

CRITICAL RESISTANCE - INCITE! STATEMENT

CRITICAL RESISTANCE - INCITE! STATEMENT ON GENDER VIOLENCE & THE PRISON INDUSTRIAL COMPLEX, 2001

We call on social justice movements to develop strategies and analysis that address both state *and* interpersonal violence, particularly violence against women. Currently, activists/movements that address state violence (such as anti-prison, anti-police brutality groups) often work in isolation from activists/movements that address domestic and sexual violence. The result is that women of color, who suffer disproportionately from both state and interpersonal violence, have become marginalized within these movements. It is critical that we develop responses to gender violence that do not depend on a sexist, racist, classist, and homophobic criminal justice system. It is also important that we develop strategies that challenge the criminal justice system and that also provide safety for survivors of sexual and domestic violence. To live violence-free lives, we must develop holistic strategies for addressing violence that speak to the intersection of all forms of oppression.

The anti-violence movement has been critically important in breaking the silence around violence against women and providing much-needed services to survivors. However, the mainstream anti-violence movement has increasingly relied on the criminal justice system as the front-line approach toward ending violence against women of color. It is important to assess the impact of this strategy.

1) Law enforcement approaches to violence against women may deter some acts of violence in the short term. However, **as an overall strategy for ending violence, criminalization has not worked.** In fact, the overall impact of mandatory arrest laws for domestic violence have led to decreases in the number of battered women who kill their partners in self-defense, but they have not led to a decrease in the number of batterers who kill their partners.¹ Thus, the law protects batterers more than it protects survivors.

2) **The criminalization approach has also brought many women into conflict with the law,** particularly women of color, poor women, lesbians, sex workers, immigrant women, women with disabilities, and other marginalized women. For instance, under mandatory arrest laws, there have been numerous incidents where police officers called to domestic incidents have arrested the woman who is being battered.² Many undocumented women have reported cases of sexual and domestic violence, only to find themselves deported.³ A tough law-and-order agenda also leads to long punitive sentences for women convicted of killing their batterers.⁴ Finally, when public funding is channeled into policing and prisons, budget cuts for social programs, including women's shelters, welfare, and public housing are the inevitable side effect.⁵ These cutbacks leave women less able to escape violent relationships.

3) **Prisons don't work.** Despite an exponential increase in the number of men in prisons, women are not any safer, and the rates of sexual assault and domestic violence have not decreased.⁶ In calling for greater police responses to and harsher sentences for perpetrators of gender violence, the anti-violence movement has fueled the proliferation of prisons which now lock up more people per capita in the U.S. than any other country.⁷ During the past fifteen years, the numbers of women, especially women of color in prison has skyrocketed.⁸ Prisons also inflict violence on the growing numbers of women behind bars. Slashing, suicide, the proliferation of HIV, strip searches, medical neglect, and rape of prisoners has largely been ignored by anti-violence activists.⁹ The criminal justice system, an institution of violence, domination, and control, has increased the level of violence in society.

4) **The reliance on state funding to support anti-violence programs has increased the professionalization of the anti-violence movement and alienated it from its community-organizing, social justice roots.**¹⁰ Such reliance has isolated the anti-violence movement from other social justice movements that seek to eradicate state violence, such that it acts in conflict rather than in collaboration with these movements.



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5) **The reliance on the criminal justice system has taken power away from women's ability to organize collectively to stop violence and has invested this power within the state.** The result is that women who seek redress in the criminal justice system feel disempowered and alienated.¹¹ It has also promoted an individualistic approach toward ending violence such that the only way people think they can intervene in stopping violence is to call the police. This reliance has shifted our focus from developing ways communities can collectively respond to violence.

In recent years, the mainstream anti-prison movement has called important attention to the negative impact of criminalization and the build-up of the prison industrial complex. Because activists who seek to reverse the tide of mass incarceration and criminalization of poor communities and communities of color have not always centered gender and sexuality in their analysis or organizing, we have not always responded adequately to the needs of survivors of domestic and sexual violence.

