

"A top-notch entry into the burgeoning incarceration debate."

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# UNTIL WE RECKON

VIOLENCE,  
MASS INCARCERATION,  
AND  
A ROAD TO REPAIR

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aspects of our responses to harm: our desire for people to suffer and our desire for people to change. When those desires are in conflict, retribution always chooses suffering at the expense of change. This is not just about a trade-off in values, though. Prioritizing suffering over change becomes even more difficult to defend when we understand that the pain the state inflicts all too often makes it more likely that others will suffer, and this means the state is knowingly engaging in a form of punishment that has been demonstrated to diminish safety and to generate future pain. That is not what government is for.

But there is another option. It involves remembering that whatever moral basis for retribution exists does not lie in some inherent value of causing pain. Rather, it lies in the inherent value of what and who was disregarded in the crime. This means the moral requirement is not simply to convey our collective disapproval of the harmful act, which is always only a negative gesture, but even more so, to convey positively our respect for what that act damaged. Doing so demands that we do not just judge the person who caused harm, we value the person who was hurt; we do not just judge violence, we value safety and dignity. So the issue is not just how we show our condemnation, but how we affirm unequivocally and powerfully the importance of what was violated—without destroying the person who violated it. Seeking to express this affirmation socially and structurally points us in a different direction than simple retribution (not coincidentally, one that crime survivors point to as well): it points us toward accountability.

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## In Praise of Accountability

For all the faults of prison—the dehumanization, the prevalence of violence, the human and financial cost, the impracticality, the collateral consequences, the impact on families and other loved ones—it has another flaw that is rarely talked about: prison is a poor vehicle for accountability. This may sound strange in a country that has equated punishment and accountability, but the two are not the same.

When it comes down to it, being punished requires only that people sustain the suffering imposed for their transgression. It is passive. All one has to do to be punished is not to escape. It requires neither agency nor dignity, nor does it require work. It is undeniable that we as a country are tough on crime—particularly if we use the word “toughness” to signify acts of aggression. But in essential ways, prison lets people off the hook. No one in prison is required to face the human impacts of what they have done, to come face to face with the people whose lives are changed as a result of their decisions, to own their responsibility for those decisions and the pain they have caused, and to do the extraordinarily hard work of answering for that pain and becoming someone who will not commit that harm again. While incarcerated, people are brutalized, but they are also systematically protected and excused from all of those human burdens. Prisons render the most important kinds of human reckoning nearly impossible.

It is my belief that when we hurt people, we owe something, and one of the things we owe is to face what we have done. In that sense, when it comes to demanding that those who have committed wrongdoing pay that debt, there is nowhere softer on crime than prison. Our criminal justice system at once inflicts harms in ways that are inconsistent with human dignity and safety and, at the same time, is built precisely to excuse people from the obligations that *do* arise from hurting people.

When I was in my early twenties, I was teaching creative writing in a federal prison (with all the passion, commitment, hubris, and entitlement of a young white woman committed to changing the world). While I was there, I did something that I learned later is a widely recognized faux pas: I asked everyone what they did to get locked up. And the answers I got were explanations like: *I caught a case. I got hit with . . . I got slammed for . . . The DA did this . . . My lawyer did that . . . This snitch . . .* All of the answers were in passive tense; none exhibited real agency. It took until what might have been the one-hundredth person I asked before I got a response in the simple past tense: *I killed a man*. And it was when the man said that in no uncertain terms that I noticed the passivity and lack of responsibility in all of the other answers I had heard.

That is not because the people I asked were bad people. It is not even because they were not remorseful. It is because the criminal justice system is like kryptonite to accountability. If you are among the people who get caught for what you do, the one person who is formally on your side is your defense attorney, and the first thing that lawyer tells you to say (if you have an attorney who is good at the job) is “not guilty.” So from the outset, those who have your interest at heart, those who see your humanity more than others do, those who have heard your whole story, stand on the side of denial. And then the process continues until, almost invariably in our system, you take a plea.<sup>1</sup> Almost invariably, this plea will be to something other than what you did—usually something less, though at times

something more or just different. For instance, if you robbed someone and made a bargain with the prosecutor, you might take a plea to attempted robbery, even though you did more than attempt it. Similarly, if you and a friend robbed someone and your friend had a gun you did not know he had, you might take a plea to armed robbery, even though the gun was not yours and was never in your possession. You allocute—meaning that you describe in court what and when you did what you are admitting to—and the content of that is dictated not by what occurred, but by what your attorney instructs you to say, given the parameters of the plea you have negotiated.

And then you go to prison, where virtually no one talks to you about your crime—not the corrections staff, not the other incarcerated people, often not even your family on the phone or during visits. You may choose, in that context, to maintain your innocence. At the very least, you may deny or minimize or just obscure your guilt. And then you come home. And you have been supported to feel a lot of things, but remorse may not be primary among them. And when it is not, people see that in you—the way in which you are not fully settled in your responsibility—and they think you did not get it, that you should have served more time, that the sentence was not long enough to “teach you a lesson.” And though that assumption is fundamentally flawed, their notion that something was missing is accurate.

For all the ravages of prison, it insulates people from the human impact of what they have done. While it is my belief that the people who commit harm do not belong in cages, should not be beaten, should not be sexually assaulted, should not be separated from everyone they have ever loved, it is also my belief that if we hurt someone, we have an obligation to face that pain, to face the person who felt that pain, to answer their questions, to hear how it affected them and their loved ones, to sit in that fire. That is in part because when we cause harm, we misuse our power, and accounting for harm therefore requires that we invert that

misuse and put our power in service of repair. For all our fierce punitiveness as a nation, we do not require that of people. To the contrary: prison takes away the very power people should be obligated to use to make things right, thus rendering the possibility of repair nearly impossible. In that way, we let people off, and we let them off from exactly the thing the survivors of their crime need most.

It is hard to apprehend the full scope of what we have lost as a nation by allowing punishment to displace accountability. And although no new future ever erases history, we still have the opportunity to reverse that displacement, to reclaim what we have given up and what has been taken from us, and to begin the work of building the accountability-based culture we all deserve.

Often, people who recognize the harms caused by punishment seek to replace it with mercy. While mercy must have a central place in justice, on its own it is not an adequate substitute for punishment. Mercy alone often fails to acknowledge the suffering of those harmed or to take seriously the responsibility of those who caused that pain. That is in part because mercy is not precisely about the people who have caused harm at all—it is about those of us in a position to determine what should happen to them.

This is not an argument against the need for mercy. Mercy is essential. But we must be clear about what mercy is and isn't, and what it can and can't do. Most simply, mercy is "compassion or forbearance shown especially to an offender [sic] or to one subject to one's power."<sup>2</sup> It is, fundamentally, about the choices available to those in a position to punish. As Bryan Stevenson, one of the prophets of our time, teaches us:

There is a strength, a power even, in understanding brokenness, because embracing our brokenness creates a need and desire for mercy, and perhaps a corresponding need to show mercy. When you experience

mercy, you learn things that are hard to learn otherwise. You see things you can't otherwise see; you hear things you can't otherwise hear. You begin to recognize the humanity that resides in each of us.<sup>3</sup>

Mercy is as much about those of us extending it as it is about those who receive it.

