



Practical empathy

As it applies to Survivors of Sexual Assault.

Presented by Mr Govert van Ginkel LL.M, sex crime investigators conference September 14th 2009, Calgary, AB, Canada

Empathy is a scarce commodity in general and specifically when you're the victim of crime. Practical application of empathy can make an enormous difference in the outcome for both the victim/survivor of a crime, the effectiveness of police and the justice department as well as for all others involved. Empathy serves a number of purposes: the recovery of the victim and the gathering of information (evidence), trust in the judicial system and a positive end to a traumatic event.

Applying empathy will not only improve every connection and (work) relationship that you have, it will make you more effective in achieving your goals by addressing the following core values:

Order	Integrity	Effectiveness
Presence	Acceptance	Meaning
Purpose	Fulfillment	Development
Connection	Authenticity	Clarity
Closure	Competence	Understanding
Cooperation	Empowerment	Trust

This again will create safety, respect and increase justice and trust in the judicial system. An empathic connection, especially as it applies to victims/survivors of sexual assault, will reduce stress, tension and trauma, gain trust and the survivor's cooperation. It will speed up a survivor's recovery. It will elicit openness and produce more valid information that can serve as evidence. It will save you time!

What is empathy?

The social psychologist Daniel Batson types it as: *A motivation oriented towards the other.*¹

Carl Rogers, a renowned professor in psychology said it was *"To perceive the internal frame of reference of another with accuracy and with the emotional components and meanings which pertain thereto as if one were the person, but without ever losing the "as if" condition. Thus, it means to sense the hurt or the pleasure of another as he senses it and to perceive the causes thereof as he perceives them, but without ever losing the recognition that it is as if I were hurt or pleased and so forth."*²

Especially the last part of this is important and something that needs to be remembered. Empathy is applying a very simple principle: "How would that make me feel?" A question you can ask yourself at any time in any interaction when you are trying to understand the other person. It is about understanding how the other person feels, not about having the same feelings at that time. It is not your experience so you experience it "as if"!

Simon Baron-Cohen, Professor of Developmental Psychopathology in the Departments of Psychiatry and Experimental Psychology, at the University of Cambridge UK says that: *"Empathy is about spontaneously and naturally tuning into the other person's thoughts and feelings, whatever these might be [...]. There are two major elements to empathy. The first is the cognitive component: Understanding the others feelings and the ability to take their perspective [...] the second element to empathy is the affective component. This is an observers appropriate emotional response to another person's emotional state."*³

Understanding what is "an observers appropriate emotional response" is essential to applying empathy. It is very different from a sympathetic response in which there is a emotional blurring between two people. The following will make this clear.

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Marshall Rosenberg, psychologist and founder and Director of Educational Services of the Center for Non Violent Communication⁴ writes elaborately about empathy and how it differs from sympathy.

If we sum it up we see that empathy requires:

1. **Being totally present.** Focusing full attention on the other person's message. It requires that you leave the past and any preconceived notion about the other person behind. To really hear what the other person is saying requires more than just hearing the words. It requires that we can relate to the experience they are having. It is not about experiencing what the other person is feeling yourself, but about understanding what they are going through.
2. **Being mostly silent yourself** while actively listening to what the other person is saying. Empathy is not about saying anything, not about giving words of comfort or assurance of any kind. Your presence is shown by the attention that speaks from your eyes and your body posture. If you say any words at all, it is because you are not sure you have fully understood the other person. So you may say some words to get more clarity. But the words are not empathy. Empathy is when the other person feels the connection with you.
3. **Being authentic.** It means showing up as a human being. It is about giving up any notions of professionally required distance. This hinders an authentic connection and makes empathy impossible. You will actually be able to connect and function better when you're authentic.
4. **Being conscious of your own feelings.** Empathy ends when you notice that what you see and hear has an emotional impact on you. This can and will happen and is ok. Just take a break. The importance is to understand that when this happens you will not be able to fully listen to the other person and be objective to what is being said.

To be authentic is to acknowledge this, give yourself time to gather yourself, and when you are ready, to empathically connect with the other person again.

