



# *Unearthing new concepts of justice:*

Women sexual violence survivors seeking healing and justice

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## AUTHORS

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Justice and healing are closely linked. A strong sense of injustice can hinder healing. In the context of Hong Kong, and likely in many other places, where the legal system is seen as the only means for achieving justice, and legal/criminal justice is upheld as the only concept of justice, many survivors of sexual violence are left with few options for healing redress. Expanding concepts of justice beyond those rooted in criminal law systems may increase the possibilities for healing. This project describes one such collective process, enabling Chinese women who have experienced sexual violence to move from single story testimonies of harm done, to double story testimonies that include the responses, skills and values of survivors. The process involved richly acknowledging the multiple injustices and effects of these injustices, developing a storyline of surviving injustices including the steps taken by women to 'break the secrecy' and 'not pursuing any further' in the legal system, and creating a forum of narrative justice. It was acknowledged that justice can be achieved in multiple ways, in the social and in people's eyes and judgment, which may have historic cultural resonances.

*Social justice, Sexual violence, Chinese women, collective practice, Hong Kong*

Understandings of justice differ between traditions and cultures, and are socially constructed through differing discourses of civil and religious laws and diverse moral codes. In the context of current-day Hong Kong, the dominant notion of justice is that of retributive justice. It is this form of justice that is written in civil law and exercised through the legal system. This system, however, is not neutral in its operations or effects. Modern court systems have been criticised for privileging those who have power to influence proceedings and can afford to pay the high cost of hiring the most skilled legal professionals to defend and protect their interests (Brodie, 2002; Costa & Zolo, 2007; Munger, 2004). The criminal justice system is particularly disadvantageous for the survivors of sexual violence (ACSVAV, January 2012). The percentage of sexual violence survivors who ever experience 'justice' through the formal legal system is minute. According to Hong Kong Security Bureau figures, 49.7% cases each year on average among reported rape cases in the decade leading up to 2011 were pursued by prosecutors out of which only 37% were consequently convicted (Lau, 24 Feb 2013). What is more, since international crime victimisation studies suggest most rapes are not reported to police, the proportion that enter the legal system at all is tiny. For those who do pursue legal recourse, many are disappointed by the process and the outcome. Not only do they suffer further by experiencing a lack of justice in the justice system, they may also blame themselves for not being able to put the perpetrators into jail. In these situations, a sense of a failed identity multiplies the initial suffering caused by the sexual violence. What's more, many survivors of sexual violence have spoken out about the negative effects of the adversarial legal system, which can include secondary victimisation. All too often, it is not only the sexual violence itself that harms survivors, but the responses of community systems result in secondary trauma (Ahrens, 2006; Campbell, 1998, 2005). For many survivors of sexual violence there is a strong feeling of injustice which can at times be overwhelming and can hinder healing.

In 2010, I (Hung Suet-lin) conducted a collective narrative practice (Denborough, 2008) project with women survivors of sexual violence in the Chinese community of Hong Kong (Hung, 2011a; 2011b). During this first project, there were common themes in the experiences and stories of five women survivors who had not been able to experience justice through the legal system. There was strong anger expressed against the perpetrators and also serious self-blaming. The anger related to the women's inability to put the perpetrators into jail in order to punish them for their wrongdoings. The self-blaming related to their inability to behave 'properly' in encounters with the legal system, including the police, the court and also other legal institutions. During our group discussions, it became clear that there was a strong link between women's search for justice and their efforts to recover from the primary and secondary trauma of sexual violence.

Take for instance, Fanny's<sup>1</sup> experience. In our initial meetings, Fanny described how she thought that she was useless because she had failed to present well in the court and that this had resulted in the release of the perpetrator. Fanny said she had failed all those who had helped her in the legal process, including the police officers, counsellors and lawyers. She often compared herself with Margaret, another group member, who was raped

by her ex-boyfriend, but he was imprisoned. Near the end of the group sessions, however, Margaret shared that her ex-boyfriend has successfully applied for legal aid to submit an appeal. Margaret was going to be required to present once again in court. In our group discussions it became obvious that women's efforts to reclaim their lives from the effects of sexual violence are inextricably linked with efforts of seeking justice.

