

**“Tell it like it is!”
or
“It ain’t necessarily so.”**

How language obscures violence and resistance.

Linda Coates & Allan Wade

Person Charged with Illegal Money Sharing

Hawkes Bay.

Police arrested Donny Riki yesterday for allegedly illegally sharing money in the amount of \$500,000.00, from the Bank of Napier. The bank clerk, who agreed to the transaction when a gun was pointed at her face, was unhurt. “I’m just happy the incident is over”, said Bren Balcombe, who has participated in three similar transactions in recent years. “I don’t know why these customers choose me”, he said. The bank manager, Mr. R.E. Tentive, stressed that Mr. Balcombe would receive “psychiatric help to address his anxiety and ensure she no longer attracts greedy customers.”

Ms. Riki was released on condition that she have no contact with bank clerks and attends specialized treatment at Havelock North Institute for “wealthophilia”, a congenital disorder, more common in first degree biological relatives living near fabulous wineries, characterized by the compulsive pursuit of olives and illegally obtained financial independence.

The Right Honourable Beverley McLachlin.

The Chief Justice argues that Judges must be provided with evidence which allows them to “appreciate the lived reality of the men, women and children who will be affected by their decisions”.

Further, according to Chief Justice McLachlin, “Judicial inquiry into context provides the requisite background for the interpretation and application of the law”.

The Supreme Court of Canada has stipulated that expertise in interpersonal violence is not only “helpful” in cases of violence, but “needed”.

First account of sexualized assault

He followed her down the sidewalk. He sped up to catch her. He grabbed her by the shoulders and threw her to the ground. He dragged her toward the bushes. He overpowered her and dragged her into the bushes. He held a rock over her head and threatened to kill her if she screamed. He called her degrading names. He forced his mouth onto her face. He tried to undo her belt. He grabbed at her pant legs to pull them off. He overpowered her and vaginally raped her.

Second account of sexualized assault

He followed her down the sidewalk. **She sped up.** He sped up to catch her. **She moved to the side.** He grabbed her by the shoulders and threw her to the ground. **She rolled on the ground to get away.** He dragged her toward the bushes. **She grabbed the roots of a tree so he couldn't drag her into the bushes.** He overpowered her and dragged her into the bushes. **She started to scream.** He held a rock over her head and threatened to kill her if she screamed. **She stopped screaming.** He called her degrading names. **She said, "You don't want to do this. You don't want to hurt me."** He forced his mouth onto her face. **She averted her face.** He tried to undo her belt. **She stuck out her stomach so that he could not undo her belt.** He grabbed at her pant legs to pull them off. **She crossed her ankles so that he could not pull off her pants.** He overpowered her and vaginally raped her. **She went to limp to avoid injury and went elsewhere in her mind.**

Language

Violence and Language:

Accurate Descriptions are Key to Effective Social Responses

“Language is . . . inseparable from ourselves as a community of human beings with a specific form and character, a specific history, a specific relationship to the world”. (Ngugi wa Thiong’o, 1986, pp. 15-16)

"A sense of the unique, specific and concrete circumstances of any situation is the first indispensable step to solving the problems posed by that situation."
(David Trimble, former Co-President of Ireland, 1998).

“All prescriptions about what to do imply descriptions about what is [already] the case”. (Terry Eagleton, 2003, p. 87)

But . . .

“Telling a professional that the language they use is wrong is a bit like telling a grandparent that their new grandbaby is ugly.”

Sheri van Spronsen

Unlike babies, some descriptions are quite ugly:

“comfort women”

“settlement”

“abusive relationships”

“sex with a minor”

“unwanted intercourse”

Violence is Unilateral

- Violence consists of actions by one person against the will and well being of another
- Mutual Acts vs. Unilateral Acts
 - Hand-shaking vs hand-shaking
 - Boxing
 - Kissing
- Mutual acts imply and entail consent, co-action, co-agency, joint activity
- “If you hit someone on the head with a frying pan, you don’t call it cooking.” (Anonymous Canadian genius)

Unilateral Language and Property Crimes

- Car theft is not “auto sharing”
- Bank robbery is not a “financial transaction”

Similarly . . .