Choosing mercy can therefore be a moral and ethical act on the part of a country that is—as we almost certainly must be—obligated to a combination of gentleness and restraint in the face of the harm it has caused through the unjust exercise of its power throughout history. As such, mercy is a requisite element of justice. But mercy fails to replace punishment or constitute justice on its own because it does not include what is required (a) for the person who has been harmed, or (b) on the part of the person who has caused harm. Accountability offers both of these.

Just as mercy requires the right exercise of power on the part of those positioned to punish, accountability requires the right exercise of power on the part of those who have misused their power in causing harm. True accountability is not neutral—it is a set of actions as equal and opposite as possible to the wrongful actions committed by the person who caused harm. It is the active exercise of power in the opposite direction of harm; as such, it is a force for healing.

At its best, accountability completes mercy in generating justice. It does so by meeting a humane restraint of power (on the part of those in the position to punish) with a humane exercise of power in return (on the part of the person who caused harm). Justice, then, exists when all parties exercise their power in a way that is consistent with the humanity of everyone involved and in the interest of the greater good. In the aftermath of violence, mercy plus accountability equals justice.

Those of us who know that our current system of punishment is dehumanizing emphasize that people are more than their

greatest mistakes. We are right to do so. But too often we arrive at that ratio by shrinking our estimation of the harm done; we minimize it so that it appears palpably smaller than the person who caused it. That instinct is wrong, in part because our minimization is often dishonest, and in part because in minimizing the harm, we shrink the space allowed for the pain of the person who survived it, someone who belongs to us, too. Instead, we should acknowledge that even when the harm is great, even when it is massive, the humanity of the person who caused it, even then, is greater. We get the ratio right not by shrinking our estimation of the harm but by growing our estimation of the person who caused it. We are misunderstanding Bryan Stevenson's teaching that "each of us is more than the worst thing we have ever done" if we take it to mean that the harm we have caused is not so big, that it can be explained away, that it can be diminished. That is not the lesson as I understand it. He is not teaching us that the harm is smaller; he is teaching us that we are, each of us, larger: large enough for mercy, and large enough, I would add to his offering, for accountability, too.

Distinguishing accountability from punishment requires a rigorous understanding and shared definition of what accountability means. Accountability requires five key elements: (1) acknowledging responsibility for one's actions; (2) acknowledging the impact of one's actions on others; (3) expressing genuine remorse; (4) taking actions to repair the harm to the degree possible, and guided when feasible by the people harmed, or "doing sorry"; and (5) no longer committing similar harm. Each step has meaning and benefit for the responsible party, for the harmed party, and for the larger community or society. These benefits take work to produce. Unlike punishment, accountability is not passive. Far from it. It is active, rigorous, and demanding of the responsible person's full humanity.

*Step 1: Acknowledging Responsibility  
for One's Actions*

Accountability begins with truth-telling. First, people who caused harm acknowledge what they did and own their responsibility for the choices they made. For the responsible party, this is at once a vulnerable and a powerful process. It is vulnerable in the way honesty is vulnerable: it requires abandoning the wide variety of defenses the person may have previously deployed, including denial, dishonesty, minimization, excuses. In relinquishing those defenses, responsible parties willingly expose themselves to judgment and to the consequences—emotional, interpersonal, and external—arising from that judgment. The escape hatch closes and they place themselves firmly in the space of accountability, where the only way out is through. In court, when responsible parties plead guilty, they are almost always certain what consequences will result: a plea bargain is typically negotiated before people take a guilty plea, so in telling whatever portion of the truth they tell in court, they know precisely what the price will be. The same is not true in an accountability process between people, whether that is a formal restorative justice process or a less structured interpersonal one. Telling the truth is an act of moral integrity, a relinquishing of a certain kind of control, even a leap of faith—and the outcomes that may arise are potentially vast and not yet settled, because it is the process of accountability itself that will determine them. In a culture where we so often associate protection of ourselves and others with secrecy and even deception, and where we have so few models for meaningful accountability, this exposure can be terrifying. Truth-telling trades the relative certainty of denial for the uncertainty of repair. While denial offers no future transformation and repair does, the choice to shift from one to the other is nonetheless often chilling for responsible parties.

Parallel to that vulnerability, which relinquishes one kind of

power, is an equal assumption of a different kind of power. Anything or anyone whose roots are in dishonesty is never firmly planted. To deny our actions, we must deny both the truth and our own agency. We do that mostly because of shame and fear; we are ashamed of what we have done and afraid of the consequences we will face for having done it. In telling the truth, responsible parties stand up to shame and fear in a place of their own power. (Some might call it love.) It is the first step toward embodying the reality that they are more than the thing they have done. This becomes possible because acknowledgment of harm is also an acknowledgment of the responsible person's own agency. They are not passive, not invisible, not absent, not no one or nothing, not only someone to whom something was done. They are someone who did something. And people who did things are people who had—and have—power: the power to make choices and act on those choices. That power is a dimension of the responsible party's humanity, and it is that very same power that they will draw on to make things as right as possible. Someone who did something wrong is also someone who stands to make something right—because those actions draw from the same source. Someone in denial has no pathway to repair. Acknowledgment at once claims and creates one's potential to walk that road.

This truth-telling that marks the inception of accountability is also essential for the survivors of harm. For survivors who have great clarity about what happened to them or their loved ones, the responsible party's denial can feel deeply offensive, enraging, disrespectful, and dishonoring of those harmed. For survivors whose experience of the harm is more muddled, denial can induce all of that and more. It can shake their sense of certainty about what took place, a certainty that is already vulnerable to the distortions in memory caused by trauma itself. In doing so, it can feed their sense of self-blame: if they are sure only about their

own actions but not the other person's, it becomes all too easy to focus on what they themselves did and didn't do.

In the aftermath of harm, survivors need to locate responsibility somewhere. When the person responsible for the harm is denying (or just not openly accepting) their role, it can be common for survivors to assign that responsibility to their own actions. The fuzziness of memory combined with the corrosive effect of self-blame can interfere with survivors' sense of entitlement to healing and can diminish the likelihood that they will talk about what happened to them and seek support to address their pain. At the very least, when responsible parties have not acknowledged what they did, survivors bear the unilateral burden of holding that truth. But when responsible parties tell the truth, they share the burden of holding what happened and validate the survivor's experience. This validation can help eradicate survivors' doubt, minimize or sometimes even eliminate their self-blame, reinforce their sense of reality, and give them a grounded basis for healing. For survivors whose memory of an incident is clouded or interrupted by trauma, the responsible party's recount of what happened can fill gaps in their memory and support them in the process of creating a coherent narrative, one of the most critical bases for recovery and healing.

The truth can also start to answer other questions about *why* what happened happened. So often that *why* is what creates the greatest disruption to a harmed party's sense of meaning, faith, and trust. In offering some clarity about *why*, the responsible party's truth-telling can offer the harmed party a tool to deploy in their effort to rebuild a narrative they can inhabit. This is sometimes true even when responsible parties are not (or not yet) insightful about their actions, and even (for this part of the process) if they are not fully remorseful. Survivors are often extraordinary at metabolizing just about anything into healing.

It is clearly preferable for harmed parties to hear from responsible parties whose truth is untinged by excuses or hate. But even in cases when the truth-telling is ugly, the fact of its honesty can be clarifying and steadying for harmed parties in a way that opens a door to transformation. The truth gives them ground on which to stand as they do the hard labor of healing. That ground need not be a bed of flowers—it need only be solid and real.