In our first project together (Hung, 2011b), Fanny and Margaret produced the following letter which I will reproduce here:

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## TO YOU WHO ARE STRIVING FOR 'JUSTICE'

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Here are a number of 'tips' shared by those who have gone through court:

- Report to the police as soon as possible after the violent incident.

Before appearing in court:

- Feeling unsafe and uncertain is normal and expected.
- Talk to those who have had similar experiences and social workers to understand more about the court situation.

When appearing in court:

- Never admit your weaknesses to prevent queries on your personal integrity by the defendant.
- Always stick to the statement that was given, because in telling more you will be challenged.
- Understand that there will be many questions that you are unprepared to answer, or which are also not easy to answer. Face them with calmness and wisdom.

Whether you succeed or fail to convict the perpetrator, what you have done has expressed your dissatisfaction and your strong will to seek 'Justice'. You are also providing powerful support to other women, because if all women were controlled by 'Uselessness', 'Shame', 'My fault', 'Guilt', 'My responsibility', and 'Self-hate', the perpetrators would be able to get away with what they did, and continue to abuse other women, and society will continue to individualise sexual violence, and consider that it is the 'fault' of individual women, thus hiding the fact that it has always been society which has let this happen. (Hung, 2011b, pp.21-22).

In early 2011, I (Hung Suet Lin) heard David Denborough and Cheryl White share ideas about 'narrative justice' and their determination to explore ways in which healing and justice can go together. They spoke of how they had been challenged and inspired by their work with Ibuka: the national genocide survivors association of Rwanda (see Denborough, 2010). Their ideas about healing and justice caught my attention and I decided to conduct a second project with women survivors of sexual violence to try to put them into practice. This project was conducted in collaboration with RainLily, a one-stop crisis support service in Hong Kong for women who experience sexual violence (see: [www.rainlily.rapecrisiscentre.org.hk](http://www.rainlily.rapecrisiscentre.org.hk)). We held eight group sessions with four women participants.

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## STORIES OF PARTICIPANTS

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Margaret was raped by her ex-boyfriend who was convicted and put into jail. After being imprisoned for about a year, he managed to solicit legal assistance service to submit an appeal. Margaret had previously appeared in court two years ago and was asked to appear again for the appeal. After some serious consideration, she rejected the request made by the police to again perform the role of witness. She felt that she could not cope with recalling again every detail of the rape. Afterwards, however, she blamed herself for her inability to persist and for her 'lack of strength' to pursue justice. The police told her that if she did not appear in court as a witness, the perpetrator would definitely walk away. It was obvious that the police placed the responsibility on Margaret to win the case. They also told her that she would fail the police who had made great efforts in the criminal investigation and pursuing the prosecution process. Margaret felt very much indebted to the police and thought that she had failed them. She was a part of the initial project for rape victims mentioned above and she showed a strong interest in taking part in this second project as she was puzzling about her decision to not attend court again.

Alice was working in a restaurant when she was indecently assaulted and sexually harassed by her superior. She filed a complaint to the management, but was victimised. Ten days later, she was fired for some other reason. She reported the indecent assault to the police and was advised to go to the Equal Opportunities Commission. She participated in the mediation sessions as required and the mediation was not successful as the perpetrator denied everything and the representative of the company protected the interest of the perpetrator. The case was completed a few months ago after a one-year process. Alice had a strong feeling of injustice. She felt utterly disappointed with the police and particularly with the Equal Opportunities Commission. She was angry. She had been suffering from a significant amount of stress after the sexual violence incident and felt very afraid whenever she received letters from the Commission. Alice felt that she had tried her best to pursue justice, but had lost hope about actually receiving justice.

Christy, a very young lady, was working part time with a tutorial service centre when she was indecently assaulted and sexually harassed by the 'principal' who is a man in his sixties. The harassment lasted for nearly half a year and there were a number of incidents of indecent assault (involving the touching of private parts of body). She finally made a report to the police after talking to a parent who was a patron of the centre. After giving statements for three whole days, during which she was requested to account in great detail about every incident, she decided to stop and not pursue the case anymore. While giving her statements, she was also asked to 'role play' the incidents with a police woman who performed the role of Christy while Christy played the role of the perpetrator, which made her feel embarrassed, exhausted, frustrated and re-traumatised. Christy felt ashamed, had been blaming herself for her inability to remember all the details and respond to the requests made by the police, and for giving up the pursuit of the legal case.

