

## *Anticolonial Responses to Gender Violence*

**B**ecause sexual violence has served as a tool of colonialism and white supremacy, the struggle for sovereignty and the struggle against sexual violence cannot be separated. Some people have argued that we must prioritize sovereignty. If we successfully decolonize, so the argument goes, we will necessarily end sexism because Native societies were not male dominated prior to colonization.<sup>1</sup> The flaw with this argument is that, regardless of its origins in Native communities, sexism operates with full force today and requires strategies that directly address it. Before Native peoples fight for the future of their nations, they must ask themselves, who is included in the nation? It is often the case that gender justice is articulated as being a separate issue from issues of survival for indigenous peoples. Such an understanding presupposes that we could actually decolonize without addressing sexism, which ignores the fact that it has been precisely through gender violence that we have lost our lands in the first place. In my activist work, I have often heard the sentiment expressed in Indian country: We do not have time to address sexual/domestic violence in our communities because we have to work on “survival”

issues first. However, according to U.S. Department of Justice statistics, Indian women suffer death rates twice as high as any other women in this country from domestic violence.<sup>2</sup> We are clearly not surviving as long as issues of gender violence go unaddressed. Scholarly analyses of the impact of colonization on Native communities often minimize the histories of oppression of Native women. In fact, some scholars argue that men were disproportionately affected by colonization because the economic systems imposed on Native nations deprived men of their economic roles in the communities.<sup>3</sup> By narrowing analysis solely to the economic realm, they fail to account for the multiple ways women have disproportionately suffered under colonization—from sexual violence to forced sterilization. As Paula Gunn Allen argues,

Many people believe that Indian men have suffered more damage to their traditional status than have Indian women, but I think that belief is more a reflection of colonial attitudes toward the primacy of male experience than of historical fact. While women still play the traditional role of housekeeper, childbearer, and nurturer, they no longer enjoy the unquestioned positions of power, respect, and decision making on local and international levels that were not so long ago their accustomed functions.<sup>4</sup>

Rather than adopt the strategy of fighting for sovereignty first and improving Native women's status second, as many activists argue, we must understand that attacks on Native women's status are themselves attacks on Native sovereignty. Lee Maracle illustrates the relationship between colonization and gender violence in Native communities in her groundbreaking work, *I Am Woman*:

*If the State won't kill us  
we will have to kill ourselves.  
It is no longer good etiquette to head hunt savages.  
We'll just have to do it ourselves.  
It's not polite to violate "squaws"  
We'll have to find an Indian to oblige us.  
It's poor form to starve an Indian  
We'll have to deprive our young ourselves  
Blinded by niceties and polite liberality  
We can't see our enemy,  
so, we'll just have to kill each other.<sup>5</sup>*

It has been through sexual violence and through the imposition of European gender relationships on Native communities that Europeans were able to colonize Native peoples in the first place. If we maintain these patriarchal gender systems, we will be unable to decolonize and fully assert our sovereignty.

In addition, conceptualizing sexual violence as a tool of genocide and colonialism fundamentally alters the strategies for combating it. We must develop anticolonial strategies for addressing interpersonal violence that also address state violence.

### *Native Peoples and the Criminal Justice System*

For many years, activists in the rape crisis and domestic violence movements have promoted strengthening the criminal justice system as the primary means to reduce sexual and domestic violence. Particularly since the passage of the Violence Against Women Act in 1994, antiviolence centers have been able to receive a considerable amount of funding from the state, to the point where most agencies are dependent on the state for their continued existence. Consequently, their strategies tend to be state friendly: hire more police, give longer sentences to rapists, pass mandatory arrest laws, etc. There is a contradiction, however, in relying upon the state to solve problems it is responsible for creating. Native people are per capita the most arrested, most incarcerated, and most victimized by police brutality of any ethnic group in the country.<sup>6</sup> Given the oppression Native people face within the criminal justice system, many communities are developing their own programs for addressing criminal behavior, which often draw on some of the principles of "restorative justice."

"Restorative justice" is an umbrella term that describes a wide range of programs which attempt to address crime from a restorative and reconciliatory rather than a punitive framework. As opposed to the U.S. criminal justice system, which focuses solely on punishing the perpetrator and removing him (or her) from society through incarceration, restorative justice attempts to involve all

parties (perpetrators, victims, and community members) in determining the appropriate response to a crime in an effort to restore the community to wholeness.

