

Coalition Chronicles

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End Domestic Abuse WI
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Transformative Justice

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There was a time when I truly believed that making arrest mandatory in cases of domestic violence, and prosecuting perpetrators, was the only logical response and always the best practice. In Wisconsin, mandatory arrest was implemented on April 1, 1989. Now, in the nearly 40 years since its passage, I have come to recognize how naïve my early assumptions were. Does arrest and prosecution protect victims? I must honestly say that yes, sometimes it does. Does arrest and prosecution place victims at greater risk? Here too, I must honestly say that yes, sometimes it places victims at greater risk for more violence, more dangerous and lethal violence, and sadly, state violence.

Since the implementation of mandatory arrest so many years ago, many victims have been arrested by police officers, with our state's average running around 20%. Additionally, the law is implemented in racially disparate ways: The victims who are most likely to be arrested are typically people of color. Among the general population, those arrested are also disproportionately people of color. My personal work with victims taught me that in the moment of violence, many wanted police intervention, but that many of these same victims did not want a prosecution to move forward. Many survivors want healing for their family; prosecution and the subsequent punishment has very little to do with healing.

Such reflections have caused me to ask, what opportunities are we missing to truly serve victims, and help offenders, in the ways that they most need? Mandatory arrest provides a "cookie cutter" response—a very blunt response—to a complex social and interpersonal issue. Over time, my belief in the power of arrest and prosecution has been deeply eroded by the understanding that: 1) nothing in this country is implemented in a racially neutral way; 2) arrest, prosecution, and incarceration are mechanisms of the state that can be used to hurt and oppress people further, including victims of crime; and 3) we can't continue to ignore nor negate the humanity of all people, including those who use violence and cause harm. It is time for us to explore ways to restore justice with humanity rather than stripping humanity away. It is time for transformative justice and healing in our communities.

I hope that you will read this Coalition Chronicles and find yourself asking similar questions, and that we can work together toward changing our justice system to promote the humanity and dignity of all.



Editor's Note

This issue of the Chronicles explores restorative justice and transformative justice approaches to gender-based violence. These approaches involve questioning the meaning of justice, both for those who have been harmed and for those who have done harm. These inquiries also lead us to examine our fears about restorative and transformative justice approaches. We question how to bridge a gaping divide between our visions of the future and the realities on the ground today.

End Domestic Abuse Wisconsin staff members Elise Buchbinder, Kathryn Chapman, and Colleen Cox, who attended *Restorative Justice and Domestic Violence: Exploring Effective Pathways to Healing* at Marquette University in November 2016, were inspired to further explore the topic of restorative justice in this issue of the Chronicles. As we began to discuss this topic, End Abuse Executive Director Patti Seger, who was a panelist at the conference, encouraged us to go beyond the restorative justice focus to examine the more radical approach of *transformative justice*, directing us to several key pieces featured in this issue.

In researching these topics, we found a diversity of academic writing, opinions and experiences. Restorative justice approaches have been practiced in a wide range of contexts and encompass many different models.

Transformative justice is a framework articulated by Generation FIVE, a collective of more than 15 organizations whose members came together over a decade ago to begin to “evolve a framework, principles, and practices for a Transformative Justice approach to child sexual abuse” (Kershner et al., 2007, p.4).

Restorative justice may offer an alternative to the criminal justice system, while maintaining its connection to that system. Transformative justice seeks to “transform the violent conditions and dynamics of our lives—such as racism,

RESTORATIVE JUSTICE

Roni Elias (2015) offers the following definition of Restorative Justice:

"Restorative justice" names a broad category of informal, dialogue-based practices that seek to address the social harms caused by crime. Restorative justice practices, which have spread rapidly since the early 1990s, are commonly used in cases involving youth crime. However, its animating ideas can provide important implications for improving the way in which the criminal justice system responds to domestic violence. Among the most important aspects of restorative justice practices are the developments of corrective and rehabilitative action for the offender through the cultivation of dialogue between victim and offender and between the victim and professionals associated with the criminal justice system. In this way, restorative justice solves a particular problem of the criminal justice system in domestic violence cases – the tendency to focus all action on the needs of the offender and society. Thus, the offender-focused approach of traditional criminal law can exacerbate the problems of domestic violence in the sense that it involves a disregard or even a negation of the victim's identity – and this is one of the most psychologically injurious aspects of domestic violence. Additionally, criminal punishments often fail to address the real problems associated with domestic violence for both the offender and the victim. The use of social forces to prohibit and punish violent acts does not help either the offenders or the victims understand how to develop relationships without violence. Ultimately, restorative justice practices are directed at treating criminal acts as fissures in a community, calling for the community members themselves to play a role in healing such fissures, rather than as individual acts of deviance subject to castigation. Restorative justice practices also aim at striking a necessary balance between serving the state's interest in controlling harmful behavior and the victim's interest in preserving individual dignity, personal integrity and the development of a healthy family life.

colonization, patriarchy, and heterosexism—in order to achieve justice at every level” (Kershner et al., 2007, p.4). The authors of this paper assert that while “many of the most powerful Restorative Justice approaches in the U.S. and Canada have long been practiced within indigenous communities...outside of these communities, the Restorative Justice approach has been largely co-opted by the State for use in coercive contexts in which the integrity of such a model is put into question” (Kershner et al., 2007, pp. 20-21).

Although the concepts of restorative and transformative justice must be understood within specific contexts and communities, basic definitions for each term appear in text boxes on this and the previous page.

With this issue of the Coalition Chronicles, we share a sampling of materials that illuminate connected issues that feed into restorative and transformative justice concepts.

More specifically, inside this issue you will find:

- A white paper from the Iowa Coalition Against Domestic Violence, reprinted in its entirety, outlining a history and perspective with which End Abuse is aligned.
- A link to the site of the November 2016 Restorative Justice conference, recorded in its entirety, and links to online content associated with conference keynote speakers sujatha baliga, Vice President and Director of Restorative Justice Project, Impact Justice in Oakland, CA; Terri Strodthoff, Founder and President of The Alma Center, Inc. in Milwaukee, WI; Carrie Outhier-Banks, Executive Director and Founder of Domestic Violence Safe Dialogue in Portland, OR; and others.
- Brief summaries and links to articles that explore existing and proposed approaches to justice, both connected to and apart from criminal and civil law systems: *Should Domestic Violence Be Decriminalized?* by Leigh Goodmark, 2016; *Rethinking a New Domestic Violence Pedagogy*, by Deborah Weissman, 2015; and *Toward Transformative Justice: A Liberatory Approach to Child Sexual Abuse and other forms of Intimate and Community Violence*, by Sara Kershner, Staci Haines, Gillian Harkins, Alan Greig, Cindy Wiesner, Mich Levy, Palak Shah, Mimi Kim and Jesse Carr, 2007.
- Quotes and links to podcasts and stories exploring diverse aspects of these larger themes.