Bell was sexually assaulted by a Chinese medical doctor near her home. She had been visiting this doctor for a number of years and placed her trust in his professional services. She reported her case to the police and went through the court process. In court, she was shielded by a screen from the perpetrator but could be seen by the public. She felt great shame and injustice for not being able to put the perpetrator into jail. She felt strong anger towards this medical doctor and worry about the safety of other women patients who are not aware of his actions. She, however, did not understand why she felt uneasy whenever she saw the perpetrator and his wife on the street.

These four women were invited to join this project because they had all lost trust in the legal system, shared a strong feeling of injustice, and had been suffering from extreme anger, frustration, and self-blame.

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## THE BEGINNING

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In acknowledging that it is not easy for women who have been receiving individual counselling to take part in a group meeting with strangers, the women were invited to tell a story about their decision to join this group by using the questions adapted from Sach's work (2007)<sup>2</sup>. It was revealed that the women had the following intentions about participating in the group:

- To hear about what has happened to other women
- To share feelings
- To help reduce forms of anger which have been experienced as disturbing/destructive
- To learn more about sexual violence
- To overcome the trauma and difficulties that have been experienced
- To work through the trauma so as to be able to become a counsellor who is able to help those who have experienced sexual violence
- To help reform the systems, e.g. the Equal Opportunities Commission, so that they can do more work to achieve justice
- To help other female sexual violence survivors

It was clear that from the very beginning, these survivors had intentions broader than healing themselves.

During the first session, the women were also invited to describe in detail their experiences after the sexual violence incidents. All of them had reported to the police although the length of time after the incident when this was done varied from a few days to half a year. For two of the women, cases against the perpetrators had been taken to court by the police. All four women shared a strong sense of anger and a determination to contribute to the lives of other women.

They described how joining this project represented a step forward. As Bell shared, 'It is really hard for me to come [to the group]. I feel myself struggling ... But fear cannot help me ... I have to decide ... despite fear and the stress, I have to come. This represents my first step.'

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## RECEIVING, NAMING AND ACKNOWLEDGING MULTIPLE INJUSTICES

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The survivors had never had the opportunity to carefully collectively examine the multiple injustices that they had experienced. In our second group session, the women began to speak in detail about the different forms of injustice they had endured. These were richly described and acknowledged.

The injustices involved in sexual violence

The survivors could clearly define the injustices of sexual violence. For some of the women there was the injustice of physical force. There was also inequality in the social status between the perpetrators and themselves, e.g. employer and employee, school principal and staff, manager and cashier. The women named the actions of the senior men as abuses of power. These realms of injustices had been previously spoken about in individual counselling and group meetings. They were acknowledged again in our second group meeting.

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## INJUSTICES IN PEOPLE'S RESPONSES

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Moreover, the women spoke about how individuals in higher positions defended the interests of the perpetrators when the complaints were made. Not only was there an obvious abuse of power initially, further abuses of power continued throughout the search for justice. Due to the high social status of the perpetrators as compared to that of the survivors, the women were doubted when revealing what had happened to them. The victims were also challenged for not rejecting or stopping the perpetrators' actions. It was not understood that it is not possible for one to respond in such ways when in great fear.

The women also acknowledged that the perpetrators insulted the survivors when they protested against the harassment, as in the experience of Christy. For instance, the principal of the tutorial service centre suggested that Christy had filed a complaint in order to retaliate for not being paid well for her job. He also behaved as if nothing had happened after the incidents. This lack of acknowledgement, insult, and undermining of the credibility of the survivor were seen as further forms of injustice.

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## INJUSTICE IN THE DISTRIBUTION OF EFFECTS

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The women also noted a significant difference in that the perpetrators were not harmed in any way and could lead normal lives while the survivors had been suffering from much stress and anger since the violence took place. They named this as a further realm of injustice.

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## INJUSTICES IN THE RESPONSE OF THE POLICE

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The process of reporting to the police was very richly described. There were many aspects of the police response that the women related to secondary injustice. These included:

- Having to repeatedly recount the incidents. It took a long time for the statements to be taken and this was conducted by different police staff which resulted in the details having to be told and re-told and re-told.
- Being queried by the police.
- Feeling that their stories were doubted.
- The police not expressing any position.
- Experiencing long waiting times in the police station.
- Not being informed about their rights as a citizen during the giving of statements.
- Having to accommodate the work schedule of the police officer who was responsible for the case (for example receiving phone calls at midnight when the police officer had night duties).
- Never having the procedures explained and not having any say in these processes or procedures. The police had full power and control over the situation and the women were subjected to this power.