These models have been particularly well developed by many Native communities, especially in Canada, where the sovereign status of Native nations allows them an opportunity to develop community-based justice programs.<sup>7</sup> In one program reported by Rupert Ross's study, for example, when a crime is reported, the working team that deals with sexual/domestic violence talks to the perpetrator and gives him the option of participating in the program. The perpetrator must first confess his guilt and then follow a healing contract, or go to jail. The perpetrator is free to decline to participate in the program and go through normal routes in the criminal justice system. If s/he pursues the restorative justice model, however, everyone (victim, perpetrator, family, friends, and the working team) is involved in developing the healing contract. Each participant is also assigned an advocate through the process. Everyone also shares the responsibility of holding the perpetrator accountable to his contract. One Tlingit man noted that this approach was often more difficult than going to jail:

First one must deal with the shock and then the dismay on your neighbors' faces. One must live with the daily humiliation, and at the same time seek forgiveness not just from victims, but from the community as a whole.... [A prison sentence] removes the offender from the daily accountability, and may not do anything towards rehabilitation, and for many may actually be an easier disposition than staying in the community.<sup>8</sup>

Along similar lines, scholar and prison educator Elizabeth Barker asserts that the problem with the criminal justice system is that it diverts accountability to the criminal justice system instead of the community. By removing perpetrators from their community, they are further disabled from developing ethical relationships within a community context.<sup>9</sup> "In reality, rather than making the community a safer place, the threat of jail places the community more at risk."<sup>10</sup> During the time that the Hollow Lake reserve in Canada used a community approach (from approximately 1984 to 1996) 48 offenders were identified. Only five chose

to go to jail, and only two who entered the program have committed crimes since.

However, as James and Elsie B. Zion note, Native domestic violence advocates are often reluctant to pursue alternatives to incarceration for addressing violence against women.<sup>11</sup> Survivors of domestic and sexual violence programs are often pressured to "forgive and forget" in tribal mediation programs that focus more on maintaining family and tribal unity than on providing justice and safety for women. Rupert Ross's study of traditional approaches for addressing sexual/domestic violence on First Nations reserves in Canada notes that they are often very successful in addressing child sexual abuse, as communities are less likely to blame the victim for the assault. In these cases, the community makes a proactive effort in holding perpetrators accountable so that incarceration is often unnecessary. However, Ross notes that these approaches often break down in cases involving an adult woman victim because community members are more likely to blame her instead of the perpetrator for the assault. He also notes that they are most successful in small, geographically isolated areas where it is more difficult for the perpetrator to simply move to another area.<sup>12</sup>

Many Native domestic violence advocates I have interviewed have observed similar problems in applying traditional methods of justice in cases of sexual assault and domestic violence. T., an advocate from a tribally based program in the Plains area, contends that traditional approaches are important for addressing violence against women, but they are insufficient. To be effective, she argues, they must be backed up by the threat of incarceration. T. notes that medicine men have come to her program saying, "We have worked with this offender and we have not been successful in changing him. He needs to join your batterers' program." Traditional approaches toward justice presume that the community will hold a perpetrator accountable for his crime. However, community members often do not regard sexual violence as a crime when cases involve adult women, and they will not hold the offender accountable. Before such approaches can be effective, T. contends, we must implement community education

programs that will sufficiently change community attitudes about these issues.

Another advocate, D., who lives on a reservation in the Midwest, argues that traditional alternatives to incarceration were actually more harsh than incarceration. While many Native people presume that traditional modes of justice focused on conflict resolution, she argues that penalties for societal infractions were not lenient, entailing banishment, shaming, reparations, and sometimes death. D. became involved in an attempt to revise tribal codes by reincorporating traditional practices, but she found it difficult to determine what these practices were and how they could be made useful today. For example, some punishments, such as banishment, would not have the same impact today. Prior to colonization, Native communities were so close-knit and interdependent that banishment was often the equivalent of a death sentence. Today, however, Native peoples can simply leave home and move to an urban area. In addition, the elders with whom she consulted admitted that their memories of traditional penal systems were tainted by their own boarding school experiences. As a result of her research, D. believes that incarceration is the most appropriate way to confront sexual violence. She argues that if a Native man rapes someone, he subscribes to white values rather than Native values, because rape is not an Indian tradition. Thus, if he follows white values, he should suffer the white way of punishment.