- Wife-assault is not a “dispute” or “argument” or “abusive relationship”
- Child rape is not “sex with a child” or “child prostitution”

Colonial Discourse

Colonization has always been based upon the existence of need and dependency. Not all people are suitable for being colonized; only those who feel this need are suitable. In almost all cases where Europeans have founded colonies . . . we can say that they were expected, and even desired in the unconscious of their subjects.

(Mannoni, 1947, cited in Macey)

Wife-Assault

The partners' characteristics hold them together. . . . As abused partners adapt and become more compliant . . . the partners' characteristics make them increasingly dependent on one another. After prolonged abuse they develop complementary characteristics: aggressive/passive, demanding/compliant, blaming/accepting guilt.

(Anonymous Family Violence Project, 2008)

Unilateral

- forced his mouth on hers
- wife-assault, beating
- forced vaginal penetration
- beating, attack, assault
- workplace bullying
- invasion, genocide
- international child rape

Mutual

- kiss
- abusive relationships
- sex, intercourse
- fight, conflict, argument
- personality conflict
- war, conflict, historical relationship problem
- sex tourist, sex with minors

Walker, L. The Cycle Theory of Violence

The batterer, **spurred on by her apparent passive acceptance** of his abusive behaviour, does not try to control himself.

(Walker, 1979, p. 57)

During the first stage, minor verbal abuse, the woman tries to calm the abuser and often changes her lifestyle to avoid angering the man. This usually **sets a precedent of submissiveness by the women building the gateway to future abuse**. The second stage consists of an “uncontrollable discharge of tension”’s that have been built up during phase one. (Ciraco, 2001, p. 169)

Both the batterer and the battered woman fear they cannot survive alone, and so continue to maintain a bizarre **symbiotic relationship** [and] **cannot extricate themselves**. (Walker, 1979, p. 43)

Wife-assault, Sexualized Assault: Judge's Remarks

“The appellant & his wife engaged in an argument Mr. X became upset over something said during this argument. He thereupon grabbed his wife's neck, squeezing it until she nearly lost consciousness. He then let go. This brought the argument to an end. That the earlier of the two assaults arose spontaneously in the course of an argument is not in dispute. To that extent it can be said to have been unpremeditated. He was willing to take counselling in reference to his anger & his marital problems. He expressed his deep remorse for what had happened & his desire to improve the marriage. They went to bed and he said, ‘Jane, I’ll have to screw you one more time’, and he had intercourse with her. . . . It is obvious difficulties were present in the marriage.”

EPO: Emergency Protection Order Interview

C = Court/Judge

A= Applicant/Victim

A: About two years ago he threw me onto the floor and started punching my head into the floor three times, to the point where there was blood all over the place. And then my friend said, “The cops are coming. You’d better get out of here”, you know. And he just took off.

C: Okay. So there was an **incident** of violence **between you** two years ago. Any other instances of that nature?

A: Not of that nature, just slapping, hits to the head, like, you know, just . . . verbal abuse.

Emergency Protection Order Interview: Mutualizing

C: Okay. And – and right from the start he's been aggressive and sexually abusive?

A: No. He was okay until August. Then one night we started to kiss, then I wasn't -- I didn't want to. Then he didn't listen, then (too quiet to hear).

C: Okay. Was that reported to police?

A: No.

C: No. Now, was that – that was the — was that then the first time that **you two** had – had **relations? Had sex?**

A: That was the first time I've ever **had sex.**

Coates et al. 1996

Examined 64 sexual assault trial court judgments in B.C. and Yukon.

All convictions or guilty pleas. All adult male offenders.
Children and women, victims.

Some mutualizing in 62 cases.

Coates 1997

Correlated level of mutualizing with sentencing.

Found level of mutualizing better predicted sentencing than did the seriousness of the crime.

More mutualizing, eroticizing associated with lighter sentences.