When responsible parties acknowledge what they did, they also strengthen the community's capacity to come through that harm. Violence rips something in the social fabric. Since a good society or community is supposed to be capable of shielding people from harm, incidents of violence implicate the society or community as a whole and damage people's trust in its capacity to protect them, its legitimacy as a binding force, and the group's ability to fulfill its responsibility to its members. Mystery or disagreement regarding what happened can make it impossible to fully mend the tear caused by violence. Acts of violence require resolution. When they are not anchored in acknowledgment, that resolution can take a variety of unhealthy and damaging forms. It can take the form of retaliatory or reactionary violence rooted in anger and fear. The resolution can involve the divestment from systems of support and protection—whether those are in family, in community, or with state actors such as law enforcement. It can ossify into a collective story of helplessness, lawlessness, immorality, and the inevitability of arbitrary loss and pain. None of these resolutions includes a pathway to mending.

When a responsible party tells the truth, that pathway is opened. Nothing becomes inevitable—truth-telling is not an act of magic that renders everything as it was or better. Rather, it allows a community to form a collective narrative and response that accurately assigns responsibility (including to actors other than the responsible party) and charts a way forward to repair. That repair may be about returning things to the way they were

as much as possible. Or it may be about identifying forward-looking strategies that address the underlying factors that made violence likely in the first place. Regardless of how a community or society moves forward after harm, the shared basis in truth and responsibility opens a range of options that otherwise continually slip our collective grip.

### *Step 2: Acknowledging the Impact of One's Actions on Others*

If the first part of truth-telling is about people acknowledging what they did, the second is about acknowledging what results those actions caused. While the first opens the floodgates, this part is often the flood. It is hard for any of us to acknowledge and live with the fact that we are someone who has hurt people badly. It is hard to face the pain we have caused honestly and openly. When that pain is not before us, we can underestimate and understate the impact of our choices. We can imagine the effects of our actions were not as bad as we may fear they were, diminish our estimation of how far those consequences reach and how deep they go for those we harmed, and imagine that we only affected the person we hurt directly, without seeing the pain we caused to those they know and love.

We can tell ourselves that things are not all that different because of what we did—that the world was already hard, that pain was already prevalent, that violence was already normal—and that our choices did not do much to change what is real. We can think of times we survived violence, minimize our sense of how bad those were, and tell ourselves a story that others must be fine. Even if we know, as we often do on some level, that what we did must have caused great harm, we can acknowledge that secretly without making our acknowledgment visible to anyone else. We do not have to see someone look at us as we hear them

describe what we have done and search our eyes for an indication of what that information means. We can hide.

In this part of accountability, we give up that unearned right to remain hidden. We listen. When possible, we listen directly to those we harmed. We listen as they describe how they experienced the harm we caused and how we appeared to them in the moments we were at our worst. We listen as they tell us how they felt at the time, how they felt immediately after, how they have felt since. We listen as they tell us the way our choices have reverberated through their lives. We listen to their pain, to their rage (at us), to their disgust (with us), to their sadness, to their fear. We listen to what they have lost—what we took from them—and what they fear they may never get back. We listen to how they are changed, how their sleep and their appetite and their safety and their love are all changed—by us. We listen and we do not explain or deny or correct or diminish what they are saying. We just bear witness to what we have done. And as painful as it is, perhaps even *because* it is painful, that act of witnessing dignifies us in a way the harm we caused diminished our humanity.

It would be hard to overstate how hard that witnessing can be for people who have caused harm. At Common Justice, we worked with a young man who had been involved with a gang since he was no older than eight. He had witnessed all sorts of violence, survived all sorts of violence, committed all sorts of violence for which he had never been caught, and finally he had been arrested for a robbery and assault that landed him in our program. Three months into his time with Common Justice, he sat in a restorative justice process with the young man he beat and robbed, and with the man's mother. They were together for hours and reached agreements about how he could make things as right as possible. When the circle ended and everyone else had left, he turned to me and asked, *Can I stay in your office for a few minutes before I leave?* It was late and the office was closed. I asked him why. He said to me, *I just don't want to go back outside until my*

*hands stop shaking.* This is a young man who I suspect could hold a gun without even a hint of a tremble. He said, *You know, for all I've done and all that's been done to me, I don't know if I've ever heard a real apology before. Do you think I did all right?* I answered, *I think you did great.* And he said: *Pardon my language, that is the scariest shit I ever did.*

In a fundamental way, what is required in acknowledging the impact of our actions can be harder—even scarier—than prison. It is not more violent, not more demeaning, not more debilitating to one's future. It does not expose people to greater degradation or pain. But it does require of people the one thing prison almost never does: facing the people whose lives they've changed, as a full human being who is responsible for the pain of others.

This acknowledgment, as difficult and powerful as it is for the responsible party, can be of great value to those harmed. Just as responsible parties telling the truth about what happened can shift the burden of holding the story from the harmed party alone to the harmed party together with the responsible party and the community, so can responsible parties' acknowledging the impact of their actions more evenly distribute the heavy weight of that burden.

Most often the experience of violence includes the responsible party being indifferent to, appearing indifferent to, or even taking pleasure in the pain they cause the harmed party. In accountability that dynamic is reversed, and the responsible party has to face that pain as someone who sees and experiences it as wrong. The truth that is told in this phase of accountability is not the technical truth of what happened, but rather the moral truth—that the responsible party had no right to hurt the other person, that the harmed party was undeserving of that pain, and that the pain was the responsible party's choice and therefore their fault. And if it was their fault, it was not the harmed party's fault.

That formulation sounds simple, but for survivors, knowing and believing that the pain we survived was not our fault is one of the hardest and most transformative things we can come

to understand as we heal. This recognition of our pain and the responsible party's accountability for it can quiet something in us. For all of the ways we turn that pain inward, it can help quiet our self-blame. And for all of the ways we turn that pain outward, it can help quiet our appetite for revenge.

Some argue that the desire for revenge is a fundamental part of human nature.<sup>4</sup> It is certainly common among those of us who have been harmed. Like its sister, rage, it can have a variety of targets: it can be directed at the person who caused harm, at the people or society who allowed it, even at God. Rage is a more general feeling; revenge is action-oriented. It is the desire to inflict injury of some kind—whether physical, emotional, financial, or otherwise—on the people we perceive as responsible for our pain. We usually seek to inflict an injury we consider comparable to the one we sustained.

While I believe it is in the interest of survivors to move through and past the desire for revenge in time, and though I know that acting on revenge can create pain for everyone involved and fuel cycles of violence, still, I do not believe that the desire for revenge is pathological, unhealthy, or inappropriate. That said, neither the fact that it is none of those things nor the fact that it is common means that it is fundamental to human nature. I do not actually think that it is. Instead, I am persuaded that the emotion that *is* fundamental to human nature is a need for recognition, and that revenge is one form that recognition can take—and in the absence of other options, sometimes it is the only form available.