However, Native antiviolence advocates also struggle with a number of difficulties in using incarceration as the primary strategy to solve the problem of sexual violence. First, so few rapes are reported that the criminal justice system rarely has the opportunity to address the problem. Among five tribal programs I reviewed in 1998, only six rapes were reported to law enforcement officials in that year. Complicating matters, cases involving rapes on tribal land were generally handed to the local U.S. attorney, who then declined to prosecute the vast majority of cases.<sup>13</sup> By the time tribal law enforcement programs even see rape cases, a year may have passed since the assault, making it difficult for these programs to prosecute. Furthermore, because rape is covered under the Major Crimes Act (see Chapter 1), many tribes have

developed codes for domestic violence, but they have not developed them for sexual assault. One advocate, B., who conducted a training for southwestern tribes on sexual assault, says participants said they did not need to develop codes because the “feds will take care of rape cases.” B. then asked how many cases of rape had been federally prosecuted, and the participants discovered that not one case of rape had ever reached the federal courts. Additionally, there is inadequate jail space in many tribal communities. When the tribal jail is full, the tribe has to pay the surrounding county to house its prisoners. Given the financial constraints, tribes are reluctant to house prisoners for any length of time. Most important, as sociologist Luana Ross notes, incarceration has been largely ineffective in reducing crime rates in the dominant society, much less in Native communities. “The white criminal justice system does not work for white people; what makes us think it’s going to work for us?” she asks.

The criminal justice system in the United States needs a new approach. Of all the countries in the world, we are the leader in incarceration rates—higher than South Africa and the former Soviet Union, countries that are perceived as oppressive to their own citizens. Euro-America builds bigger and better prisons and fills them up with criminals. Society would profit if the criminal justice system employed restorative justice....Most prisons in the United States are, by design, what a former prisoner termed the devil’s house. Social environments of this sort can only produce dehumanizing conditions.<sup>14</sup>

Similarly, policing under tribal control or the BIA (Bureau of Indian Affairs) is not necessarily an improvement, as can be attested to by the countless charges of police brutality by the BIA or tribal police. For example, in the mid-1990s, Indian children in Montana were calling the reservation police “terminators.” Tribal leaders say that is how bad a reputation the tribal police had. “The common sentiment, is the cops are the enemy of the people,” said Clara Spotted Elk, who was a member of a special law enforcement committee for the Northern Cheyenne tribe in Montana. At a congressional hearing in 1994, she and other tribal leaders told the Native American Affairs Subcommittee of the House Natural Resources Committee that the BIA fails to adequately train and



supervise reservation police, and disregards complaints about brutality and other misconduct. The House panel called the hearing in 1993 after brutality charges, ranging from beatings to spraying suspects with mace, were made against BIA police in five Western states. The committee watched a brief videotape of a BIA officer slamming a woman's head into a wall on the Wind River Reservation in Wyoming. The woman had been arrested for disorderly conduct. Under questioning from the panel, a BIA official insisted the incident did not constitute police brutality.<sup>15</sup> Nearly 10 years later, in 2002, the entire police force on the Rocky Boys Indian Reservation in Montana was placed on probation by the Chippewa Cree Business Committee because of allegations of police brutality.<sup>16</sup>

As a number of studies have demonstrated, more prisons and more police do not lead to lower crime rates.<sup>17</sup> The Rand Corporation found that California's "three strikes" legislation, which requires life sentences for three-time convicted felons, did not reduce the rate of "murders, rapes, and robberies that many people believe to be the law's principal targets."<sup>18</sup> In fact, changes in crime rates often have more to do with fluctuations in employment rates than with increased police surveillance or increased incarceration.<sup>19</sup> Concludes Steven Walker, "Because no clear link exists between incarceration and crime rates, and because gross incapacitation locks up many low-rate offenders at a great dollar cost to society, we conclude as follows: gross incapacitation is not an effective policy for reducing serious crime."<sup>20</sup> Criminologist Elliott Currie similarly finds that "the *best* face put on the impact of massive prison increases, in a study routinely used by prison supporters to prove that 'prison works,' shows that prison growth seems not to have 'worked' at all for homicide or assault, barely if at all for rape."<sup>21</sup>