1) **Prison and police accountability activists have generally organized around and conceptualized men of color as the primary victims of state violence.**¹² Women prisoners and victims of police brutality have been made invisible by a focus on the war on our brothers and sons. It has failed to consider how women are affected as severely by state violence as men.¹³ The plight of women who are raped by INS officers or prison guards, for instance, has not received sufficient attention. In addition, women carry the burden of caring for extended family when family and community members are criminalized and warehoused.¹⁴ Several organizations have been established to advocate for women prisoners¹⁵; however, these groups have been frequently marginalized within the mainstream anti-prison movement.

2) **The anti-prison movement has not addressed strategies for addressing the rampant forms of violence women face in their everyday lives,** including street harassment, sexual harassment at work, rape, and intimate partner abuse. Until these strategies are developed, many women will feel shortchanged by the movement. In addition, by not seeking alliances with the anti-violence movement, the anti-prison movement has sent the message that it is possible to liberate communities without seeking the well-being and safety of women.

3) **The anti-prison movement has failed to sufficiently organize around the forms of state violence faced by Lesbian, Gay, Bisexual, Trans, Twospirited and Intersex (LGBTTI) communities.** LGBTTI street youth and trans people in general are particularly vulnerable to police brutality and criminalization.¹⁶ LGBTTI prisoners are denied basic human rights such as family visits from same sex partners, and same sex consensual relationships in prison are policed and punished.¹⁷

4) **While prison abolitionists have correctly pointed out that rapists and serial murderers comprise a small number of the prison population, we have not answered the question of how these cases should be addressed.**¹⁸ The inability to answer the question is interpreted by many anti-violence activists as a lack of concern for the safety of women.

5) **The various alternatives to incarceration that have been developed by anti-prison activists have generally failed to provide sufficient mechanism for safety and accountability for survivors of sexual and domestic violence.** These alternatives often rely on a romanticized notion of communities, which have yet to demonstrate their commitment and ability to keep women and children safe or seriously address the sexism and homophobia that is deeply embedded within them.¹⁹

We call on social justice movements concerned with ending violence in all its forms to:

1) **Develop community-based responses to violence that do not rely on the criminal justice system AND which have mechanisms that ensure safety and accountability for survivors of sexual and domestic violence.** Transformative practices emerging from local communities should be documented and disseminated to promote collective responses to violence.



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- 2) Critically assess the impact of state funding on social justice organizations and **develop alternative fundraising strategies to support these organizations**. Develop collective fundraising and organizing strategies for anti-prison and anti-violence organizations. Develop strategies and analysis that specifically target state forms of sexual violence.
- 3) **Make connections** between interpersonal violence, the violence inflicted by domestic state institutions (such as prisons, detention centers, mental hospitals, and child protective services), and international violence (such as war, military base prostitution, and nuclear testing).
- 4) **Develop an analysis and strategies to end violence that do not isolate individual acts of violence (either committed by the state or individuals) from their larger contexts**. These strategies must address how entire communities of all genders are affected in multiple ways by both state violence and interpersonal gender violence. Battered women prisoners represent an intersection of state and interpersonal violence and as such provide and opportunity for both movements to build coalitions and joint struggles.
- 5) **Put poor/working class women of color in the center of their analysis, organizing practices, and leadership development**. Recognize the role of economic oppression, welfare “reform,” and attacks on women workers’ rights in increasing women’s vulnerability to all forms of violence and locate anti-violence and anti-prison activism alongside efforts to transform the capitalist economic system.
- 6) **Center stories of state violence committed against women of color in our organizing efforts**.
- 7) **Oppose legislative change that promotes prison expansion**, criminalization of poor communities and communities of color and thus state violence against women of color, even if these changes also incorporate measure to support victims of interpersonal gender violence.
- 8) **Promote holistic political education** at the everyday-level within our communities, specifically how sexual violence helps reproduce the colonial, racist, capitalist, heterosexist, and patriarchal society we live in as well as how state violence produces interpersonal violence within communities.
- 9) **Develop strategies for mobilizing against sexism and homophobia WITHIN our communities in order to keep women safe**.
- 10) **Challenge men of color and all men in social justice movements to take particular responsibility to address and organize around gender violence** in their communities as a primary strategy for addressing violence and colonialism. We challenge men to address how their own histories of victimization have hindered their ability to establish gender justice in their communities.
- 11) **Link struggles for personal transformation and healing with struggles for social justice**.