The desire for revenge typically resides between two people. But the feeling that underlies it is not just about an interpersonal relationship—it is about a loss of and betrayal by community or society as a whole. It is in our nature as people to need to feel connected to something larger. We identify as part of our families, our neighborhoods, our cities, our countries, our faiths, our races, our genders, our political affiliations, our organiza-

tions, our communities, our histories, our ancestors. We are who we are because of those to whom we are connected. The Bantu phrase *ubuntu*, roughly translated as “I am because we are,” names this human quality. When we are part of something, that thing changes us, and when we change, that thing changes, too.

When we survive violence, we are transformed by it. The nature of that change varies widely, but the fact of it is nearly universal. And if we are truly a part of something, if our existence and membership in something larger than ourselves is real and matters, then that change in us should show up somehow in our world. When our pain is not acknowledged, the ways we are changed have no bearing on our world. Everything goes on as it did before. Here we are, fundamentally different than before, and here the world is, exactly the same. That disconnect can feel like unbearable isolation to survivors. As creatures of belonging and of community, it is not our nature as human beings to be so isolated. We fight it. And when what we are fighting is the invisibility and irrelevance of our pain to others, then in our fight we make that pain visible and we make it relevant.

One way we can do that is through revenge. When we enact revenge, the world is different because of what happened to us. Someone who wasn't hurting is hurting now because of us. That difference, ugly and largely unsatisfying as it may be, can feel like an affirmation of our connection and our influence on the larger thing of which we are a part. But though it may be a form of what we need, revenge is not itself the thing we need. It is not more pain that affirms us and quiets the terror and injustice of isolation. What we need is for something in our world to reflect what is different in us. What we need is to be *recognized*. As so many characters in movies say before carrying out retaliatory violence, “You see me now.” Revenge is in part an inescapable demand to be witnessed.

The fundamental human need that can manifest as revenge,

particularly when it is otherwise unmet, is the need for recognition. Recognition affirms our membership in something bigger than ourselves and our importance to that larger group. It affirms that when we are different, so, too, is the world, and in that way recognition combats our isolation and the legitimate terror that accompanies it. When that recognition comes from the responsible person, and especially when it is witnessed by community, it can fulfill the need that underlies the desire for revenge and can, not always but often, release survivors from it.

In serving as a reflection of and contributor to connection in this way, responsible parties' acknowledgment of their actions' impact can form the basis for the mending a community must do in the aftermath of failing to protect one of its members. Just as the responsible party's acknowledgment reflects the interconnectedness of people, the community affirms its potential role in healing that pain and in transforming the conditions that made the pain possible in the first place.

### *Step 3: Expressing Genuine Remorse*

Acknowledging the impact of one's actions does not in itself include recognizing the wrongfulness of those actions. That is where remorse comes in. Remorse is the sense of self-reproach, guilt, or distress arising from the wrongs one has committed. It is an acknowledgment that one was wrong, and at its best, that one is indebted as a result.

Professor Pumla Gobodo-Madikizela, who served on South Africa's Truth and Reconciliation Commission, has described remorse this way:

[Empathy] is why a perpetrator can rise beyond guilt and shame to touch that place of remorse, which is a very vulnerable place. There, a perpetrator has to recognize their own brokenness, because for them to have violated and dehumanized a victim, they had

to dehumanize the self first. They rendered themselves inhuman in order to conduct their terrible deeds.

So remorse is a recognition of deep human brokenness, and it is also the possibility—the place where it becomes possible for the perpetrator to reclaim their rights to belonging in the realm of moral humanity.<sup>5</sup>

In its overall place in the larger process of accountability, the expression of remorse is a critical part of the inversion of power that accountability requires. It is, to put it simply, a way for a responsible party to use his or her power for good. And because it is an exercise of power, it is rooted in agency, which in turn is rooted in the responsible party's persistent and always repairable humanity. It is an act of human grace and of goodness. Or as Gobodo-Madikizela puts it beautifully, "How does the other present their humanity? Through remorse. Remorse is a truly human phenomenon. Remorse cannot be evil."<sup>6</sup>

Remorse belongs to the world of accountability in ways it does not belong to the world of punishment, no matter how much our voracious appetite for punishment compels us to try to fit in there. Central to the problem with punishment is that it is inherently something that is done to us by someone else. One way we can approach being punished is to no longer engage in the behavior that resulted in our punishment. But we can just as easily continue that behavior and merely work to ensure that we are not caught. Forms of punishment that do not include the human reckoning of accountability and the human grappling of remorse rely exclusively on extrinsic motivation—a threat from outside. One of the effects of accountability is to help foster people's intrinsic motivation, which manifests in part as remorse. Intrinsic motivation is always a more reliable driver of positive behavior than anything extrinsic. Because although we can sometimes escape the police, we can never escape ourselves.

The nickname of one of Common Justice's first participants before he came to us was The Enforcer—and not for enforcing

high ethical standards. When he graduated, I was not sure whether he would continue to behave as he had with us or revert to his patterns before he started the program. So I asked him. We were walking back from court, where the felony charges against him had just been dismissed, and I asked, "Now that the threat of prison is no longer hanging over your head, are you just going to go back and do the same stuff you used to do?" He said, "Nah." (He was never much of a talker.) I asked him to be more specific. He looked me straight in the eyes and said, "No. It's just that, you know," and he pointed to his heart, "the judge is in here now."

This young man had done what social workers talk about as shifting from extrinsic to intrinsic motivation—from being driven by a fear of punishment to being driven by his own internal moral compass.<sup>7</sup> Intrinsic motivation has been demonstrated to be a more reliable and durable predictor of positive behavior than is extrinsic motivation, in part because of its inherent legitimacy to the person who experiences it—a legitimacy that can be undermined by external sources of control. As the restorative justice practitioner and teacher Kay Pranis puts it, "The use of authority undermines the development of responsibility and self-regulation."<sup>8</sup> Intrinsically motivated, the responsible party in this case was not motivated just by a desire to stay out of jail, but by wanting to feel at peace with himself, to go to sleep at night with a clear conscience, to be proud, to live in line with his values. He was remorseful. In that remorse, he was answering to himself. And when a person becomes someone who answers to himself, it means that he is never beyond the reach of the force that keeps him living an upright, ethical, and meaningful life.

For people who are harmed, the responsible party's expression of remorse can open more options to them about how they wish to relate to the person who hurt them. If they have been consumed by thinking of the person who hurt them, they can

begin to do so less often and move forward with their lives. If they have been avoiding thinking of the person who hurt them, they can face him or her more directly and turn their attention to that person as the subsequent process of repair ensues; they can sit in their rage toward the person in a way that is reflected back to them by that same person as legitimate; and sometimes, depending on what we mean by the term, they can forgive that person.

Many people regard the expression of remorse, which sometimes manifests as an apology, as the gesture that opens a pathway to forgiveness. For some, remorse is not sufficient, and for others it is not necessary for forgiveness. For some, forgiveness is deeply interpersonal and resides between the harmed and responsible party. For some, it is a deeply spiritual process that lives primarily between the one forgiving and God. For some, it is solely personal and is largely about the forgiver's own release and reconciliation with what was done to them. For some it is highly pragmatic—some of these people have described it as "giving up all hope for a better past." For some it is a combination of these or something else entirely.

