with the goal not only of rehabilitating those who have already offended but also of preventing the occurrence of these offenses in the first place.

9. [S]urvivors' justice challenges us all to think first of all about centering justice on that person in order to make reparations for the harm and to provide what is needed for healing. Survivors need truth and repair—acknowledgment, vindication, apology, and amends—from their moral communities. When the community comes through with these reparations, the damaged relationship between the community and the survivor is healed, trust is restored, and a better kind of justice is done. The root causes of violence are the rules of tyranny. Prevention requires us to learn and practice the rules of mutuality, rules that form the basis of trust and justice in a democratic society. These are the rules that benefit everyone, and we all would be fortunate to live by them.