We hope these explorations are part of a growing practice of transformative justice in our lives and in our work.

— Colleen Cox

TRANSFORMATIVE JUSTICE

The definition below is adapted from *Toward Transformative Justice: A Liberatory Approach to Child Sexual Abuse and other forms of Intimate and Community Violence* (p. 5).*

Transformative justice is a liberatory approach [that] seeks safety and accountability without relying on alienation, punishment, or State or systemic violence, including incarceration and policing; seeks to provide people who experience violence with immediate safety and long-term healing and reparations while holding people who commit violence accountable within and by their communities; and seeks to transform inequity and power abuses within communities...[and to] support collective action toward addressing larger issues of injustice and oppression.

* *The entire document can be found on the [Generation Five website](#).*

Beyond the Criminal Justice System:
A white paper of the Iowa Coalition Against Domestic Violence (ICADV)
— Kirsten Faisal

Introduction

The words domestic violence conjure the image of a closed fist. Yet the conjuration itself mirrors one of the fundamental difficulties of redressing it: the fist dominates, the fist demands focus, but it also obscures what is behind it, distracting attention, like a magician misdirecting the audience from what is truly happening. Other terms are no less misleading: battering, intimate partner violence, dating violence....

Reprinted with permission from the Iowa Coalition Against Domestic Violence

Domestic abuse may come closer to the mark, but then one falls into another trap, for there is nothing domestic about it. It is not homey, comfortable, or tame. Persons doing harm do not limit themselves to the confines of the household. They extend their influence outward into the workplace, social networks, and schools, and inward into the most private spheres of another person's conscience, self-image, and faith. That extension beyond the domestic realm of household tasks opens the door to understanding its full nature: coercive control.

A recently released document by the United Kingdom Home Office (Home Office, December 2015), provides this framework for understanding coercive control:

Controlling behaviour is: a range of acts designed to make a person subordinate and/or dependent by isolating them from sources of support, exploiting their resources and capacities for personal gain, depriving them of the means needed for independence, resistance and escape and regulating their everyday behaviour.

Coercive behaviour is: a continuing act or a pattern of acts of assault, threats, humiliation and intimidation or other abuse that is used to harm, punish, or frighten their victim."

Controlling or coercive behaviour does not only happen in the home, the victim can be monitored by phone or social media from a distance and can be made to fear violence on at least two occasions or adapt their everyday behaviour as a result of serious alarm or distress.

In direct opposition to coercive control, civil liberties begin with the integrity of the body, ability to make choices, move unobstructed, be around the people you want to be around, communicate, and create your own identity rather than enacting an identity formed by another and enforced through coercion. What, then, is domestic violence, but a violation of basic human rights?

By any name, domestic violence impacts individuals and families. It grows out of a belief that men have the primary right of control over the lives of their partners and children. Historically, the ownership of women by men, the right to control, discipline, and abuse women's bodies, as well as control their financial and material resources, has been sanctioned in a social and political system known as patriarchy. Family systems mirror larger social constructs; domestic violence is a reflection and extension of male dominance into the private sphere. It is tied to white privilege, heterosexism, and other systems of oppression in which certain categories of people are given privilege over others. Despite social change, these systems remain in existence.¹

Our conviction that women are fully equal members of society, that they have the right to self-determination

¹ ICADV mandates the delivery of direct services to male, trans, and intersexed victims of domestic abuse. Serving those survivors, as well as addressing domestic violence in gay and lesbian relationships, does not contradict a systemic analysis of partner violence rising from a system of patriarchy. Hierarchical models of relationship and oppressive tactics are learned and may be reflected in various family formations.

and full control over their lives, and are responsible for their choices, is an integral part of our approach to domestic violence. ICADV's membership identifies itself as feminist in resistance to institutional oppression and works towards social justice regardless of gender or ethnicity. Even with important legislation such as the Civil Rights Act or recent U.S. Supreme Court decision on marriage equity, social change occurs on the community and family level. Government intervention provides standards, vision, and sometimes consequences, but it is not the culmination of justice, in many ways it's only the beginning.

In recognition of this, and of the following context and history of the movement, the Iowa Coalition Against Domestic Violence is pivoting away from criminal justice solutions to reclaim a human rights agenda and focus our efforts on change in communities and families.

Our History

The women's rights movement of the 1960s and early 1970s provided a forum for women to connect coercive control in private lives to social norms of male dominance. The battered women's movement began as a grassroots effort to reclaim personal autonomy, safety, and authority by providing safe spaces where survivors could name their experience, exchange strategies, and find support.

By the 1980s, shelters and safe homes had cropped up around the nation as the nascent movement coalesced into a network of small nonprofits, operating on few financial resources. A discussion of the forces at work that led to white, heterosexual, middle class feminists controlling the narrative and leaving out the experiences of women of color, lesbians, and poor women is beyond the scope of this paper. Suffice it to say, the developing battered women's movement was not immune from the impact of the racialization of poverty² (Gilens, 2003) and the power of lesbian-baiting³ (Pharr, 1997) in the quest for credibility and attention as an issue to be addressed. The construct of a battered woman that emerged in our national conversation was meek, helpless, white, straight, had children and was poor but not too poor to be undeserving. While still subject to scorn, at her best this battered woman was an object of pity, a product of poor judgement, lack of education, and bad family backgrounds.

The first batterer intervention programs such as Emerge (Adams, 1988) and the Domestic Abuse Intervention Project (the Duluth Model) (Paymar, 1993), placed domestic violence within a framework of oppression and social hierarchy and elucidated the wide range of non-violent controlling strategies involved. Nevertheless, along with placing the source of the problem within the symbolic battered woman, the national mainstream framework also located the problem within the personal failings of the person doing harm. A batterer was someone who had problems with alcohol, anger, communication, attachment, PTSD, depression, self-esteem, impulsivity, and a similar trifecta of poor judgement, lack of education, and bad family backgrounds.

Meanwhile, financial resources for community mental health services were being gutted, and -- partly as a consequence -- chronic homelessness was on the rise (E. Fuller Torrey, 2013). Trickle-down economics took control of policy and the war on poverty, which had halved the poverty rate during its initial decade, derailed into what many have called a war on the poor (Gustafson, 2011) (Gans, 1996).

Furthermore, in reaction to gains in political power made by people of color in previous decades, and shifting demographics, white anxiety around loss of privilege led governing systems to seek new strategies to limit further change. (Alexander, 2012)

²The racialization of poverty refers not only to growing gaps in socioeconomic status between whites and communities of color, but also the changes in media representation of poverty: portraying poverty as a black and Latino problem. This not only reinforces stereotypes, it also shifts cultural views of people living in poverty, framing them as undeserving of assistance or concern.