In my years doing this work, I have come to think of forgiveness rather simply as relinquishing our desire to see the person who harmed us suffer. I know that forgiveness does not require minimizing or even accepting the harm done; it does not require embracing the other person; though others would disagree, in my view it does not even require no longer being angry. At its most basic, perhaps it just requires separating one's well-being from the other person's suffering. That separation can be based on a profound sense of proximity—whether a literal connection and closeness to the person who caused harm or a broader sense of one's unalterable interdependence. But based on the healing processes I have had the honor to witness, I believe that the separation of well-being from another's suffering can also be based on a sense of distance—a feeling or belief that one will heal on

one's own, in one's own community, without regard for what the responsible person says or does. It is beautiful when forgiveness arises out of intimacy and proximity, but that is not the only time it is beautiful.

If we act on the working definition of forgiveness as relinquishing a desire to see the other suffer, then forgiveness is deeply practical. However convenient it might be if it were otherwise, the truth is that someone else's suffering does not relieve us from our own. If it did, given our unprecedented use of punishment, the United States would be not only the safest nation in human history, but also the most healed. If causing pain relieved our own, then those of us who have hurt people would be steadied and eased by having caused so much suffering. But we are not. Violence begets violence begets violence. When we rely on the infliction of suffering as the solution to our hurt, whether by doing it or longing for it, we remain trapped in that pain, because the remedy we are counting on just will not work. When we break from that reliance, we can begin to pursue other pathways to the recovery and healing we deserve.

Regardless of the relationship remorse does or does not have to forgiveness in any given instance of harm, it is the turning point in the accountability process between the past and the future. The first two steps (acknowledging the actions and acknowledging the impact) are backward-looking and the last two (repairing the harm and never hurting anyone similarly again) are forward-looking. Remorse sits between these steps on either side. It is present and looks straight ahead, into the eyes of those who were harmed, and recognizes the wrongfulness of the actions and the legitimate pain the responsible person feels about the resultant harm.

At its best, remorse also includes acknowledgment of and sorrow about the impact a responsible person's actions had on his or her community or society. When remorse is broadened to include

the larger network of those impacted, the opportunities for repair broaden as well. If the harm is solely interpersonal, all repair will have to happen solely between the people directly involved. But if the harm is broader, then the site of repair may be elsewhere: it may involve the responsible party "paying it forward," fostering the well-being of others who were or could have been harmed by the kind of choices the person made. And when the site of the repair is in the community, then community can join in that repair, and can be mended, too.

*Step 4: "Doing Sorry": Taking Actions to Repair Harm to the Degree Possible, and Guided When Feasible by the People Harmed*

The fourth step of accountability moves us into the future. It is the stage when people who have caused harm engage in the acts of repair to which the combination of their humanity and their actions obligates them. Punishment does not require such acts. Despite what we may assume, the fact that we insulate the people we incarcerate from these obligations is not merciful in any way, because it does not protect them from our power, but rather separates them from theirs.

Our failure to demand that people act on their accountability intensifies the overall dehumanization built into our approach to punishment. We tell our national story about violence and punishment almost as though we are talking about werewolves: *The moon comes out and their claws come out and they ravage people.* When we talk about people who commit violence as monsters (or "superpredators," if you prefer), we often viciously deny them the benefits we afford to people we consider fully human, but we also do not hold them to the obligations to which we hold people whose humanity we do not question. We never ask werewolves why they did what they did, never expect them to account for their choices or make things right. And the only tactics we have

to manage werewolves' behavior are to kill them or put them in a cage. Those are frighteningly similar to the two main options available in our criminal justice system for responding to serious violence.

But it turns out that people who commit violence are not monsters. They are, in fact, fully human. Every one of them. They are not overtaken by the moon; they make choices, even if they are constrained ones. Committing violence is a choice that is rooted in our values, beliefs, expectations, and experiences, and constrained by our contexts. When people are given the opportunity to consider and transform those values, beliefs, expectations and experiences, even within the persistent constraints of harmful or oppressive contexts, they can make different choices. The upside of being fully human is that we can transform. The downside (or what initially may feel like one) is that we are accountable for what we do.

Accountability is not just a feeling. It is a way of behaving. In 2006, when I was planning Common Justice and serving as the deputy director of a program for young men coming home from a jail on Rikers Island, one of the participants asked me what accountability meant. Typically I would have loved this question, but I was busy that day and, admittedly, impatient. I barely looked up from my computer screen and said to him, "Accountability is doing sorry."

While I am not proud of my impatience that day, I think the definition I offered was right. Accountability is not just about *being* or *feeling* sorry—it is about a set of actions that demonstrate remorse in practice. And it is not the feeling of remorse that delivers us from our shame—it is the practice of accountability in action. It is *doing* sorry. That is in part because the inversion of the misuse of power requires not just the absence of negatively used power, but the presence of that person's power positively used.

In processes of repair, including restorative justice ones, that exercise of power is shaped by the acts of witnessing and acknowledgment, but also by the action-oriented agreements reached about how the responsible party can make things as right as possible. These agreements are not commitments to feel or be something—they are commitments to *do* something. The actions may include acknowledgment or restitution to the harmed party, service to the community, or the rigorous development of the responsible party to help ensure that he or she will not commit further harm. It is the completion of these agreements, not merely the formulation of them, that constitutes accountability. After all, we are not dignified by making a promise; we are dignified by keeping it.

Responsible parties know this. Many do not consider forgiving themselves for what they have done until they have fulfilled the promises they made to those they harmed. Time after time, when we ask responsible parties after a restorative justice circle with those they have harmed whether they feel some measure or relief, they tell us that they will feel relieved when—and only when—they have kept the promises they made in that room. For many responsible parties, the scope of commitments they make in these processes can be overwhelming, but nonetheless, they also bring about some measure of calm. That is because the agreements concretize repair in a way that makes clear to responsible parties that such repair is, despite what they feared, possible. Through these processes, they turn the corner, see down the long road to "doing sorry," and know they can walk it.

All too often, when people become persuaded of the value of accountability, they seek to cultivate it in people who have caused harm only by integrating a greater focus on remorse in prisons. This is not what a real understanding of accountability calls for. It is entirely possible to support incarcerated people in developing a deeper sense of responsibility and remorse, and a

number of transformative and principled programs do so. But prison is not built for accountability—not only because of the nature of prison, but because of the nature of accountability.

First, accountability as “doing sorry” requires the right exercise of power, and prison is designed to restrict people’s power—the very power they would be morally obligated to use in the service of repair in a culture based on accountability. But the disconnect between prison and accountability is even more than that. Accountability is multidimensional. A person is not just accountable *for* something, but also *to* someone. That is different from punishment, which is one-dimensional. A person is punished *for* something. Period. Nothing about the person to whom something is owed. In that sense, accountability is about relationship—and prison, based as it is on separation, is antithetical to relationship.

For many harmed parties, the opportunity to shape what repair looks like can be the most transformative part of the accountability process. Trauma is fundamentally about powerlessness, so having the power to direct the future that arises out of the past can contribute significantly to a person’s healing process. Identifying acts of repair can also be the strangest part of the process for harmed parties. In our culture, most violence results in either retaliation (whether on the part of individuals or the state) or nothing. We are not used to getting to define what repair looks like. When one survivor, Ana, was asked what she wanted to see happen as a result of the harm she experienced, she answered, “That’s the strangest question I’ve ever been asked.” Countless others have reacted in the same way. The strangeness of such a seemingly basic and appropriate question reflects a long-standing failure in our country to meet the moral demands of understanding and answering to the needs of people who are harmed. Our failure is particularly damning because of how powerful it can be when we get right the process of seeking and acting on a harmed party’s needs.