We seek to build movements that not only end violence, but that create a society based on radical freedom, mutual accountability, and passionate reciprocity. In this society, safety and security will not be premised on violence or the threat of violence; it will be based on a collective commitment to guaranteeing the survival and care of all peoples.



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⇒ ENDNOTES

- ¹ In a twenty year study of 48 cities, Dugan et al found that greater access to criminal legal remedies for women led to fewer men being killed by their wives, as women who might otherwise have killed to escape violence were offered alternatives. However women receiving legal support were no less likely to be killed by their intimate partners, and were exposed to additional retaliatory violence (Dugan et al 2003).
- ² See McMahon, Martha. "Making Social Change", *Violence Against Women*, Jan 2003, Vol. 9, Iss. 1, 47-74; Osthoff, Sue. "But Gertrude, I Beg to Differ, a Hit is Not a Hit is Not a Hit", *Violence Against Women*, Dec 2002, Vol. 8, Iss. 12, 1521-1544. Miller, Susan. "The Paradox of Women Arrested for Domestic Violence", *Violence Against Women*, Dec 2001, Vol. 7, Iss. 12. Noting that in some cities, over 20% of those arrested for domestic violence are women, Miller concludes: "An arrest policy intended to protect battered women as victims is being misapplied and used against them. Battered women have become female offenders."
- ³ Women's dependent or undocumented status is often manipulated by batterers, who use the threat of deportation as part of a matrix of domination and control. Although the Violence Against Women Act (VAWA 1994 and 2000) introduced visas for battered immigrant women, many women do not know about the act's provisions or are unable to meet evidentiary requirements. Since the Illegal Immigration Reform and Immigrant Responsibility Act made domestic violence grounds for deportation, women may also be reluctant to subject a legal permanent resident spouse to potential deportation proceedings by reporting him to the police. In addition, women arrested under mandatory arrest laws could themselves face deportation. See Raj, Anita and Jay Silverman. "Violence Against Immigrant Women: The Role of Culture, Context and Legal Immigrant Status on Intimate Partner Violence", *Violence Against Women*, Vol. 8, No. 3, March 2002, 367-398. Jang, Deena, Len Marin and Gail Pendleton. *Domestic Violence in Immigrant and Refugee Communities: Assessing the Rights of Battered Women*, 2nd Edition, 1997, San Francisco: Family Violence Prevention Fund.
- ⁴ For example, California Governor Grey Davis, whose tough law-and-order platform included a promise that no one convicted of murder would go free, has rejected numerous parole board recommendations on behalf of battered women incarcerated for killing in self defense. Vesely, Rebecca, "Davis' Right to Deny Parole to Abused Women Upheld", *Women's Enews* December 19, 2002. For further information and testimonies of incarcerated survivors of domestic violence, see www.freebatteredwomen.org.
- ⁵ Christian Parenti documents the shift in government spending from welfare, education and social provision to prisons and policing in *Lockdown America: Policing and Prisons in the Age of Crisis*. Verso Books. 1999.
- ⁶ The US prison and jail population grew from 270,000 in 1975 to 2 million in 2001 as legislators pushed "tough on crime" policies such as mandatory minimums, three-strikes-and-you're-out and truth in sentencing (Tonry 2001: 17). Over 90% of these prisoners are men, and approximately 50% are black men. Despite claims that locking more people away would lead to a dramatic decrease in crime, reported violent crimes against women have remained relatively constant since annual victimization surveys were initiated in 1973. Bureau of Justice Statistics, National Crime Victimization Survey Report: "Violence Against Women", NCJ 145325, 1994.
- ⁷ In 2001, the U.S., with 686 prisoners per 100,000 residents surpassed the incarceration rate of gulag-ridden Russia. The U.S. dwarfs the incarceration rate of Western European nations like Finland and Denmark, which incarcerate only 59 people in every 100,000. Home Office Development and Statistics Directorate. 2003. *World Prison Population List*. Available at: www.homeoffice.gov.uk/rds/pdfs2/r188.pdf.