As a result of this, the women were intimidated and this resulted in many instances whereby the women did not 'dare' to do something, including asking for food, or to go to the washroom, or to make phone calls, or to ask about the procedures, or refuse to respond, or request the police officer to type faster, or express feelings of embarrassment, or even to sit down.<sup>3</sup>

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## UNFAIRNESS AND DIFFICULTY IN THE COURT PROCESS

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Both Margaret and Bell acted as witnesses in court and considered that the process had been unfair. On the one hand, the defendants had lawyers to protect them and the right to appeal against the sentence; on the other hand, the survivors/witnesses received little protection and were not even given a shield to protect them from the public.

Margaret and Bell recalled that they were in great fear while waiting. It was a great fear for Bell to see the wife of the perpetrator in the audience. Bell also greatly suffered from the lies and accusations made by the defendant's lawyer. For both of them, there were many instances where they did not 'dare' to do something, such as request a screen between the witness and the accused, or a screen between the witness and the public gallery. They felt that they were being kept in the dark because they were not allowed to listen to the statement of the perpetrator. Moreover, they had to follow the schedule of the court and could not refuse to attend court once the court procedures started.

Bell recalled that she was very reluctant to attend court because at that time, her father was seriously ill. 'I didn't want to go because my dad was nearly [dying] ... my heart was heavy but it was time to attend court ... I could not tell my family members. My elder brother asked me what I was doing and I told a lie. It was really hard. I blamed myself for not being able to accompany my dad during his last few days ... I nearly broke down.' As Bell spoke about this, feelings of helplessness and powerlessness were strong.

Alice had a long struggle throughout the procedures conducted by the Equal Opportunities Commission. She shared that the staff did not try to find out what had happened and were totally apathetic. When the commission requested for mediation, the mediator was not friendly. In fact, Alice thought that the mediator, who often declared his position as neutral, was de facto helping the perpetrator: Alice had a strong feeling that the officials did not believe her and they made her feel that she was causing trouble.

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## THE EFFECTS OF THESE INJUSTICES

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The effects of these injustices have been multi-layered. The women described how they have led to further harm, such as self-blaming, regret, anger, feeling powerless and great stress. Christy was particularly angry about the responses from the police, 'It is obvious that he (the perpetrator) had done something wrong, he is the one who sexually harassed me. Why do I need to suffer, and be "attacked" by the police?'

Some of the effects of these multiple injustices have included:

- I have blamed myself for stupidity, for my inability to recount every detail of the process in the sexual violence. I have blamed myself for my inability to meet the standard of 'a competent victim'. I came to believe I had not performed well as a victim.
- I came to regret reporting to the police.
- I have felt helpless for not being able to continue to pursue the case.
- I have felt hopeless for not having achieved anything.
- Some of us have experienced great anger at ourselves, the perpetrators, police, Equal Opportunities Commission and the court.

The women also spoke of embarrassment, shame, suffering from insomnia, loss of appetite, and suicidal thoughts.

Margaret felt strongly that she was treated unfairly. She used the metaphor of 'imprisonment' to describe her own experience. She repeatedly asked, 'Why have I sentenced myself to be convicted? I feel as my life is imprisoned.'

The women's relations with other people and social institutions have also been affected. This has included losing trust in systems such as the police, Equal Opportunities Commission and court. Their experiences led them to realise that the legal system has been established by and for the rich. They could see how the perpetrators had made use of legal services to protect their interests. Ultimately, the women's belief in legal justice had been challenged. They had been left with a strong feeling of injustice, and concluded that there is no justice in the world.

By naming the multiple injustices experienced by the women, including their interactions with the different community systems, and by richly describing the effects of these injustices including experiences of guilt, self-blaming, self-recrimination, this session was like a ceremonial acknowledgement of all that the women had endured until this point. Having richly acknowledged this storyline of injustice, we now turned in a different direction.