During Hanukkah, Ana was on the subway with a group of friends, wishing fellow passengers a joyful holiday and handing out candy. Suddenly, a group of young people began insulting them, claiming that the Jews had killed Jesus, and spitting in the face of one of Ana’s friends. The verbal attack turned physical, and Ana and her friends were badly beaten.

The young man who initiated the attack had another open hate-crime case—for assaulting two black men—and was sentenced to prison. The friends who had played a more minor role in the attack were given probation and community service. Trish, the woman who attacked Ana, was somewhere in between. She didn’t have a prior history committing crimes, but she had hurt Ana seriously—punching her, kicking her, and pulling out her hair. Ana suffered serious trauma symptoms following the attack, and she never rode the trains anymore. The change rippled through every part of her life.

This case came to the attention of Common Justice as a candidate for the restorative justice alternative to incarceration process we offer, and staff reached out to Ana to discuss what support she wanted and whether she was in favor of giving Trish the option to participate in the program. After careful consideration, Ana chose to do so, in part because of the role she would have in shaping the response to what she had survived. Ana wanted Trish to answer for and understand the impact of what she had done, so that she would never hurt anyone else again.

After extensive preparation, Common Justice convened a dialogue with Ana, Trish, and their support people to address the harm done to Ana and identify actions Trish could take to make things as right as possible. The group made quick, solid progress in shaping a wide range of commitments Trish would make—including work, education, apologies, reading assignments, and community service. Then we reached an impasse.

Ana’s hair had fallen out after the incident, both because Trish tore much of it out and because hair loss is a common response

to extreme stress and trauma, so much so that Ana finally had to shave it off. Now Ana wanted Trish to shave her head.

Chapter 4 explores restorative justice processes such as this one in much greater detail. For now, it is important to note that such processes don't allow agreements that are harmful or degrading to the responsible party. In this case, there was disagreement about whether this proposed commitment crossed the line. We took a break to see if we could find common ground. We talked to Ana about what this agreement meant to her. At first she said, "I want her to suffer the way I suffered." And while we empathize deeply with that, we cannot be in the business of replicating the suffering caused by violent crime. Ana added, "But it isn't just that. It's. . . ." She paused. She took a breath. And she said, "Everywhere I go, I think about this girl. When I wake up, I think about her. When I look at myself in the mirror, I think about her. And when I go to touch my head and my long hair is not there, I think about her. And when people tell me my short haircut is cute, I think about her. And when I get on the bus instead of the train, I think about her. And when I wait for the bus and I'm cold, I think about her. And when I go to sleep and can't fall asleep, I think about her. And I dream about her and I wake up and start it all over again. She's everywhere for me. I want to be everywhere for her. *I want to be on top of her head.*"

That, we said, we *can* try to do. We talked for hours, and the agreement that emerged from our conversation was that Trish was not allowed to ride the trains for the next year. Trish lived on the outskirts of Brooklyn, far from her school, the programs she was required to attend, and the job she had to maintain. The agreement we reached required her to stay off the trains and keep a daily journal in which she reflected about how Ana must have felt each day following the attack. At first her entries were short and even a little trite: "I think she felt angry." And "I think she felt mad." But after having to write these reflections day after

day, finally something clicked: "I bet she felt so tired of waking up angry. I bet she was so frustrated that everything changed because of me, because of something she didn't even do, something she didn't even choose, something that wasn't meant for her. I bet she felt so sad because she didn't know if that feeling would ever go away. I bet she hated me for causing her that pain. I bet she hated hating me too."

Trish stayed off the trains. She had to spend two or three times as long getting to places. When her friends all hopped on the subway, she had to decide between making up a fake excuse or telling them the real reason she couldn't ride with them. She had to consider getting on the train, then imagine the possible consequence of doing so (the risk she would be terminated from the program and sentenced to a prison term), then would feel an overwhelming sense of panic and wait for the bus to come. And of course, these are all things Ana had been doing for a year as a result of the trauma Trish caused her.

Before engaging in this process with Trish, Ana experienced symptoms that rose to the level of PTSD, including flashbacks, anxiety, depression, and hypervigilance. She could not feel relaxed or safe anywhere. Within weeks of the dialogue, things changed dramatically for Ana: her symptoms subsided and she regained her ability to move through her life and to feel joy. Years later, Ana told us that the benefit of this process had persisted for her. And Trish kept her word, paying forward the generosity Ana showed her and living a healthy, productive, law-abiding life.

No court would have envisioned—or could have required—the kind of repair Ana imagined for herself. And the agreement she and Trish reached was certainly far from typical. The point of these acts is not that they are logical, though they often are; it is that they are meaningful and useful—to both parties. Harmed parties who get to shape the course of repair choose actions they believe will keep themselves and others safe from

harm. Their sense of power in that process is critical, as is the sense of resolution that many experience when those promises are upheld. Just as many responsible parties cannot envision forgiving themselves until they have kept the promises they made to those they harmed, many harmed parties cannot envision forgiving those who harmed them, feeling closure, or feeling safe until the agreements are fulfilled. As one harmed party put it, "I can't forgive you based on what you say, but I can forgive you based on what you do. That's because people won't be safe based on what you say. They'll be safe based on what you do."

Many harmed parties question the truth of a responsible party's apology or expression of remorse—or question whether that remorse will affect what the person does going forward. They are moved instead by the times when responsible parties fulfill their commitments to obtain and retain employment, when they study for and obtain a GED, when they complete hundreds of hours of community service at a site meaningful to the person harmed, when they pay restitution from the income they have earned at work, or when they speak publicly to younger people to help steer them down a better path. The clarity and objectivity achieved when the responsible party completes agreements gives harmed parties a degree of confidence in the change they are owed that no verbal commitment alone could ever provide.

When responsible parties "do sorry," the benefits accrue not only to the harmed party and to themselves, but to the community as a whole. The acts of repair, at their best, give back to that community and strengthen it from within. Accountability as a set of actions can also satisfy a larger society's need for recognition that its tenets were violated and can go a great distance toward restoring what was lost or damaged because of that violation. The visibility of such repair offers a critical counterbalance to the visibility of harm and its impacts. People in the community need not hope or believe in a difference: they can see it carried out before their eyes.

### *Step 5: No Longer Committing Similar Harm*

It is not easy to become someone who will not commit harm again. Most of us are not yet those people. But accountability requires that becoming. This is particularly challenging when we understand that violence is driven by structural and contextual factors that are not changed by an accountability process. Still, it is the work of accountability to transform as much as possible within those constraints so as not to cause more pain to others.