³Lesbian baiting is an attempt to control women by capitalizing on homophobia and misogyny by stigmatizing lesbians and then linking acts of independence to the fear of being labeled a lesbian. Lesbian baiting is a tactic to silence women speaking out against oppression.

By the 1990s, the United States was primed for an explosion of criminal justice involvement and incarceration as the foremost method of responding to social concerns, from violence to drug abuse, mental health issues, homelessness, poverty, and ongoing racial tensions. The ground was also ripe for the battered women's movement to grab national attention. Framing domestic violence as a criminal issue allowed advocates to gain an audience and access to political influence unprecedented up to that point. The Violence Against Women Act, ratified in 1994, linked demands for women's justice to formal systems in what, at the time, was a victory for advocates.

Unintended Consequences

No social movement makes smooth progress toward its goal; they are marked by a series of successes, defeats, dead-ends, and unintended consequences. Framing domestic violence as a criminal issue naturally led to regarding the criminal justice and correctional systems as the primary means for solving the problem. Starting in the 1990s, public monies were directed toward training law enforcement, prosecutors, and courts, on catching, convicting, and punishing perpetrators of domestic violence.

Today, mandatory arrest laws have flourished, requiring law enforcement to make an arrest if they have probable cause to believe a domestic abuse assault has occurred. Unfortunately, because the crime of domestic violence is defined as a physical act (or the threat of such), officers do not have the authority to intervene: when physical violence does not leave evidence for probable cause; pre-emptively to prevent an assault; or in the ongoing daily non-violent coercive control strategies that typify domestic violence. Arrest has not even been proven to have a major impact on stopping domestic abuse (J. David Hirschel, 1992) (L. Broidy, 2015).

Because mandatory arrest removes discretion from both officer and victim, it mirrors the control of the offending partner, creating tension between law enforcement and victims, and decreases the rate at which battered women report abuse (Dugan, 2006). Mandatory arrest policies are connected to increased retaliation by the abuser for being arrested (Iyengar, 2009); arrest leading to deportation of the abuser, survivor, or both; financial hardship resulting from the partner's arrest and incarceration; increased arrests of battered women; child welfare involvement and loss of children (Schechter, 2000); and increased isolation in communities of color through ostracism for turning yet another person over to a biased criminal justice system (Novisky, 2015). States with mandatory arrest have a higher intimate partner homicide rate than those without. (Iyengar, 2009)

The addition of primary physical aggressor or predominant aggressor laws have little impact on correcting the numbers of battered women who are arrested and convicted along with the perpetrator, (Miller, 2001) (McCloskey, 2007). Once in custody, battered women are likely to plead guilty and agree to whatever they believe will get them out and home to their families as soon as possible. On the chance that they do speak with a defense attorney, that attorney is rarely versed in domestic abuse or the long term consequences that battered women face once they



"Right alongside of our evolution as an antiviolence movement came the conservative apparatus that was deeply committed to building a prison nation. That buildup fell right into the open arms, as if we were waiting for it, of the anti-violence movement that had aligned itself with the criminal legal system."

Beth E. Richie, Keynote: Reimagining the Movement to End Gender Violence: Anti-Racism, Prison Abolition, Women of Color Feminisms, and Other Radical Visions of Justice, 5 U. MIAMI RACE & SOC. JUST. L. REV. 257, 268 (2015)

have a violent conviction, and typically encourages them to plead. Those consequences fall more heavily on women than on male offenders (National Clearinghouse for the Defense of Battered Women, 2008). Violent offenses bar people from employment in the fields with predominantly female workers: child care, education, nursing, etc. They also impact eligibility for public assistance, housing, immigration status, and education assistance programs. Because women with violent convictions, including self-defending victims, are seen as more aberrant than men with similar records, mothers are more likely to lose custody of children in divorce or child welfare proceedings than fathers with convictions.

U.S. courts are well aware of the systemic gender and racial bias within them (Schafran, 2000) (Conference of State Court Administrators, 2001) (Kang, 2009) (Thompson, 2002). Once arrested for domestic abuse, battered women of color face particular challenges in presenting a defense case, fighting not only prosecution evidence but racial stereotypes of aggressive behavior, less overall credibility, and being seen as less deserving of society's concern. When the courts exert social control over framing identity, women of color can experience it as but one more intersection of oppression on par with the coercive control of their partners (Potter, 2008).

Mandatory sentencing and third strike-type penalties for domestic violence offenses have gone hand in hand with mandatory arrest as part of the get tough stance on criminal behavior, with similar unintended consequences on survivors and few positive outcomes (Kamin, 2001). Longer sentences for violent crimes have not proven to have a deterrent effect (Wright, 2010). Victims call the police to interrupt the violence but additional prison time for abusers isn't what many victims want, (Hart, 1992) (Kim, 2010) especially those vulnerable victims whose economic survival is placed in jeopardy by removal of the perpetrators' current income and future economic prospects.

Endeavoring to save time and money and secure the most convictions, prosecutors use severe penalties to pressure defendants to plead to lesser charges, thereby circumventing the intent of the legislation while sending a message to both victim and perpetrator that the behavior isn't a *serious* matter.

Mandatory sentencing prevents judicial discretion regarding the context of a behavior, increasing the likelihood that self-defending victims will receive inappropriate and onerous sentences. Also, some people arrested for using force against their partners did so for the first time; it was context specific, and not part of an ongoing campaign of coercive control. They are inappropriately sentenced to one-size fits-all batterer treatment and exposed to high risk offenders, increasing the likelihood that these people receiving treatment over-dose will repeat their offense. In fact, whether low or high risk, prison has been shown to increase recidivism for offenders (Cullen, 1999) (Braun, 2012) (Goggin, 1999) (Shapiro, 2007), including, specifically those convicted of domestic abuse, (Steiner, 1999) (George, 2010).

This is partly due to using the prison setting itself as a place for intervention and treatment. Gender segregated settings encourage misogyny. (Don Sabo, 2001) (Richie, 2012) Traits inherent to prison institutions reflect and model the same control tactics that treatment programs are aimed at correcting; in other words, they use coercion and threats; isolation; emotional abuse; status; blaming; children; access to food, clothing, and medical care; and physical force against offenders. Incarceration itself, along with high rates of prison sexual assault and other demeaning and threatening experiences, does not create an environment that encourages pro-social change.

Because mandatory arrest removes discretion from both officer and victim, it mirrors the control of the offending partner, creating tension between law enforcement and victims, and decreases the rate at which battered women report abuse. Mandatory arrest policies are connected to increased retaliation by the abuser for being arrested; arrest leading to deportation of the abuser, survivor, or both; financial hardship resulting from the partner's arrest and incarceration; increased arrests of battered women; child welfare involvement and loss of children.