Relying on the criminal justice system as the primary approach toward ending violence does not address the reality of police and other forms of state violence in Native communities. Some recent reported examples in the U.S. and Canada follow:

**February 26, 2003 – Minneapolis, Minnesota.** A group of American Indians, including a pregnant woman, who said they were beaten, falsely imprisoned, and terrorized during a raid of their home, filed a lawsuit against several Minneapolis police officers. According to the lawsuit filed in U.S. district court, six relatives and two friends who were in the home at the time claim that their race and location in one of Minnesota's roughest neighborhoods led police officers to mistreat them. Officers had obtained a warrant based on information that residents were selling drugs. No guns were found by officers at the home and none of the eight plaintiffs has been prosecuted for a crime in connection to the raid, the lawsuit said. The plaintiffs say the raid at the Little Earth Housing Project lasted over three hours and as many as 15 Minneapolis police officers were involved. Wayne Long Crow said he was sitting in a bed with his hands in the air when one officer struck him in the head with the butt end of a rifle, tearing open his scalp. Another plaintiff, Harold Groskruetz, said two officers slammed him into broken glass on the floor, cutting open his head. After he was handcuffed and bleeding, one of the officers kicked him in the head when he complained about the treatment of his wife. Two people were arrested after police found crack cocaine in a toy box. The lawsuit states that officers conducted a full search of the home and turned up nothing until another officer arrived and searched the toy box. The lawsuit accuses the officer of planting the drug. Each plaintiff is seeking damages in excess of \$50,000.<sup>22</sup>

**January 30, 2003 – Pine Ridge, South Dakota.** A judge in South Dakota sentenced a former police officer for the Oglala Lakota Tribe to life in prison for raping a woman and her daughter. Tancrede Hamel, 28, pleaded guilty to the rapes. He has a prior conviction of raping a girl on the Pine Ridge Reservation.<sup>23</sup>

**January 2003 – Minneapolis, Minnesota.** Two unidentified Minneapolis police officers were seen manhandling an American Indian man before leaving him and a woman outside in freezing temperatures. Two residents of the Little Earth Housing Project in south Minneapolis told community leaders and police investigators that they saw two officers drag the man and woman from the

back seat of a marked squad car late on a Friday night. The witnesses said they saw officers assault the man in a parking lot before leaving him unconscious after midnight. The temperature was two degrees above zero. "They left them out to freeze," said Ellie Webster, executive director of Little Earth Community Partnership. She also said that off-duty officers who took the man to a hospital later told a Little Earth security supervisor that someone had urinated on the man's upper torso and head. The man and woman are homeless.

The charges are similar to those of a decade ago, when two Indian men who were drunk were stuffed into the trunk of a Minneapolis squad car to be taken to a detoxification center. In 1995, Charles Lone Eagle and John Boney were awarded \$100,000 each by a Hennepin County jury after jurors found that officers Michael Lardy and Marvin Schumer had violated their human and civil rights. The officers said they put the men in the trunk as the quickest way to get them medical attention.<sup>24</sup>

**November, 2002 – Winnipeg, Manitoba.** Nahanni Fontaine, an employee of the Southern Chiefs' Organization, reported that three boys were asleep in a house when police officers burst in, started beating them, and then called for more help. "There were 16 officers in that little house for three youth," she said. "The youth were taken outside, were handcuffed, were stomped in the face, were kicked in the stomach, were choked."<sup>25</sup>

**June 2001 – Cleveland, Ohio.** An off-duty Cleveland police officer shot and killed 20-year-old Joseph Finley, who was Cherokee and Seminole. The Cleveland police were accused of covering up the shooting that happened on June 29, 2001. Officer James Toomey found Finley in his garage and, assuming he was a burglar, warned him repeatedly not to move, according to police. When Finley jumped up, Toomey shot him in the chest, abdomen, back, arms, and legs. The coroner said Finley died of about 14 gunshot wounds; three were in the back.<sup>26</sup>