- ⁸ The rate of increase of women's imprisonment in the U.S. has exceeded that of men. In 1970, there were 5,600 women in federal and state prisons, by 1996 there were 75,000 (Currie 1998).
- ⁹ Amnesty International's investigation of women's prisons in the U.S. revealed countless cases of sexual, physical, and psychological abuse. In one case the Federal Bureau of Prisons paid \$500,000 to settle a lawsuit by three black women who were sexually assaulted when guards took money from male prisoners in exchange for taking them to the women's cells; prisoners in Arizona were subjected to rape, sexual fondling, and genital touching during searches as well as constant prurient viewing when using the shower and toilet; women at Valley State Prison, California were treated as a "private harem to sexually abuse and harass"; in numerous cases women were kept in restraints while seriously ill, dying, or in labor and women under maximum security conditions were kept in isolation and sensory deprivation for long periods. *Not Part of My Sentence: Violations of the Human Rights of Women in Custody*, 1999.
- ¹⁰ Smith, Andrea. "Colors of Violence". *Colorlines*, Vol. 3, No. 4. 2000-01.
- ¹¹ May Koss argues that the adversarial justice system traumatizes survivors of domestic violence. "Blame, Shame and Community: Justice Responses to Violence Against Women", *American Psychologist*, Nov 2000, Vol. 55, Iss. 11, p1332. For a first-person account of a rape survivor's fight to hold the police accountable see *The Story of Jane Doe: A Book About Rape*, Random House, 2003. Jane Doe was raped by the Toronto "balcony rapist" after police used women in her neighborhood as "bait".
- ¹² Ritchie article
- ¹³ For a comprehensive account of state violence against women in the U.S. see Bhattacharjee, Annanya. *Women of Color and the Violence of Law Enforcement*. Philadelphia: American Friends Service Committee and Committee on Women, Population and the Environment. 2001.
- ¹⁴ Additional burdens on women when a loved one is incarcerated include dealing with the arrest and trials of family members, expensive visits and phone calls from correctional facilities, and meeting disruptive parole requirements (Richie 2002).
- ¹⁵ In the U.S. see Justice Now; Legal Services for Prisoners with Children <http://prisonerswithchildren.org>; Free Battered Women www.freebatteredwomen.org; California Coalition for Women Prisoners <http://womenprisoners.org>; Chicago Legal Advocacy for Incarcerated Mothers www.c-l-a-i-m.org. In the UK see Women in Prison www.womeninprison.org; Justice for Women www.jfw.org.uk. In Canada see the Canadian Association of Elizabeth Fry Associations www.elizabethfry.ca/caefs_e.htm.
- ¹⁶ According to transgender activists in the Bay Area, the police are responsible for approximately 50% of all trans abuse cases. The Transaction hotline regularly receives reports from TG/TS survivors of police violence who have been forced to strip in order to "verify gender", or subjected to demands for sex from undercover police officers. "Transgender Sues Police", *San Francisco Examiner*, August 9, 2002. "Another Transgender Murder", *Bay Area Reporter*, Apr 8, 1999, Vol. 29, No. 14.
- ¹⁷ Faith, Karlene. 1993. *Unruly Women: The Politics of Confinement and Resistance*. Vancouver: Press Gang Publishers. pp211-223.
- ¹⁸ Abolitionists Thomas and Boehlfeld's response to the question: "What Do We Do About Henry?" where Henry is a violent rapist, is an example of this problem. The authors conclude that this is the wrong question since it focuses attention on a small and anomalous subsection of the prison population and detracts from a broader abolitionist vision (Thomas and Boehlfeld 1993).
- ¹⁹ Alternatives to the traditional justice system such as Sentencing Circles are particularly developed in Canada and Australia, where they have been developed in partnership with indigenous communities. However, native women have been critical of these approaches, arguing that they fail to address the deep-rooted sexism and misogyny engendered by experiences of colonization and that they may revictimize women (Monture-Angus 2000). See also Hudson, Barbara. "Restorative Justice and Gendered Violence" *British Journal of Criminology*, Vol 42, Iss. 3, Summer 2002.



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