Besides its lack of deterrent or treatment effect, incarceration fails in even warehousing violent offenders away from survivors because: one) the offender is able to extend their influence past the prison walls, using outside cohorts to monitor, report on, coerce, control, and assault survivors; and two) eventually, the vast majority of domestic abuse offenders will return to communities. Extensive prison time can decrease the amount of time under community supervision and undermines efforts to improve offender accountability overall.

In summary, most survivors of domestic abuse avoid the use of the criminal courts, and once involved with them, do not experience it as the solution to their situation. Certainly more can be done to improve the criminal justice response, particularly when offenders return to communities. However, continuing to prioritize a criminal response to domestic violence denies justice to the overwhelming number of victims who do not or cannot seek safety or find justice in the criminal justice system. We have invested decades and the majority of resources to the criminal justice approach with limited success. Improving victim safety and even ending domestic violence requires a fundamentally different approach.

A Call for Human Rights

“Interventions in domestic violence situations are pivoted on the idea of creating safety for battered women and their children. Safety planning is nearly always placed at the center of all advocacy and systems change interventions. New advocates are insistently taught that victim safety must be the most important concern in their work. Yet, we have only begun to recognize that safety cannot be arranged formulaically. What might appear to be definite safety—such as a woman leaving an abuser—may not translate to actual safety for all victims.” – Shamita Das Dasgupta (Dasgupta, Creating Sustainable Safety for Battered Women, 2016)

Domestic abuse is the extension of male domination into the private sphere. Reduction to acts of physical violence moved the framework for intervention into the court system and relocated the source of the problem in individual men who crossed a normative boundary of how male dominance should be enforced.

This framework also separates domestic abuse from women’s experiences of racism, anti-immigrant bias, poverty, and other oppressions. Battered women do not have the luxury of parsing their lives in this way. Addressing the intersectionality of oppression is integral in not only creating safety but in restoring the fundamental human liberties due to survivors as individuals in a free society.

The *deserving*-ness of battered women was and continues to be a central issue. *What did she do to deserve this? Were her self-protective acts justified? Who is worthy of social concern?* Women of color, poor women, lesbian and trans women, first nations women, immigrants, women in sex work, find themselves short on this measurement before they even enter the criminal justice system. These survivors need stability and economic justice; they need resources. They need respect for their human dignity. They also need a battered women’s movement that engages society to demand fulfillment of the promise of their civil liberties.



“Interventions in domestic violence situations are pivoted on the idea of creating safety for battered women and their children. Safety planning is nearly always placed at the center of all advocacy and systems change interventions. New advocates are insistently taught that victim safety must be the most important concern in their work. Yet, we have only begun to recognize that safety cannot be arranged formulaically. What might appear to be definite safety—such as a woman leaving an abuser—may not translate to actual safety for all victims.”

– Shamita Das Dasgupta

“Neither the law nor other institutional service systems are neutral arbiters in interpersonal relationships, but instead exercise considerable power in shaping these affairs. If these systems currently prefer to weigh in against partner violence but not against the exercise of male domination in personal life and insist that women can be protected from harm only if they concede they are victims rather than free persons entitled to a liberatory response, this is merely because state actors are misinformed about the true nature of women’s oppression. It is also because this approach to woman battering accommodates an obvious social wrong – violence against women – without threatening, indeed by reproducing the prevailing sexual hierarchy.” – Evan Stark, Coercive Control (Stark, 2007)

Today, the criminal justice system isn’t equipped to address domestic abuse as a human rights issue, and, however helpful, more federal laws will not eliminate the need for grassroots social change efforts, much as the Civil Rights Act of 1964 did not eliminate racism. ICADV can do that work now within communities without waiting for politicians and systems to fall into place. Rather than focusing on batterer containment and taking a violence management approach, we seek the liberation of the survivor.

In some ways this work looks similar to what we are currently doing. In 2012, Iowa changed our model of service delivery away from sheltering to address economic justice and housing stability.

In some ways this work looks like what we did before. When we changed to a focus on housing first and mobile advocacy, going out into communities, we retained some shelter-based services, knowing that for some survivors, emergency shelter remains critical to meeting their needs. In the same way, there is an important minority of women for whom the criminal justice system is a viable option to help restore their personal agency and safety, therefore ICADV must maintain an interest in that system. The goal is not to collapse options for battered women but to expand them and make them accessible, functional, safe, and emancipating.

In some ways this work looks familiar to us in terms of recognizing the work of other social justice movements as having similar missions. We see with new eyes that ending systems of racial, heteronormative and other oppressions is integral to the liberation of battered women. We move from recognition to aspiring allyship. By focusing on those survivors facing the greatest restriction of civil liberties, and committing our resources to persons who have been pushed out to the margins of our society, our communities, and our movement, we create space where all battered women can find freedom.

This means listening to those battered women who need care for their physical injuries but also those who say that the emotional abuse is the hardest to endure; those who ask for help keeping their children away from persons doing harm; but also those that ask for help to heal their families, not part them. This means acknowledging and owning that no one can be thrown away or sacrificed, including those who cause harm. We have been working under a delusion that those individuals could somehow be cleanly excised from communities and families. That has never been the reality for survivors. Batterers and the people, systems, and institutions that support them, are our communities and families. That is where we must issue the call for battered women’s human rights.

In some ways we have no idea what this work looks like. We will engage with persons doing harm. We will seek accountability through extended family, formal and informal community connections. We will promote non-violent problem-solving, empowerment for marginalized people, and cultural humility. We will claim women’s right to personal agency and choice, including when they choose to subsume or incorporate those rights into the roles of partner or mother. We will draw from the strategies of other civil rights movements. We will make space for people harmed by family and societal oppression to speak their experience and create their own solutions and we will learn from them.

See pages 21-22 for the complete bibliography, omitted here for flow and readability considerations.

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Rethinking a New Domestic Violence Pedagogy

—Deborah Weissman

Summary by Colleen Cox

Deborah Weissman begins this 2015 essay by noting the now decades-old concerns that have been articulated about emerging patterns of response to gender-based violence that have inadequately served the needs of communities of color, the poor, immigrants, persons with disabilities, and LGBTQ persons. Hoping to begin to close the gap between critique and action, Weissman argues for the need to restructure domestic violence law curricula to address the failure of domestic violence lawyers to join with civil rights groups who have engaged in legal challenges to criminal justice system practices that are unhelpful for victims of gender-based violence.