This requires, in part, that responsible parties develop a greater sense of self-worth and dignity, develop empowered relationships to the obstacles in their lives, believe they can lead long lives and be determined to live, set short- and long-term goals, and create new avenues toward acquiring authentic and life-affirming power. It requires that they demonstrate respect for those they encounter; become conscious about their respective histories on individual and structural levels; begin to understand their emotional, psychological, physical, and social responses to their experiences past and present; identify what they are responsible for in their everyday lives and to whom; and ask for help when needed and collaborate with those in their support system to meet those needs. No longer committing violence requires that responsible parties understand the roles of violence in their lives; foster reciprocal relationships by sharing knowledge and experiences; communicate effectively, including expressing what they need to say; develop or strengthen empathy for others; develop self-awareness about and strategies to handle anger effectively; acknowledge the impact their actions have on their own lives and those around them; build durable strategies to cope with stressors; and, for many, develop a healthier sense of masculinity and manhood.<sup>9</sup>

No longer committing violence also requires developing coping strategies to deal with factors that underlie much violence, such as economic and housing instability. People with nowhere

to live or not enough to eat will always have a harder time refraining from causing harm than will people with the benefit of that stability. These factors are never solely within a responsible party's control, so they demand the fulfillment not only of the person's promises, but of our larger societal responsibility to create the conditions that make violence less likely.

And no longer committing harm requires healing—not as a replacement for responsibility, but as a dimension of it. Research unequivocally shows that one of the most surefire predictors of violence is surviving it.<sup>10</sup> Nearly everyone who has committed harm has survived it, and few have received any formal support to heal.<sup>11</sup> None of the violence people have experienced excuses what they go on to do. But it is unquestionably a factor in why they caused harm. I believe when we hurt someone, we incur an obligation. Period. Nothing changes that obligation—not our own history of pain, our unhealed trauma, nothing. That is true because the obligation we incur arises out of our humanity, our agency, and our dignity—and each of those things are fully present in everyone who commits harm.

So what happens when we come to understand that part of why we caused harm is because of our own unhealed pain? Our insight does not erase that first obligation. Instead, we incur a second obligation: to heal through that pain so we no longer pass it along to others. And then the larger “we,” as a society, have an obligation to meet people in that process and provide them with the resources and the support they need to come through their pain. That means that our history of surviving violence does not get us off the hook, but it does beg the question of where societal supports were when we were hurt, and thus puts the larger society on the hook as well.

Our healing also supports our ability to be accountable by strengthening our capacity for empathy. Accountability requires that people who commit harm consider how the people they

harmed felt during and after the crime. Fairly often, responsible parties will say some version of “they felt fine.” They will express that they believe the people they harmed were likely unaffected by the violence and that it did not matter much. For some people who hear this, the response sends off the sociopathy alarms. They read into it an elemental incapacity for empathy. They see the person's minimization of the impact of the harm caused as an indicator of their disconnection from others' feelings and suffering. They see in that a pathological inhumanity—one many people believe may be innate—or if not innate, at least irreparable.

That conclusion fundamentally misunderstands how empathy works in context. The basic emotional gesture of empathy works something like this: we listen to someone else's experience, mine our own experience for the closest corollary we can find, remember how we felt at that time, and extrapolate from that information to reach some understanding about how the other person must feel. That effort of reflection and extrapolation is empathy. It seems quite simple: You get punched. I think about a time I got punched. I ask myself: How did I feel? I answer: I felt afraid, angry, and later, sad. I assume: You probably feel afraid and angry and sad. The problem for people who have committed harm isn't that they are not engaging in empathy. The problem is what they find when they mine their experience, because what happens if what they find there is—nothing?

It is not only true that many people who commit violence are survivors of it. It is also true that many of those survivors belong to groups of people whose pain our society devalues—whether they are young men (whom our society tells that they should be tough and impervious to pain), young women and gender nonconforming people (whom our society tells that they provoked the harm done to them), or people of color (whom our society tells that their pain is neither as substantial nor as important as white people's pain). So what happens to empathy in this

context? If I draw on my own most comparable experience and think back to how I felt, what if I had told myself (and my culture told me) that I felt fine? That it was normal? No big deal? To be expected? What if someone later asked me, "How do you think he felt when you put your gun to his head?" What if I did what empathy requires and asked myself, "When a gun was placed to my head, how did I feel?" And what if the only answer left to me after the minimization of my pain had been "Fine"? That is what I would have assumed that the person I hurt had also felt. It is not that people whose pain has been devalued are not enacting empathy. It is that when they mine their own experience, they often find our culture's answer about their pain and tell it back to us: they tell us it doesn't exist, and that even if it does, it doesn't matter.

In order for survivors who have gone on to commit harm to become more consistently capable of practicing empathy in the way so many people (including survivors themselves) seek, we have to begin by validating their pain, terror, and suffering as real, and by validating what happened to them as wrong. We have to say, "This thing you said was no big deal? It *was* a big deal. It mattered. You mattered. It was wrong, it shouldn't have been done to you." When that happens for survivors, they become capable of owning the fact that what happened to them was wrong and acknowledging the full range of emotions they felt at the time.

At times, responsible parties will struggle to take accountability for what they have done and may struggle in particular to acknowledge the impact it had on the victims of their crimes. They reach a limit to the insight they are able to develop. Often the intervention that enables them to break through that limit is an engagement with their own trauma and healing. When our attention turns there, we typically find underestimated, ignored, and unhealed pain. When we create the space to validate that

pain and allow it to be spoken about, responsible parties become capable of decisively naming its impact on them as more than nothing. With support, they can speak to their hypervigilance, insomnia, digestive problems, flashbacks, and night terrors. They can tell the truth that they were hurt and that it mattered.

Then when it comes to empathy, they can do the same thing they have always been doing, which is to see the corollary between their experience and that of others. Only this time they find something different when they mine their own experience. This time they infer that the person they harmed probably couldn't sleep for days, that their stomach didn't feel quite right for years, that their dreams were horrifying. This time they infer that after what they did, the person they hurt didn't trust their girlfriend, didn't trust their family, never felt safe in the street. This time they infer that nothing felt the same or ever would again.

That conclusion becomes a solid basis for accountability, which includes seeing, acknowledging, and answering to someone's pain. Being able to fully regard the depth of that pain is an essential component of being fully accountable. To the degree that unacknowledged and unhealed pain is a barrier to that regard, it is an enemy of accountability. We need to commit to healing in its own right. But we also need to commit to healing because of the way in which unhealed pain guts accountability and, in so doing, all but guarantees that cycles of violence continue. Healing, then, takes its place among the most pragmatic priorities of a culture that values safety. And accountability takes its place among that culture's moral demands.

For harmed parties, the transformation of the people who hurt them into people who will not hurt anyone in that way again can constitute the most meaningful and useful conclusion to an accountability process. That is in part because it ensures their future safety as it relates to the person who harmed them. But it is more than that: it is to the great credit of survivors that they are

typically as invested in other people's safety as they are in their own. So any process that protects only them from future harm is incomplete, both morally and as a contributor to their healing. Only a process that extends the same protection to others truly meets their needs. When that happens, the impact is palpable. When the person who harmed them changes in a positive way, the benefit of that evolution accrues to survivors and their healing.

Of course, that benefit accrues to the community as well, as the transformed person becomes a contributor to the social fabric rather than an impediment to it. Communities capable of improvement are places where people can be well. That is because healthy communities are not defined by perfection, which does not exist. They are defined by the potential for change. In embodying that potential, people who repair harm not only mend the particular tear to the social fabric for which they are responsible, but strengthen the fabric as a whole.