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## A SECOND STORYLINE: WOMEN'S STORIES OF SURVIVING INJUSTICES

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While the women were speaking of the injustices they had experienced with the community systems, I (Hung Suet-lin) was aware of the length of time they had been suffering. As they spoke, I listened for what the women gave value to. I listened for self-transcending ideals that were implicit within their expressions of anguish (White, 2000, Denborough, 2010). I listened for what actions had these women been taking, that were in accordance with what they give value to, despite the suffering they were enduring. I listened for these in the hope that between us we might as a group find ways of 'doing justice' to these values and to these actions. It gradually became clear that there were two sorts of actions involved in surviving the injustices: breaking the 'secrecy' and 'not pursuing any further' with the legal justice system.

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## BREAKING THE 'SECRECY'

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In acknowledging that it is not at all easy to stand up against the perpetrator after experiencing the trauma of sexual violence, we explored in some detail how these women had defeated 'secrecy' and had spoken out. In order to fully appreciate the significance of 'breaking the secrecy', we needed first to acknowledge the power of 'secrecy' and what supports it. A number of 'secrecy factors' were identified, including the higher social status of the perpetrators, their strong social reputation, their image of being a good person, the relationship with the perpetrator (friend, superior, medical doctor, or colleague), not knowing what to do when sexual violence happened and the knowledge that no-one will believe you if you do speak out. We also discussed the impact that 'secrecy' had had upon them. The women described that secrecy had contributed to 'an increasing anger', 'fear', 'not being able to concentrate', and 'hiding what had happened from others'.

So how did each of the women 'break the secrecy'? We spent time in the group unpacking the steps taken by each woman. Each of the survivors was able to remember those who made it possible for them to defeat 'secrecy'. Margaret spoke to a long-term friend a week after the incident. Alice talked to a colleague at her workplace, while Christy approached a parent who used the services of the tutorial service centre where she was an employee. Bell told her psychiatrist about the incident. These people were trusted individuals and they each encouraged the women to report the incidents to the police. The women were also clear that 'breaking the secrecy' was due to strong feelings they had after being insulted, shamed and bullied. Breaking the secrecy was shaped by the intention to protect oneself from psychological hurt, a refusal to allow the perpetrator get away with his wrongdoings, and a determination to prevent the perpetrator from hurting other women. Breaking the secrecy by



first telling an individual and then going public by reporting to the police was an achievement that involved deliberate skills, actions and responses. The intentions, values, hopes and dreams implicit within the women's tremendous effort to break the 'secrecy' were named and acknowledged.

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## 'NOT PURSUING ANY FURTHER'

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Three of the women participating in the project shared an identity of failure due to their decisions to 'give up' pursuing the legal process. Christy gave up the pursuit of her case after giving statements to the police for three days. Alice decided not to pursue her case with the district court after the Equal Opportunities Commission closed her case one year after the incident. Margaret had just turned down a request from the police to attend court for her ex-boyfriend's appeal. Since these decisions, each of the women had been blaming themselves for not persisting. I (Hung Suet-lin) therefore decided to explore their intentions behind 'not pursuing any further'.

The women made the following statements:

- Having tried my best, I don't want to subject myself to further pain.
- I stopped out of loving myself.
- There is no justice in the legal system. It is the legal system that failed.
- It is not a failure of mine.

Through this conversation, when the decision-making process and the considerations were richly described, the women differentiated between the pursuit of justice within the legal system from the pursuit of justice itself. By clearly concluding that it was the legal system that had failed, not the survivors, they were also indicating particular understandings about justice. I took the opportunity to ask them more questions about what had led them to pursue legal recourse in the first place.

In considering this, the women echoed sentiments that they had mentioned in relation to their decision to join this project. They spoke of preserving one's dignity, preventing other women from being harassed, stopping the perpetrator from harming others, and subjecting the perpetrators to legal sanction.

We eventually focused our attention on two particular shared ideals:

- ensuring some retribution for one's wrongdoings (making those who deserved punishment receive a reprimand), and
- protecting other women from sexual violence.

The women were then invited to tell stories about the social histories of these two shared ideals in their own lives. Where did these ideas about justice and protection come from? Who in your life shares these values? Who will not be surprised when he/she/they hear what you are saying about your values and intentions? How have you sustained these ideals despite ongoing injustices?