Deborah M. Weissman

This essay discusses several law enforcement tools that have had a disproportionately negative impact on marginalized communities, and connects them to the domestic violence movement. Examples include the DNA Fingerprint Act, part of the 2005 VAWA Reauthorization bill, challenged in court by civil rights groups who cited studies revealing racial disparities in DNA data banks, but supported by domestic violence and sexual assault organizations. Weissman also cites New York's stop-and-frisk and "Operation Clean Halls" police practices, which targeted racial minority communities and women, particularly transgender women and sex workers. When the Federal End Racial Profiling Act* was initially introduced in 2011 to protect communities from such practices, more than 60 civil and human rights organizations signed in support, none of which were domestic abuse or sexual assault organizations.

Weissman recommends strategies by which domestic violence law might challenge racist and exclusionary practices both within and beyond the context of specific incidents of gender-based violence. These include legal strategies to end racial profiling and challenge the failure of the courts as well as domestic violence programs to comply with the Americans with Disability Act, Title VI, and other civil rights laws. She recommends that law students and lawyers planning to practice domestic violence law become experts in these fields, in addition to developing a thorough foundation in the basic field of domestic violence law.

The essay concludes by suggesting that it is necessary to engage the legal system both to offer legal protections for victims and to bring about social change, but that the domestic violence movement must expand its vision, change its course, and join with others who are working to transform the carceral state, or it will likely do more harm than good for many survivors who are most at risk.

* See textbox on page 16 for more information about the **End Racial and Religious Profiling Act**.

Deborah M. Weissman, *Rethinking a New Domestic Violence Pedagogy*, 5 U. Miami Race & Soc. Just. L. Rev. 635 (2015) Available at: <http://repository.law.miami.edu/umrsjlr/vol5/iss2/33>

Should Domestic Violence Be Decriminalized?

—Leigh Goodmark

Summary by Colleen Cox

In *Should Domestic Violence Be Decriminalized?*, Goodmark (2017) outlines the history and context of the criminalization of domestic violence before posing questions about whether domestic violence should be decriminalized, and what alternative approaches are being put forward. The paper highlights some of the restorative justice and transformative justice approaches that are the focal points of this issue of the *Chronicles*. While Goodmark notes that concerns have been raised about implementing such models in cases of domestic violence, she cites some compelling successes of the use of restorative justice to address gendered harms. For example, a case in which a group of male students used social media to sexually harass female students was successfully resolved (p. 95).



Leigh Goodmark

While it is fascinating to imagine a future in which the existing criminal justice system is abolished, envisioning a criminal justice system that is substantially different and better for both victim and perpetrator may be equally compelling, and less distant in the future. For example, criminalization does not require mandatory policies; Goodmark advocates ending mandatory arrest and prosecution policies, noting the incidence of dual arrest and other specific ways in which these policies are “responsible for a significant portion of the harm done to women subjected to abuse when they become involved with the criminal legal system” (page 103). Goodmark proposes conceptualizing criminalization and punishment “not as a binary—a perpetrator is either found guilty and incarcerated or not”—but “as a spectrum, with a range of possible responses” (p 102). The following excerpt illustrates such a spectrum:

In 1994, Braithwaite and Kathleen Daly developed a regulatory pyramid specific to the context of intimate partner violence. The pyramid begins at the bottom with a number of restorative interventions: self-sanctioning, social disapproval, and confrontation with family. If those interventions are unsuccessful, police are called, a warrant may be issued, and advocates become involved. Next is community conferencing, with escalated levels of intervention if conference agreements are not kept. Finally, the criminal legal system is invoked if all else fails, beginning with arrest and imposition of strict probation conditions and, at the pyramid’s apex, incarceration (pp 104-105).

Goodman acknowledges that incarceration of the most dangerous perpetrators remains necessary, and takes up the issue of reducing the trauma of imprisonment. She asserts that that conditions in many U.S. prisons are inhumane and made worse by the lack of enforcement of measures intended to protect prisoners. In contrast, prisons in Germany and Norway—and in Ada County, Iowa—offer examples of institutions in which prisoners are treated with empathy and respect (p. 108-110).

Goodmark concludes that “the U.S. policy experiment with criminalization as a primary response to intimate partner violence is neither an unqualified success nor a total failure” (p. 113), suggesting that we now focus on developing and implementing a more graduated response to intimate partner violence that will not unintentionally harm those it was intended to protect.

Goodmark, Leigh, *Should Domestic Violence Be Decriminalized?* (2017). 40 *Harvard Journal of Law and Gender* 53 (2017); U of Maryland Legal Studies Research Paper No. 2017-15.
Available at SSRN: <https://ssrn.com/abstract=2985139>

The Restorative Justice and Domestic Violence Conference

The Restorative Justice and Domestic Violence Conference was held at Marquette University on November 10 and 11, 2016. The Honorable Janine Geske (retired) of Marquette Law School facilitated the conference, which featured keynote presentations by Carrie Outhier-Banks, Executive Director and Founder of Domestic Violence Safe Dialogue in Portland, OR, and sujatha baliga, Vice President and Director of Restorative Justice Project, Impact Justice in Oakland, CA. Wisconsin presenters included Carmen Pitre, Executive Director of Sojourner Family Peace Center, Terri Strodthoff, Founder and President of the Alma Center (which works to break cycles of domestic violence by changing abusive men), and our own Patti Seger, Executive Director of End Domestic Abuse Wisconsin.

Some of the most compelling arguments for restorative justice models were evident in *Thoughts on Ending Men's Use of Violence and Abuse — Can the Cycle Be Broken?*, presented by the Alma Center's Jason Bennett, Graduate and Advocate of Men Ending Violence, and Floyd Rowell, Wisdom Walk Facilitator/Urban Healer. Jason's assertion that serving time in prison is easy compared to actually facing those who have been harmed by your actions was one of the most memorable takeaways from the conference.

The public is able to listen to and view the conference presentations at the [Marquette Law School link](#). Links to related articles and interviews with featured presenters are included in the following pages.



Hon. Janine Geske

"Law students who have the opportunity to look into the eyes of survivors of crime who have been devastated by the offense and to hear how best to find some healing in victims' lives will be better positioned to be creative peacemaking leaders in their communities when they graduate. Working with offenders who are taking responsibility for the harm they have caused and are desirous of making amends to the victims and to the community at large gives future lawyers an effective way to deal with crime. The students also learn that many of our perpetrators were child victims of violent crime and that our communities failed to work toward healing for them before they turned into adults committing violent offenses."

Janine Geske, *Why do I Teach Restorative Justice to Law Students?*, 89 Marq. L. Rev. 327 (2005). Available at: <http://scholarship.law.marquette.edu/mulr/vol89/iss2/5>

Abuser and Survivor, Face to Face

“Restorative justice is hardly a one-size-fits-all approach.”