Coates, 2007

Contrasting Interpretive Repertoires:
Prosecution & Defense in Sexual Assault Trial Summations

Prosecution

Unilateral action by accused

- Deliberate
- Agent of the attack
- Reflects responsibility

Action

- Threat, application of force
- Necessary to be criminal

Unpleasant

- Needed to support argument
- Acknowledges harm
- Required to support finding guilt

Defense

Mutual

- Complainant is co-agent and jointly responsible
- Therefore, not criminal

Non-violent

- No threat or force
- Commission of non-violent act
- Fight, sex, intercourse

Not-unpleasant

- Sexual, affectionate
- Even pleasurable
- Reduces magnitude

Coates, 2007

Contrasting Interpretive Repertoires:
Prosecution & Defense in Sexual Assault Trial Summations

Prosecution

Crown much more likely to use
defense framework

Use multiple parts of defense
framework

Little use of strongest framework
(unilateral and violent)

High proportion of weakest
framework

Defense

Defense unlikely to use prosecution
framework

Restricted use of defense framework

High use of strongest argument
(mutual and sexual)

Low proportion (almost none) of
weakest framework

Coates & Wade (2004)

Sexualized assault as offender fulfilling sexual needs

- naturalizing the assault.

His sexual gratification does not come primarily from his conduct but comes from normal sexual behaviour.

The accused has been able to control his sexual appetite over the years since these deprivations took place.

That he report to a probation officer as directed and follow as with respect to counseling . . . for his sexual difficulty.

The accused is a pedophile who is possessed of an enormous – indeed an apparently insatiable – appetite for sexual contact with pre-pubescent girls.

Most Common Explanations of Sexual Assault by Offender

Almost never did the judges state that the offender chose knowingly to overpower and violate a woman or a child.

Instead, they referred to external or internal causes over which the offender was presumed have little control.

- Alcohol and drug abuse
- Sexual drive
- Psychopathology
- Family of origin
- Trauma or stress

From Clear to Obscure

Active: Bob hit Sue.

Simple passive: Sue was hit by Bob.

Agentless passive: Sue was hit.

Nominalization: An assault took place.

Mutualizing: There was a domestic dispute.

Anthropomorphizing:

Advantage was taken of a situation that presented itself.

The argument travelled down the hallway, into the bedroom

Coates & Wade (2004)

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Example: Criminal Harassment

Man stalks woman with two young children over a three year period.

When she escapes, he stalks and threatens her. He is in para-military and has weapons he knows how to use.

When the woman reports to police, she is told to be more assertive.

When she reports to professional association, she is told to ignore the offender as “he probably as APD”.

Crown eventually approves charges . . .

CRIMINAL HARASSMENT: Prosecution Interview

Pros: “So after he broke up with you, did you maintain contact with him after that?”

Mary: “I thought he was going to go away but he came to my house, just showed up at my house, and he started to do some scary things.”

Pros: “Okay. How long did you still have - - well, let me put it this way. When did you last have contact with Mr. Gordon?”

Mary: “I haven’t had contact with him until he drove by me when I was outside my workplace, last May.”

Pros: “From May 2007 to May 2009, when you last had contact with him, did you maintain communication and contact?”

Mary: “Yes. We would - - we’d break up and get back, break up and kind of get back together and break up. We never officially became boyfriend and girlfriend after that, but I had a hard time getting away from him.”

“With respect to Count 1, Criminal Harassment, I simply believe that given the evidence that I have heard, it would be unsafe to convict on that Count. I refer to the fact that there certainly was an extremely angry, dysfunctional relationship between these two people. That there were things that Mr. Gordon said, and did, that might have upset Ms. Young but then she not only let him back into her life . . . she welcomed him back into her life. I simply cannot, under those circumstances, convict on Count 1.”

“With respect to Counts 2 [uttering threats] and 3 [assault], however, we are now at the very end of this terrible relationship”.

Public Service Announcements: Whitehorse, Yukon Renee-Claude Carrier and Kaushees Place

Scenario 1

I asked you to stop

I tried to negotiate

I screamed for help

I turned my face away from yours

I crossed my legs

I stuck out my stomach

I clutched a tree

Then I went limp to avoid the pain

And went to a safe place in my head

Do you really question my resistance?

The judge decided I consented.

Nobody asks to be raped

Stand with us for dignity and non-violence

Scenario 2

He rapes me at home

I go home as late as I can

I try to never be alone at home

I try to always bring a friend

I work as many night shifts as I can

Hoping he'll be asleep when I get home

When all else fails, I get drunk, hoping I'll pass out

This is how I attempt to stop it

Do you really question my resistance?

The judge decided I consented.

Nobody asks to be raped

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Kia Ora!!

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