5. **Refraining from any form of sympathy.** Sympathy means that you are affected by the feelings someone else is having about an experience. When you are affected you are no longer able to fully listen and be present with the other person. This then shows itself by the strong urge to give advice, reassurance or unwanted help and often leads to explaining our own position or feeling. When you feel sympathy it is no longer about the other person but about how we ourselves feel. It often springs from our own desire for peace and normality.
6. **Refraining from any judgment.** Any judgment we hold will show in our words, tone, face and body posture. This will mean that the survivor, who already is hyper vigilant, will notice it to and will respond to it in a defensive or aggressive manner or shut down. For the same reason we withhold any form of evaluation, analysis or diagnosis of the situation. Information gathering will happen best by being fully present to what is being said or after a connection of mutual trust and understanding has been formed.
7. **Refraining from offering help or a solution.** Offering help is best done after a person has fully expressed what was going on for them and after inquiring if any help is wanted. (Obviously this does not apply to emergencies that require immediate help.) Offering help before that moment interrupts communication and hinders in making an empathic connection. Offering a solution often reflects among other things a certain amount of impatience, shows that you want to finish the conversation and handle the situation, and disrupts the connection. If a solution is needed it best to provide choice and by offering yourself as a resource.



Richard Salem, mediator and former Midwest Director of the U.S. Community Relations Service (CRS) explains how to listen with empathy in this way⁵:

"Empathy is the ability to project oneself into the personality of another person in order to better understand that person's emotions or feelings. Through empathic listening the listener lets the speaker know, "I understand your problem and how you feel about it, I am interested in what you are saying and I am not judging you." The listener unmistakably conveys this message through words and non-verbal behaviors, including body language. In so doing, the listener encourages the speaker to fully express herself or himself free of interruption, criticism or being told what to do. It is neither advisable nor necessary for a mediator to agree with the speaker, even when asked to do so. It is usually sufficient to let the speaker know, "I understand you and I am interested in being a resource to help you resolve this problem."

Why empathy?

Victims/survivors of sexual assault often suffer from a sense of shame, humiliation and self-blame. In addition they may suffer from a severe loss of trust in others and in themselves.⁶ There is an enormous loss of control over their lives. They may be afraid for their lives and fear for revenge. An empathic connection can restore trust and balance. When an individual feels understood, an enormous emotional burden is lifted, stress and defensiveness are reduced and clarity increases⁷. Once there has been an emotional release the person will be able to think more clearly about what happened and become receptive to outside input and questions again.⁸ Listening and responding to another person in an empathic way improves mutual understanding and trust. It enables the listener to receive and accurately interpret the speaker's message, and then provide an appropriate response.⁹ Empathy helps to find ways of resolving our differences peacefully.¹⁰

Karen Willis, Manager of the NSW Rape Crisis Centre and New South Wales Criminal Justice Sexual Offences Task Force in Australia, drew on her research into the management of sexual assault complaints in South Africa, Canada and the US to present the potential benefits of specialization for victims in NSW. She states that the initial response to a complaint has a profound impact upon both victims' healing process and their decision to continue to engage the justice system. Thus, it is critical to "get it right" from the start. She advocates creating a safe, familiar and informative environment where victim/survivors feel comfortable and are known.¹¹

Empathy is a determining factor in any conversation and business interaction. It is understood as a general truth in business that people tend to buy from or contract with people that they like. People generally like others that have the same thoughts and feelings as they do. Part of the skill in any situation is to be able to create empathy with the person that you are connecting with. By creating empathy you are breaking down the barriers and helping to smooth the path to a successful interaction. Connecting with a survivor of a sexual assault under very stressful circumstances where specifically trust is an issue, empathy can make all the difference in the world to get accurate information and cooperation from a survivor of sexual assault.

If trust needs first to be built with a survivor of a crime, direct persuasion is not an effective method for resolving any ambivalence. It is tempting to try to be "helpful" by persuading a person of the urgency of the problem about the benefits of change. It is fairly clear, however, that these tactics generally increase client resistance and diminish the probability of change.¹²

Albert Schweitzer: "Constant kindness can accomplish much. As the sun makes ice melt, kindness causes misunderstanding, mistrust, and hostility to evaporate."



So, empathic listening and speaking is a valuable tool in a volatile setting and will generate self-esteem and confidence in a survivor. It will reduce stress and tension and gain trust and the survivor's cooperation. It will elicit openness and you will get more valid information about what happened that can serve as evidence.¹³

Bonnie Jean Wasmund: People will forget what you said, people will forget what you did, but people will never forget how you made them feel.

Practical application of empathy.

Even though psychologists do most of the research on this topic, it doesn't require a university degree to apply empathy. Rather the contrary is true. Rosenberg¹⁴ states that the more you have studied psychology, the harder empathy really is. This is because you can bring no thinking in from the past. Empathy is seeing and hearing without any judgment, diagnosis or analysis. It only observes what is presented in the present.