In this 2015 article by Leah Sottle from *The Atlantic*, the concept of restorative justice as applied to intimate partner violence is examined via narrative and input from experts in the field. Seen through the lens of a couple navigating the complexities of relationship violence in Oregon, the article includes commentary from major proponents of restorative justice Carrie Banks of Domestic Violence Safe Dialogue in Portland, OR and sujatha baliga of the Restorative Justice Project at Impact Justice based in Oakland, CA.

Read the full story on [TheAtlantic.com](https://www.theatlantic.com/health/archive/2015/10/domestic-violence-restorative-justice/408820/).



“This is part of a larger movement led by people of color really demanding that we have a different response to gendered violence that isn’t so reliant on criminal justice.”

—Mimi Kim, founder of Creative Interventions, a San Francisco-based restorative-justice program

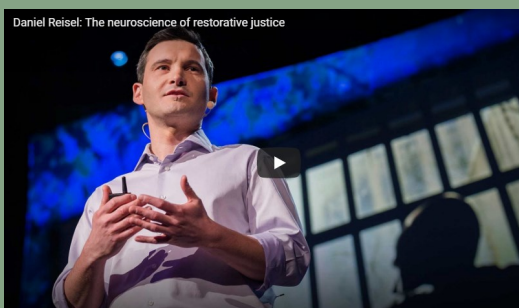
Sottle, Leah. Abuser and Survivor, Face to Face. *The Atlantic*. Retrieved September 1, 2017, from <https://www.theatlantic.com/health/archive/2015/10/domestic-violence-restorative-justice/408820/>

An Example of Restorative Justice with sujatha baliga

In this short video clip, sujatha baliga provides a story in which she offers insight into the potential of restorative justice.

Click on the image to play this video on Youtube.

[Runtime: 5 minutes]



The Neuroscience of Restorative Justice

Referenced in the article *Abuser and Survivor, Face to Face*, neuroscientist Daniel Reisel offers a neurobiological argument for incorporating restorative justice models into our criminal justice system in this 2013 TED Talk .

Click on the image to play this video on Youtube.

[Runtime: 14 minutes]

Can Forgiveness Play a Role in Criminal Justice?

In this New York Times article, author Paul Tullis explores the role of restorative justice in intimate partner violence through the lens of a horrific 2010 Florida homicide involving 19-year-old Conor McBride and his girlfriend of 3 years, Ann Margaret Grosmaire. The article provides the powerful personal backstory about the impact of forgiveness that led sujatha baliga to restorative justice work, as well as her role in the McBride case. Read the full article on www.nytimes.com.

*"Most modern justice systems focus on a crime, a lawbreaker and a punishment. But a concept called 'restorative justice' considers harm done and strives for agreement from all concerned — the victims, the offender and the community — on making amends. And it **allows victims, who often feel shut out of the prosecutorial process, a way to be heard and participate.**"*

Tullis, Paul. Can Forgiveness Play a Role in Criminal Justice?. *The New York Times*. Retrieved September 1, 2017, from <http://www.nytimes.com/2013/01/06/magazine/can-forgiveness-play-a-role-in-criminal-justice.html?mcubz=1>

Victims Confront Offenders, Face to Face

In 2011, NPR's Talk of the Nation interviewed sujatha baliga and Robert Johnson, a former Minnesota District Attorney and president of the National District Attorneys Association, about the realities of bringing the restorative justice model to the criminal justice system. Listen to the podcast and view the full transcript at www.npr.org.

"Each situation is separate. Each person is going to be different, but we certainly found a number of victims that did want to engage in this. They wanted to understand where the offender was coming from. They wanted to have their opportunity to directly confront the person."

Sullivan, Laura. Victims Confront Offenders, Face to Face. *National Public Radio*. Retrieved September 1, 2017, from <http://www.npr.org/2011/07/28/138791912/victims-confront-offenders-face-to-face>

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sujatha baliga Restorative Justice Project, Impact Justice

*"And for people to wake up about the trauma that their children are experiencing and how that's leading to offending - to see victims have their hearts opened to young people who've done harm by them, **to see victims feel empowered by their voices being included [...]** I see it over and over again in all of these cases that I do."*

—sujatha baliga

www.npr.org/2011/07/28/138791912/victims-confront-offenders-face-to-face

sujatha baliga is the current director of the Restorative Justice Project at [Impact Justice](#) and the Founder and Executive Director of [The Paragate Project](#). Her work at Impact Justice focuses on working with youth and their communities to incorporate restorative justice practices into juvenile justice. The Paragate Project offers workshops and coaching surrounding the concept and value of forgiveness.

Additional biographical information can be found at <http://sujathabaliga.com/>



Terri Strodthoff
The Alma Center, Inc.

*"It just didn't make any sense to create a program to punish, shame or talk them into changing their behavior because **that's not the way that people change. It was clear that we needed to do something different.**"*

—Terri Strodthoff

http://www.wpri.org/WPRI-Files/Special-Reports/Reports-Documents/Alma_UnlockingPotential2016.pdf

Terri Strodthoff is the Founder and President of The Alma Center, Inc. in Milwaukee, WI. With over 20 years of experience in the domestic violence field, her direct work at The Alma Center with men who have committed acts of domestic violence and abuse aims to break the cycle of intergenerational trauma through a focus on healing and reconnection.

Additional biographical information can be found at www.almainstitute.org

Alma Center Addresses Root Causes of Domestic Violence

This article by Michael Jahr from the Milwaukee Journal Sentinel goes into detail about the work that Terri Strodthoff has built her career around via The Alma Center in Milwaukee. **Read the full article on www.jsonline.com**

For a complete version of the story, visit the Wisconsin Policy Research Institute's Special Report: [Unlocking Potential](#).

Jahr, Michael. Alma Center Addresses Root Causes of Domestic Violence. *The Milwaukee Journal Sentinel*. Retrieved September 1, 2017, from <http://www.jsonline.com/story/opinion/crossroads/2016/12/17/jahr-alma-center-addresses-root-causes-domestic-violence/95566512/>

*"Ninety-six percent of people in Wisconsin prisons come out. ... The reality is, **if we don't help people come out and restore themselves, and heal, and be functioning in their family and their community, then we might as well figure out how to lock them up for the rest of their lives.**"*

Local Group Wins National Award for Work with Abusive Men

In this audio interview with Wisconsin Public Radio, Alma Center founder Terri Strodthoff discusses working with men who have committed acts of violence, and the importance of understanding them as both perpetrators and victims of trauma. She discusses facilitating a process in which men are given space to heal from trauma in order to allow for transformative, intergenerational change. Listen to the full program at www.wpr.org

[Run time: 10 minutes]

Magnus, Amanda. Local Group Wins National Award for Work with Abusive Men. *Wisconsin Public Radio*. Retrieved September 1, 2017, from <https://www.wpr.org/listen/848506>

Community Justice: The Rapist Next Door

In the *The Rapist Next Door*, CNN reporter John D. Sutter profiled a family in a remote Alaskan village, as part of a 2013 series examining aspects of different social justice issues. In this case he was looking at the disproportionately high incidence of rape in Alaska compared to other states. The father in this family (known by the alias “Sheldon” in this story) had sexually abused and raped his stepdaughter (now an adult) during her childhood and adolescence. After serving ten years in prison, he returned home, living in a nearby shack on the property.