Margaret recalled that her first experience with injustice was in her family. Her parents did not treat sons and daughters the

same way and Margaret was fiercely scolded when she spoke up against her parents. She would hide and cry. She went on to describe how she was bullied by classmates when she was in secondary school. The feeling of injustice has been with her for many years, but one day she saw a bus driver fiercely scolding a passenger, and she bravely asked the driver to stop. She also often feels that she must intervene in incidents that are unjust. Alice also traced the history of these ideals to her original family. There was also gender injustice with her parents who favoured sons. She resisted the situation by moving away from home after she got a job. She often challenges her superiors at work in order to protect herself and also other colleagues. In this way, we began to unearth storylines of resistance to injustice, storylines that relate to the conceptions of justice that each of the women hold precious.

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## FORMS OF JUSTICE ACHIEVED

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At this point, the women were each invited to describe in significant detail the experiences of perpetrators after the women had taken action to report the incidents to the police. The rich narration about the parallel process of what was happening to the survivors on the one hand, and the perpetrators on the other, revealed that even though the perpetrators were not convicted or jailed, they had paid a great cost for their wrongdoings. Each of the women had heard stories about the experiences of the perpetrators that had informed them that the men had experienced great stress and were fearful of the possible consequences. The perpetrators had been 'punished' by the legal process in certain ways, including being called upon by the police to give statements from time to time, being investigated, arrested, prosecuted and brought to court, all of which had significant effects, including embarrassment and social shame. The women described that the perpetrators had a 'black spot' in their lives since the women had gone public and their social reputations had been damaged.

Bell and Christy could imagine that the perpetrators might have been scolded by their wives and that there would have been a lot of quarrels in their families. The family relationships could have deteriorated and their images in the eyes of their children may have been degraded. With regards to Bell's case, there were reports in the newspapers which revealed the perpetrator's full name and photographs of him were taken outside court. This had caused him great shame and everyone around him knew it. He had lost face. Bell also knew that his business as a Chinese medical doctor had been adversely affected. Christy had been informed that the physical health of the 'principal' had deteriorated and he had been seriously ill. He had to ask his friends to write to the court to plead for mercy. He too had lost face and his reputation as a good man was ruined.

In identifying the costs to the perpetrators, the intention of these women was not to celebrate retaliation. Instead, when asked about these impacts on the perpetrators, the women clearly stated that they believed these effects were important because, as a result, these men would never harass other women. It was clear that the primary intention of the women was to protect other women from sexual violence. The fact that their actions would now contribute to deterring the men from further sexual violence was acknowledged and honoured as a significant

achievement. Their acts of pursuing justice in the legal system were not for nothing.

While the limitations, absurdities and injustices of the legal system had become clear, it was also becoming apparent that justice can be achieved in multiple ways. There is also a form of justice in the social, in people's eyes and judgement, and this may be particularly true in Chinese culture. When the women were asked what other people would say if they heard about their experiences of being sexually assaulted and the ways that they have been treated by the legal system, the women showed confidence in saying that many people are on their side and would blame the perpetrators for their wrongdoing. I also asked what people would say if they knew about the amount of effort that the survivors have put into pursuing legal justice. The women suggested that others would find them brave, smart and daring, and that people would support their endeavours to seek justice.

By this stage of the project, the women were describing themselves in ways that were quite different from when they joined the group. For example, Alice now described herself as 'an Alice who persists under stress and clearly knows what is right and wrong'. Margaret's description was 'a woman who will make a voice for herself and pursue justice, and who is not being controlled by others'. The group conversations had created room for new preferred identity descriptions, shaped by shared ideals and commitments.

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## CREATING A FORUM FOR 'NARRATIVE JUSTICE'

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In June 2012, David Denborough visited Hong Kong to conduct a workshop on collective narrative practice. The workshop also served as a forum for 'narrative justice'. I (Hung Suet-lin) shared the stories of the sexual violence survivors with the workshop participants who were social workers, counsellors and therapists in Hong Kong, and they then wrote message to the survivors about what stood out to them after listening to their stories.

Following this workshop, each of the women survivors and their RainLily counsellors were invited to a specially organised ceremony. This ceremony followed the steps of telling, re-telling, and re-telling of the re-tellings (White, 2007).

### **The telling**

In the initial telling, the four women survivors shared the injustices that they had experienced, including those caused by sexual violence and the responses of the community systems. They spoke of their intentions that guided them in breaking the 'secrecy' and also in 'not pursuing any further'. The value of making their tremendous efforts through the legal system and carrying on their shared ideals were also told.