So practical application of empathy is more about awareness and an attitude before and during any interaction. It is consciously choosing this approach knowing that this builds trust and respect, enables the survivor to release their emotions and reduces tensions, encourages the surfacing of information, and creates a safe environment that is conducive to cooperation and collaborative problem solving.¹⁵

Empathic listening is a skill that can be learned.

C. Neil Strait: "Kindness is more than deeds. It is an attitude, an expression, a look, a touch. It is anything that lifts another person."

Practically it means:

1. Just listening with your full attention on the other person.
2. Seeing and listening without bias or projection.
3. Being interested in what the survivor is saying or trying to explain.
4. Being aware that this is not about right or wrong but just about the survivor expressing himself or herself. So you refrain from any comments and at most you show by nodding your head or saying "uh huh" that you have heard and understood. Just witness what is there.
5. Being aware that the survivor is telling you a subjective emotional experience for which you are a mirror. You may help create more clarity for the survivor and yourself by reflecting the feelings and needs that you think are presented in their account of what happened. This will make the survivor feel understood.
6. Understanding that listening to an emotional account of what happens is part of creating a connection with the survivor and creating a bond that will facilitate information gathering and cooperation.
7. Being aware that mainly listening without giving your own opinion doesn't mean that you have to agree with what is being said. Neither does your listening without speaking or contradicting what the survivor is saying constitute in any way your agreement with what is being said.
8. Understanding that to get objective information it is best not to voice your personal opinion as this may persuade the survivor one way or another and possibly create resistance. The survivor is already highly sensitive to any form of criticism or judgment. Choose your words carefully or they may become counter productive.



9. Refraining from giving the survivor a “third degree interrogation”. Instead encourage the survivor into volunteering information by creating a connection, by being present and interested in a way that makes the survivor feel safe and open up to you.
10. Not saying anything to make things look better or different than they are, even if you’re meaning to be supportive. To the survivor this may seem as if you are not taking things seriously or even worse that you are not taking him or her seriously.
11. Being patient. Take time to make a connection. It will take a little longer at the time but through the benefits this creates you will save time and energy later and get more valid information and evidence. So, don’t interrupt, teach, coach, analyze, diagnose, give advice or change the subject to hurry things along. These will all be taken as forms of impatience and shut the communication down.
12. Being open and honest from the start. Say what you can and can’t do. Say what time you have available or are willing to free up later. Keep the commitments you make or make sure someone else can follow up for you. Create a bond of trust.

Remember that what may be routine to you is very upsetting to the survivor of a sexual assault. You are the specialist, the victim is the 1st timer and never prepared for this event, never practiced how to become a survivor!

Current practice and suggestion.

In 1985 the United Nations adopted a Declaration of basic principles of justice for victims of crime and abuse of power.¹⁶ Since then important changes were made to a system that primarily addressed the offender. Many judicial systems now have a protocol for working with survivors of sexual assault.

Yet much remains to be done for the position of the survivor both in legislation and in practical approach. Secondary victimization is a term that is known all over the world as it pertains to survivors of sexual assault.¹⁷ Efforts have been made to prevent negative consequences of victimization. When the method of those in the judicial system is perceived as grieving by the survivor, a change in approach is required. Although the intent to prevent secondary victimization has resulted in structured and organized protocols for those dealing with the survivors of sexual assault, practical application of the values mentioned therein is still much needed. The problem is that no one is intentionally part of secondary victimization. It is mainly caused by ignorance and a lack of skills.¹⁸ What is urgently needed is training in empathic skills for those that deal with the victims of sexual assault in the acute phase right after the assault. These are the policemen that handle the first call and those that arrive at the scene of the crime and have direct contact with the survivor. The traumatizing experience of the assault can be mitigated by the empathic response of the policemen that restore a sense of trust and provide the first positive experience after assault to the survivor. A survivor doesn’t need to be overwhelmed by specialist support but needs very practical help and information by a person that can be trusted and will keep his commitments.¹⁹

Suggested Reading

1. Marshall B. Rosenberg: Nonviolent Communication: A Language of Life. Second Edition. Encinitas, CA: PuddleDancer Press. ISBN 1-892005-03-4
2. Kelly Bryson: Don't Be Nice, Be Real: Balancing Passion for Self with Compassion for Others. ISBN 0-9720028-5-5
3. Madelyn Burley-Allen: Listening: The Forgotten Skill: A Self-Teaching Guide. ISBN 978-0471015871



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"Govert van Ginkel is an expert in stress reducing techniques, open communication skills and strengthening resilience in individuals and organizations. He is an international speaker with a Master's Degree in Law, a Masters in Neuro Linguistic Programming and Trainer in Compassionate Communication.