Like many offenders, Sheldon was sexually abused as a boy. Like so many indigenous children in the twentieth century, he had been taken from his family and sent to a boarding school. In the small community, multigenerational and historical trauma were manifested in social problems such as alcoholism and violence.



Remarkably, important elements of a community restorative justice model were evident in this story: At the time the story was written, Sheldon was participating in a recovery program for sexual offenders, in which participants are each in the center of a supportive circle of family and community volunteers, who act as their “safety net” by watching them and knowing where they are at all times. Each offender accepts full blame for the trauma they have inflicted. The family cared for and were economically dependent on each other. They believed in redemption and forgiveness, and crucially, in protecting others in the community, knowing that Sheldon would be more likely to re-offend without the safety net.

Link to the full story at [CNN-The Rapist Next Door](http://www.cnn.com/interactive/2014/02/opinion/sutter-change-alaska-rape/).

Sutter, J. D. (n.d.). The Rapist Next Door. *CNN*. Retrieved September 1, 2017, from <http://www.cnn.com/interactive/2014/02/opinion/sutter-change-alaska-rape/>

The End Racial and Religious Profiling Act

The *End Racial and Religious Profiling Act* would prohibit federal, state, and local law enforcement from targeting a person based on actual or perceived race, ethnicity, national origin, religion, gender, gender identity, or sexual orientation without trustworthy information that is relevant to linking a person to a crime. The bill would require law enforcement to maintain adequate policies and procedures designed to eliminate profiling, including increased data collection in order to accurately assess the extent of the problem. The bill would also require training for law enforcement officials on issues of profiling and mandates the creation of procedures for receiving, investigating, and responding to complaints of alleged profiling. The Act was introduced in the Senate in February and introduced in the House in March, 2017, as the End Racial Profiling Act. For more information and for status updates visit <https://www.hrc.org/resources/end-racial-religious-profiling-act>.

See *Rethinking a New Domestic Violence Pedagogy*, page 10 of this issue, for a discussion of this Act in the context of domestic violence law.

Toward Transformative Justice: A Liberatory Approach to Child Sexual Abuse and Other Forms of Intimate and Community Violence

—Sara Kershner, Staci Haines, Gillian Harkins, Alan Greig, Cindy Wiesner,
Mich Levy, Palak Shah, Mimi Kim and Jesse Carr

Editor's Note: The collective known as Generation FIVE is named for its vision to end child sexual abuse within five generations. "Toward Transformative Justice: A Liberatory Approach to Child Sexual Abuse and Other Forms of Intimate and Community Violence" was written by members of the collective in 2007. While the authors clearly state that this paper does not intend to provide instructions for implementing a transformative approach to justice, it offers the collective's invaluable research, insight and experience, and includes several lists of questions aimed at building capacity for transformative justice practices.

Below we have included the abstract with section page numbers. Quotes from the paper appear in boxes. Visit the website for background information and updates about the collective and their work. Although we have quoted the 2007 paper extensively, we recommend reading it in its entirety at [G5 Toward Transformational Justice](#).

[Ending Child Sexual Abuse: A Transformative Justice Handbook](#), new in 2017, is now available at the [Generation FIVE website](#).

Abstract

This paper offers a substantive discussion on the liberatory politic of Transformative Justice, which, as defined in this paper, is premised on the idea that individual justice and collective liberation are equally important, mutually supportive, and fundamentally intertwined—the achievement of one is impossible without the achievement of the other. We believe that Transformative Justice presents us with a politic and model to heal trauma of past violence, reduce the level of violence we experience, and mobilize masses of people.

Transformative Justice is a response to the State's inability to provide justice on either individual or collective levels. Therefore, in this paper, we propose a model that responds to experiences of violence without relying on current State systems. We believe this to be a liberating politic that creates opportunities for healing and transformation rather than retribution and punishment. Transformative Justice moves us toward equity and liberation rather than maintaining the inequality that the current State and systems maintain.

The goal of dismantling oppressive structures is shortsighted, and perhaps impossible, if we are not also prepared to build alternatives. This is not merely a rhetorical failure or a failure of analysis; it is a failure of practice (p. 6).

Sometimes our shame about the ways we may collude with either violence or the State makes it difficult to discuss how and why we do so and therefore prevents us from identifying what we would need in order to effectively respond. Moreover, our emotional reactions to violence often and understandably contradict our political understanding of the conditions in which individual behavior occurs and our political commitment to transformation and justice—this is particularly true when the violence is a gross abuse of power such as with child sexual abuse (p. 8).

We are living with the consequences of the silencing of working-class and poor feminist voices, the feminist voices of people of color, and queer voices. This silencing continues to allow for an orientation toward the State as a useful mechanism for protecting women's rights and children's rights. Predictably, however, this orientation has not greatly reduced levels of intimate violence, including child sexual abuse. Instead, we see a trend in blaming, criminalizing, and controlling women for their responses to the violence they and their children experience. A powerful example of this is the incarceration of women who kill their abusers in self-defense (p. 11).

The development of the Transformative Justice model is rooted in Generation FIVE's substantive work on the personal and the political realities of child sexual abuse. One of the most intimate, stigmatized, and demonized forms of violence, child sexual abuse continues to be pervasive and persistent across nations, 'race', class, religions, and cultures. For a variety of reasons, including the State's inability to create solutions that families and communities will use, people rarely report child sexual abuse.

When they do report, they do not get the justice, safety, or change they seek. In addition to the State's inability to address the needs of those who have been sexually abused, future violence is not prevented due to the lack of opportunities for transformation of individuals, relationships, families, or communities. As a result of this and the lack of viable alternatives, rates of child sexual abuse remain epidemic.

This paper focuses on ways to secure both individual and social justice in cases of child sexual abuse. We assert that Transformative Justice is a way not only to address incidents of abuse but also to prevent further abuse by working on the social conditions that perpetuate and are perpetuated by child sexual abuse. Transformative Justice is also about building the capacity of individuals and collectives to address larger conditions of inequality and injustice as well as to challenge State violence.