### **The re-telling**

During the re-telling, the counsellors were invited to share what particularly stood out for them when they heard about the women's stories, how this resonated in their own lives, and how these stories might contribute to their work as counsellors as well as what they might offer to others in similar circumstances.

After this, eleven short letters collected from the workshop participants were read aloud. Here are some examples:

*'Your sharing has moved me. Giving up prosecution is not failure because you have tried your best to fight for justice. It is only the system that lacks justice. It is because you love yourself that you have given up the opportunity to further hurt yourself. I have had similar experiences of being unjustly treated and I gave up protesting during the final stage. Sometimes, I cannot forgive myself. From your sharing, however, I know that you understand that the problem lies with the system but not yourself. If you persist in efforts to confront the system it will bring you harm. You therefore choose not to continue. We can face it without blaming ourselves! Thanks for your sharing which gave me release. I do not feel guilty nor blame myself anymore for not persisting! Let's start our new journey of life which can be exciting! Thanks to you all!'*

*'What stood out to me in your stories is that, even though you have experienced pain, you still choose to trust in others by sharing your experiences. This reminds me of a workmate who told me that she had been sexually abused during childhood. I am the first person to whom she disclosed about the incident. I felt her pain and I thank her for placing her trust in me. I experience this as the deepest form of trust between people.'*

*'Your stories are impressive and moving. You are courageous to stand out for the dignity that you deserve. This reminds me of the many young women that I have encountered in my work who were sexually abused. Sometimes they tell me they have given up on themselves by having casual sex and hurting themselves further by various means. Your stories remind me on how I can walk this journey together with them. Most importantly, I would like to thank you for your bravery and persistence. The result is not the most significant aspect, but the love of oneself and for voicing out. This will encourage young women with similar experiences. Thank you very much.'*

*'What touched me is the insistence and bravery of these women and their seeking for justice. It is very brave of them to report to the police and stand in court. They won their 'cases' already through their voices. I have an image of them running forward forcefully, getting rid of obstacles in their ways. Even though they may fall down, bleed and cry, they are still heading towards justice. Their stories tell me about different concepts of justice. I wish to bring these concepts of justice to my counselling work. I have encountered a lot of women who are suffering from sexual violence and I hope that these concepts of justice could help them further.'*

*'In contemporary societies, social institutions often define what 'truth' is for us but it may not be true. This project allows me to see the possibility of having alternative voices and concepts of 'justice'. Justice is not necessarily defined by institutions but in people's values. I hope to have more opportunities and space for those who are in social suffering to seek for justice and re-evaluate their worth and dignity.'*

*'Thanks for sharing the stories and experiences of the four women. What moved me most is 'loving oneself' and 'giving up opportunities to hurt oneself'. Even though I am a male social worker, I handle cases with young women who are suffering from sexual violence. I am going to share your stories with them; the significance of loving and nurturing oneself. Thank you.'*

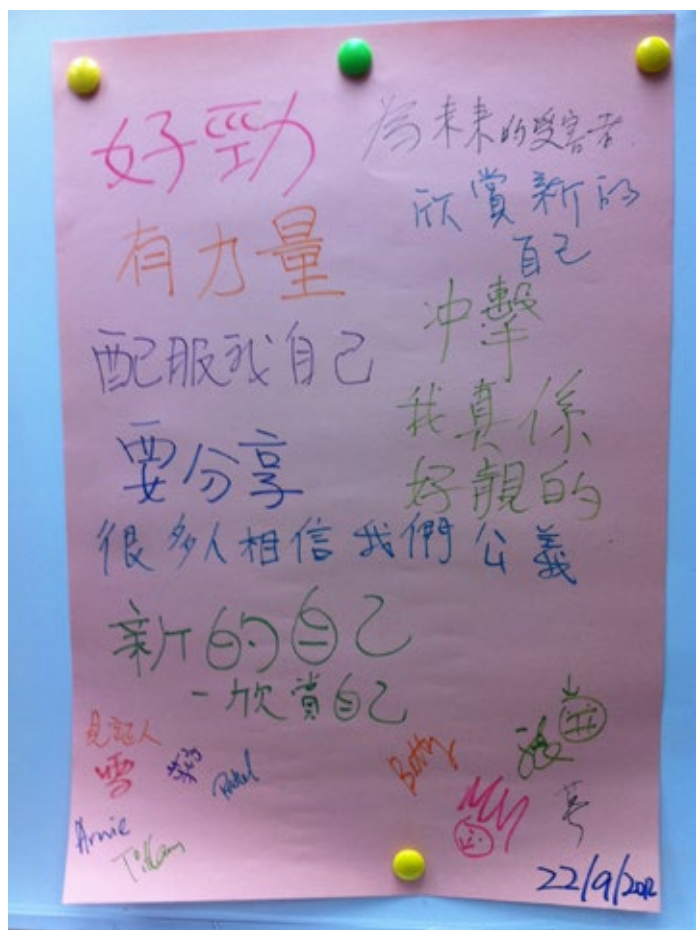
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## THE RE-TELLING OF THE RE-TELLING