There is wide agreement that survivors deserve to have the people who harmed them held accountable to them—and to other people affected by their actions. This process can help satisfy the moral demands of a culture, facilitate the survivors' healing, and validate that what happened to them is wrong. All of that is true. But we also have to understand that people who commit harm also deserve accountability, in the toughest and most generous sense of the word. They deserve to have to pay in a meaningful way for what they have done. They deserve the difficulty of that reckoning, and even the fear and pain it may cause. But they also deserve a process that will allow them a way out of shame and its associated violence. Accountability, as outlined here, is as essential for those who cause harm as it is for those who survive it. That is because, when practiced well, it is not just an obligation, but also an avenue to dignity.

In our culture, we have many reference points for healing pro-

cesses. We know that when we survive harm or suffer a loss, there is a process we undertake to come through it—whether we think about those as stages of grief or phases of healing, we know there are things we have to do and can do that help us recuperate our sense of dignity, of self-worth, of connectedness, and of hope. Many of us are familiar with the “stages of grief,” widely regarded as some variation of denial and isolation, anger, bargaining, depression, and finally, acceptance.<sup>12</sup> Our understanding of these stages not only helps us navigate each one, but helps us experience even the hardest ones as part of a longer trajectory toward healing.

I believe that when we cause harm, we are affected by what we have done. We are damaged by it in ways we rarely talk about. I often ask people interested in accountability work to take part in a brief exercise, which goes like this:

Think about a time you did something wrong and then repaired that harm as much as possible. Pay attention to how you feel when you remember that. Pay attention to where you feel it in your body, how it feels in your mind and heart.

Now remember a time when you did something wrong and did not repair it—because it was too late, because you did not know how, because by the time you were ready, the person you hurt was gone—and pay attention to how that feels in your body, your mind, your heart.

Having done this exercise with hundreds of people, I have not encountered a single person who has said that the two memories felt the same. The first—the one we repaired—is typically something we can think of with relative comfort. We can hold the feeling and still feel like ourselves, can still feel deserving of love, can feel proud of the way we are in the world, can feel connected

to those around us in a positive way. The latter, though—the feeling of harm we have caused and not repaired—sits differently. The best word I know for it is shame. It is not a perfect word, but it is the closest I have found. That second feeling, for most of us, is much harder to hold. It rubs up against our dignity, our self-love, our pride, our connectedness. For many of us, it feels much closer to the parts of ourselves where we hold the things that have been done to us and have not been repaired. It is a hard feeling, an uneasy one, even a painful one. It is what it feels like to be human beings who have done wrong.

This is especially problematic in light of Dr. Gilligan's work that concludes that the greatest driver of violence is shame. As he sees it, the relationship between violence and shame is in part about eradicating witnesses to our failings, our incompleteness, our flaws, and our weakness. Whether in our homes or in the streets, violence as a vehicle to overcome shame is about damaging or destroying those who have seen us as limited, afraid, or incapable. It is about insisting on our power by inflicting pain so as not to be seen in our vulnerability or powerlessness.<sup>13</sup>

If Gilligan is right, and if committing violence causes us to feel shame, then committing violence becomes a risk factor for committing more violence. We hurt people, we are ashamed of it, we act that shame out as violence—and repeat. As human beings, we find shame intolerable, and we are moved to act to escape it. Absent a healthy avenue out of that shame, one of the core tactics we turn to is violence.

I have long been persuaded that the only avenue out of shame is accountability.

It is answering for what we have done and making things as right as we can that transforms shame. So often our instinct is to hide or deny the things for which we are accountable. There may be a feeling of safety in that avoidance, but it is detrimental—not only to the harmed party and members of the community, who suffer from our dishonesty, but to ourselves when we are the

ones responsible for harm. Shame thrives on secrecy; it grows in the dark. It is only the bright light of day that can evaporate it. In telling the truth, responsible parties give up the comfort of denial, which insulates them from knowing the full impact of their choices. They also give up the relative security of privacy, which insulates them from the feeling of exposure and vulnerability. But they gain something in return: a pathway out of the shadows in which shame thrives.

In expressing remorse, responsible parties acknowledge the harmful impact of their power and the damage done not only to others, but to themselves, in exercising that power wrongfully. In owning the impact of their actions, they own their power and the fact of their connectedness to others. However painful it is to sit with the distress of what they have done, that distress is evidence of their humanity, their empathy, and the persistence of their relationships with others, even in the aftermath of harm. These qualities—humanity, empathy, and relatedness—are the sweet enemies of shame, because they reveal shame's impermanence by lighting the pathway out.

Then, in repairing harm—by “doing sorry” and engaging in the labor of transformation, responsible parties reclaim their deservedness of respect. If shame is in part about eradicating witnesses, the best counter to it is to become someone who can be proud to be seen. By exercising the power responsible parties used to harm in the service of repair instead, they become legitimately and positively reconnected to their own power. By healing through their own histories of trauma, they become people anchored in resilience and change. In integrating their past into their present and future, they become people whose imperfections are human and whose failings are repairable. They become people who no longer seek secrecy or find comfort in it; rather, they seek to be witnessed because what they are doing is worthy and they know it in their bones.

In this way, accountability does for those of us who commit

harm what the healing process does for us when we are harmed: it gives us a way to recuperate our sense of dignity, our self-worth, our connectedness, and our hope—the things we lost when we caused harm. It is like grieving, too, in that it begins with an emotion that feels impossible to bear and ends in a place of resolution and integration. I am therefore persuaded that accountability is the corollary to grief for when we cause harm, and it is as essential as a grieving process is in restoring us to our best selves. We would do well to develop our methodologies for supporting people through accountability as thoroughly as we have developed our methodologies for supporting people through grief. It is no less necessary for a healthy society, and no less possible.

If accountability is the avenue to dignity, that means that in replacing accountability with punishment, we have denied those responsible for harm precisely the process that would allow them to recuperate their dignity, transform their lives, and halt the cycles of violence they are otherwise at enormous risk of perpetuating. This is not unlike or unrelated to the way we deny survivors what they need most, by allowing punishment—which offers them almost nothing—to take the place of accountability, which they so richly and fully deserve. We also pay the price for this loss on a larger scale: we become a culture mostly incapable of repair, so that every rip in the social fabric compounds the last until we can barely see ourselves as part of a whole. But we are capable of inverting this reality, and of making accountability, and the justice it promises, the norm for our nation. We can do so not just by ending incarceration, but by displacing it.

## 4

### Displacing Incarceration

Elijah was riding the bus home one day, when someone across from him asked where he was from. He was nervous. He knew that a young man from another housing project had been killed that week where he lived and expected someone was planning to retaliate. But he was proud, and he had had nothing to do with the killing, so he answered: “Livonia.” When the bus pulled into the next stop, a group of about a dozen young men rushed into it through the front and back doors. The young man Elijah had spoken to nodded, and the group surrounded him, beating him to the ground. Then they jumped off the bus and ran. The bus driver kept driving and Elijah got off a few stops later at his house. He walked to his apartment and through the front door and collapsed. His brother Donnell was home and saw Elijah fall to the ground. His face was already swelling and his shirt was stained with his blood.

Donnell considered calling an ambulance, but when his brother regained consciousness and did not appear to have any life-threatening injuries, he did not consider calling the police. He had had plenty of encounters with the police (it was the height of the stop-and-frisk era in New York City and he was a black man in America), as had his friends and family, and before that, his parents and ancestors—and few if any of those stories ended with people being safer. That said, he knew that if no one was made