Child sexual abuse is one of the most intimate, stigmatized, and demonized forms of violence. Yet, the extent of child sexual abuse that occurs in the U.S. suggests a society that permits extreme forms of domination and exploitation. This is evident not only in the widespread nature of child sexual abuse, but also in the scale of U.S. international military, economic, and political domination, and exploitation (p. 13).

Across the different communities applying the Restorative Justice approach, we question the degree to which this approach allows for challenges to dominant power hierarchies within any given community. Shared, collective values that perpetuate violence may go unchallenged. Restorative Justice models have been critiqued for paying insufficient attention to: family and community power relations; the subordination of survivor needs and agency for the sake of "the restoration of the community"; shared values that may be sexist and homophobic; and patterns of racial or economic disempowerment within a community (p. 21).

Understanding trauma and supporting resilience are critical not only to addressing child sexual abuse and other forms of violence but to increasing our effectiveness as healers, organizers and activists. Our histories of violence and trauma, including those of child sexual abuse, disable us from accessing our own power and thereby being powerful in our struggle against systemic violence. People's relationships to violence and trauma, whether those relationships are historic or current, individual or collective, help determine what we think is possible, what impact we think we can have in the world, and how much we trust other people. Our experiences of violence and trauma become barriers to being in and building relationship with each other, and to building community as we build social movement (p. 23).

Transformative Justice interventions seek accountability from bystanders for their collusion with violence while having compassion for their own histories and relationships of dependency, fear or love of the people they allowed to sexually abuse children that they know. The goal of this process is moving a non-protective bystander toward taking action to stop violence, creating accountability, and engaging in the transformation of abusive power dynamics (p. 29).

Attempts to challenge cultural practices by people outside of the community or culture can result in defensiveness. This can make it more difficult for those inside of the community who want to challenge harmful practices, as their activism is likely to be interpreted as betraying, rather than improving, the community (p. 31).

Section One (pp. 5-24) explains Transformative Justice and argues the need for liberatory approaches to violence, in particular child sexual abuse. This section speaks to the urgency of addressing child sexual abuse as part of our liberation struggles, both as a specific form of violence that reflects and perpetuates multiple forms of oppression and as one that is exploited by the Right. A liberatory approach to child sexual abuse uniquely positions us to resist this exploitation.

Section Two (pp. 26-31) describes in detail the core principles of a Transformative Justice model. These include: liberation, shifting power, safety, accountability, collective action, honoring diversity and sustainability.

Section Three (pp. 32-52) proposes a set of practices to address child sexual abuse in a transformative way. Practices of Transformative Justice include: building a Collective, preparation and capacity building, naming and defining child sexual abuse, conducting assessment, developing a safety strategy, supporting healing and resilience, holding accountability, working for community transformation, and as strengthening collective resistance.

The Conclusion (pp. 54-56) offers steps toward integrating Transformative Justice into intimate, activist and community networks, as well as mass-base and community agencies and the sexual and domestic violence sectors.

When using a Transformative Justice approach, it can be useful to think of safety not as a destination but in terms of a set of practices...[that] can operate at a number of levels: individual, network, community and movement (p. 42).

Accountability is not an event but an ongoing commitment. Even those who want to hold someone accountable often mistake how much effort and commitment it takes to support people to stop their abuse and the behavior that drives the abuse. There is often a strong impulse or entitlement driving sexually abusive behavior which is not easily transformed. The most successful models, such as the Mennonite Circles of Support and Accountability, have shown best results with very high levels of engagement from a support and accountability circle. In this model, the circle makes a year commitment to meeting daily with the person who is abusive to support them in their commitment to not abuse. After a year the team and the person who is abusive adjust the intensity based on need (p. 51).

True accountability depends on seeing the humanity of the abused that has been harmed and the humanity of the person who has done the harming – in other words, it depends on empathy. This empathy often needs to be matched with enough pressure to insist on accountability (p. 47).

Organizations engaged in sexual and domestic violence work might begin with a joint study of this paper and an assessment of the following questions:

- To what extent does the organization currently collude with or resist State violence? In what ways are we already responding to violence outside of State or legal measures?
- What kind of criteria exists for deciding when to and when not to engage the State? What protocol and policies are in place to respond to violence outside of State intervention?
- How do the Transformative Justice principles align with or challenge the mission and politics of the organization?
- What preparation might be necessary to develop and support community-based responses to and prevention of violence?
- What kind of support do we provide to staff and member around their histories of trauma?
- How can we participate in campaign, community organizing and political activism that challenges the conditions which perpetuate intimate and community violence and challenges State violence? (p.55)

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Rustbelt Abolition Radio Podcast

Beyond Punishment: The Movement for Transformative Justice

Listen to this podcast interview from July 2017, which explores efforts to re-imagine the politics of violence, harm, safety, and redress, spearheading practices of accountability and healing that move beyond the punitive logic of the carceral state.

Mia Mingus from the Bay Area Transformative Justice Collective discusses alternatives to carceral feminism, and how the movement to end child sexual abuse points the way toward radically re-imagining practices of justice.

One of the interesting concepts Mingus talks about is the “pod” as a particular set of people an individual can call upon in times of violence or crisis. The term is used because of its greater specificity in comparison to “community,” which means many different things to different people.

One individual could have different pods for different issues. They are not necessarily those who are closest to you, because violence could be in your closest relationships. They are selected based on very specific criteria—for example, they might be able to have conversations about accountability without falling into collusion or minimizing; they might provide survivor support without demonizing or paternalizing.

Claudia Garcia-Rojas, co-director of The Chicago Taskforce on Violence Against Girls & Young Women, and Maya Schenwar, Editor-in-Chief of Truthout and author of *Locked Down*, *Locked Out: Why Prison Doesn't Work* and *How We Can Do Better* are also featured in this podcast.

Visit [Abolition Radio Beyond Punishment](#) to listen to this 30-minute podcast. A transcript is available online at

[Beyond Punishment Transcript](#).

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Mia Mingus
Bay Area Transformative
Justice Collective

“State violence gets passed down generationally, and then that trauma gets passed down generationally, and specifically with intimate violence, you can literally look at people’s family trees and family histories and see how the violence was literally passed down. And so, what we know is that **because violence is generational, and because it is systemic, that we need everybody to end violence.** We need everybody to end it. And what that also means is that **we can’t just only work with survivors, we also have to work with people who have caused harm and people who have been violent.** And what we also know is that because violence is so widespread, that most of us have also caused harm at some point in our lives as well, either intentionally or unintentionally, most of us have colluded with violence as well, and allowed for violence to happen.”

—Mia Mingus

<https://batjc.wordpress.com/2015/10/20/radio-program-on-love-transformative-justice-and-child-sexual-abuse/>

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(Continued on page 22)

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