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The survivors were then invited to share what particularly stood out for them when they heard the counsellors' responses and the letters, how these resonated in their own lives, and how these stories might contribute to them and to others in similar circumstances.

Finally, all the women including the survivors, counsellors and myself (Hung Suet-lin) signed together a large piece of paper on which we wrote our preferred identities, and future steps which we are all committed to take.



Through this definitional ceremony (Myerhoff, 1986; White, 2007), the injustices experienced by the women survivors were publicly acknowledged; the values and commitments of the survivors to care for and protect others and to contribute to the lives of other women were honoured; and the women experienced that their stories have touched the lives of others in significant ways. This forum (unlike the courtroom) did justice to what is most important to the women survivors. It can therefore be considered a 'forum of narrative justice'.

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## UNEARTHING NEW CONCEPTS OF JUSTICE

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If we recognise that systems of criminal justice are doing injustice to those who meet with us, including the survivors of sexual violence, then it is up to us to provide opportunities for 'doing justice' to their experiences and stories. This project describes one such collective process, enabling survivors to move from single story testimonies of harm done, to double-story testimonies that include the responses, skills and values of survivors (Denborough, 2008).

Justice and healing are closely linked. A strong sense of injustice can hinder healing. In the context of Hong Kong, and likely in many other places where the legal system is seen as the only means for achieving justice, and legal/criminal justice is upheld as the only concept of justice, it is not surprising that so many survivors of sexual violence are left with few options for healing redress. Expanding concepts of justice beyond those rooted in criminal law systems may increase the possibilities for healing. It may also enable the honouring and recuperating of diverse cultural concepts.

Even within western legal systems, there are multiple purposes of sentencing within criminal law, including retribution, deterrence, rehabilitation, incapacitation, reparation and denunciation (Demleitner, et al., 2004). Many of these resonate with traditional Chinese cultural concepts. Here in Hong Kong, punishment, usually in the form of imprisonment, is considered a righteous consequence. Such understandings echo with traditional Chinese notions of justice which see 'retaliation' as 'heaven's rule' [tianli] (the karmic law that those who committed hurt and damage to others will get their punishment). But the meaning of 'retaliation' within traditional culture is far broader than that which is considered within legal terms. In my understanding, 'heaven's rule' looks beyond legal consequences to include any negative consequences in terms of social, psychological, spiritual or economic costs which are perceived as the price of wrongdoings. The belief in 'heaven's rule' serves to deter people from harming others and therefore protects the vulnerable from people with power. Acknowledging and building upon these alternative concepts of justice can be significant in our work as counsellors. In this project, Alice, who holds a belief in 'heaven's rule', realised that a form of justice had been achieved by putting the perpetrator into a position of fear when facing the investigation by the Equal Opportunities Commission. As we seek to create forums of narrative justice, we may unearth new concepts of justice. We may also find that these have historic cultural resonances.



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FINALLY, the authors would like to acknowledge the feedback offered by Mary Heath on an earlier version of this paper.

- From Shirley

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## NOTES

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1. The names used in this paper are pseudonyms.
2. These questions were: What are the hopes and dreams that led you here? Tell us a story about your decision to be here. What kind of a step was this, to come to the group? What are your intentions for coming to the group? What does taking this step say about what is important in your life?
3. Similar experiences are reported in studies in Australia and England as well (Lievore, 2005; NSW Department of Women, 1996).
4. To read of accounts of other women's reasons for deciding to discontinue involvement with criminal justice processes see Lievore (2005) and Kelly, Lovett & Regan (2005).

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