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Scott Adams: "Remember there is no such thing as a small act of kindness. Every act creates a ripple with no logical end."

References

¹ . Batson, C. D., Fultz, J., & Schoenrade, P. (1987). Distress and Empathy: Two Qualitatively Distinct Vicarious Emotions with Different Motivational Consequences. *Journal of Personality*, 55, 19-39.

² Rogers, C. R. (1959). A theory of therapy, personality and interpersonal relationships, as developed in the client-centered framework. In S. Koch (Ed.), *Psychology: A study of science*, (Vol. 3, pp. 210-211; 184-256). New York: Mc Graw Hill.

³ Baron-Cohen, S. (2003). *The Essential Difference*. New York: Basic Books.

⁴ Nonviolent Communication (2003): *A Language of Life*. Second Edition. Encinitas, CA:PuddleDancer Press. ISBN 1-892005-03-4, www.cnvc.org

⁵ Salem, Richard. "Empathic Listening." *Beyond Intractability*. Eds. Guy Burgess and Heidi Burgess. Conflict Research Consortium, University of Colorado, Boulder. Posted: July 2003, www.beyondintractability.org/essay/empathic_listening/

⁶ M.J. Lerner, *The belief in a just world: A fundamental illusion*, New York/London; Plenum Press 1980.

⁷ Rogers, Carl R. (1951). *Client-centered therapy: Its current practice, implications, and theory*. Houghton Mifflin Company, Boston.

⁸ ACSSA Newsletter No. 14 June 2007, Published by the Australian Institute of Family Studies ISSN 1448-8140 (Print); ISSN 1448-8167 (Online) ACSSA

⁹ Salem, Richard. "Empathic Listening." *Beyond Intractability*. Eds. Guy Burgess and Heidi Burgess. Conflict Research Consortium, University of Colorado, Boulder. Posted: July 2003, www.beyondintractability.org/essay/empathic_listening/

¹⁰ Nonviolent Communication (2003): *A Language of Life*. Second Edition. Encinitas, CA:PuddleDancer Press. ISBN 1-892005-03-4, www.cnvc.org

¹¹ Gregorio Billikopf Encina University of California, *Empathic Approach: Listening First Aid* http://www.cnr.berkeley.edu/ucce50/ag-labor/7article/listening_skills.htm

¹² On this also see attitudes on motivational interviewing, Miller, Benefield and Tonigan,

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1993, Miller and Rollnick, 1991.
www.motivationalinterview.org/clinical/whatismi.html.

¹³ The power of empathic listening in volatile settings is reflected in Madelyn Burley-Allen's book: *Listening: The Forgotten Skill: A Self-Teaching Guide* ISBN 0-471-01587-3

¹⁴ To listen to the audio file surf to:
<http://www.nvc-europe.org/SPIP/Empathy-and-surf>

¹⁵ Salem, Richard. "Empathic Listening." *Beyond Intractability*. Eds. Guy Burgess and Heidi Burgess. Conflict Research Consortium, University of Colorado, Boulder. Posted: July 2003, www.beyondintractability.org/essay/empathic_listening/

¹⁶ Declaration of basic principles of justice for victims of crime and abuse of power. GA Res 40/34, nov 29th 1985

¹⁷ Official Journal of the European Communities: COUNCIL FRAMEWORK DECISION of 15 March 2001, on the standing of victims in criminal proceedings (2001/220/JHA), Preamble 5: Victims' needs should be considered and addressed in a comprehensive, coordinated manner, avoiding partial or inconsistent solutions which may give rise to secondary victimisation. Also see: Campbell, R. (2006). Rape survivors' experiences with the legal and medical systems: Do rape victim advocates make a difference? *Violence Against Women*, 12, 30-45.
And: <http://www.crcvc.ca/docs/victimization.pdf>

¹⁸ M.S. Groenhuijsen, *Delikt en Delinkwent* 38 afl. 2 febr. 2008, p130.

¹⁹ Peter van Loon: *Psychosociaal crisismanagement na calamiteiten*. Instituut voor Psychotrauma, uit *Psychologie en gezondheid* 2008-36/3