**October 2000 – Sioux Falls, South Dakota.** Yankton Sioux tribal members complained that Wagner police chief Ed Zylstra used excessive force while arresting an American Indian homeless

woman. They say Zylstra threw Sharon K. Gullikson to the ground in the middle of Main Street, handcuffed her, then yanked her up by the cuffs, cutting her wrist. Gullikson was charged with disorderly conduct and resisting arrest. This incident was not the first time the police chief and the city have been at odds with the tribe. In April 2000, tribal members accused Zylstra and his officers of racial profiling. Zylstra and the city denied the charges. They say they were stopping tribal members to serve outstanding warrants. Several of those who witnessed Gullikson's arrest last week say the woman did nothing to provoke Zylstra. "He grabbed her by the wrist and slammed her wickedly, right to the concrete," said Larry Weddell, who watched the arrest from across the street. "She landed on her face and chest. Dust flew up when she hit. He kneed her in the back, put the handcuffs on her, then jerked her off the ground by the handcuffs. She never attacked him. She wasn't trying to get away or assault him. There was no need for this attack."

Gullikson said she went to the Wagner Food Center, a local grocery store, then shopped for earrings in a pawn shop, buying a pair for 25 cents. As she was walking in front of James Drug, she saw Zylstra drive up but kept walking until he honked the horn. She said Zylstra told her she was under arrest for trespassing and panhandling at the grocery store. "The next thing I knew, I was face down. My glasses broke, and my head hit the pavement," she said. "He kneeled on my kidney. At night, it ached for a while. I'm scared of him. A lot of homeless people are scared of him. They're scared of getting hurt," she said.<sup>27</sup>

**September 2000 – Saskatoon, Saskatchewan.** Police officers in Saskatoon took a Native man, Darrell Night, put him in a police car, drove him far from the city's downtown, and dropped him off to walk home in freezing weather after taking away his coat. He survived, and on telling his story, it came out that police officers had regularly taken Native people out into the cold with no warm clothing, leaving them to freeze. The police would then blame their deaths on alcohol. Two other young aboriginal men did not survive such incidents – their bodies were found separately in the same area where Darrell Night was dropped off.

Constable Dan Hatches and Constable Ken Munson of Saskatoon city police were charged with police brutality but were put back on the payroll during the trial. The Saskatchewan police commission ruled they deserved to be paid, because the two officers had been cooperative and honest throughout the investigation. In Saskatchewan, aboriginal people make up 11 percent of the population but close to 74 percent of the inmate population in provincial jails and 61 percent of inmates in federal institutions. Starting in November, 2001, Saskatchewan spent more than \$2 million on its own aboriginal justice inquiry. The Commission on First Nations and Metis Peoples and Justice Reform made many recommendations, among them considering sentencing alternatives with input from First Nations and Metis elders; and establishing a "therapeutic court" to deal with certain issues, including domestic violence.

Furthermore, the president of the provincial association of police chiefs acknowledged publicly that police from across Saskatchewan are alleged to have taken aboriginals and abandoned them in remote areas. The Federation of Saskatchewan Indian Nations says more than 300 complaints have been received.<sup>28</sup>

**July 2000 – Lake Andes, South Dakota.** A simple assault charge was filed against a Lake Andes police officer, Michael Atwood, accused of choking a 12-year-old American Indian boy in a city park on the Fourth of July. He was allowed to keep working. The boy, Ben Cournoyer, and two 11-year-old friends admit they were spray-painting profanity on picnic tables, which brought Atwood to the park. The three were charged with vandalism. The three boys and three adult witnesses say a lecture from Atwood turned physical when he grabbed Cournoyer by the neck and lifted him up off the ground. "He grabbed me around the neck, choked me, and lifted me up by my neck. I was barely on my tippie-toes," said Cournoyer, a seventh-grader from Lake Andes.<sup>29</sup>

**June 1999 – St. Paul.** The St. Paul City Council unanimously agreed to pay \$92,500 to settle a police brutality lawsuit filed by a Minneapolis man who alleged that two officers handcuffed him, sprayed him with a chemical irritant, and dumped him in the

snow near the Minneapolis border. The council, without debate, also agreed to pay up to \$30,000 for attorneys' fees and costs, ending the suit before trial. City officials acknowledged that the officers violated police policy when they didn't take Michael Greenleaf (Red Lake Chippewa), who was intoxicated, to a hospital after spraying him with a chemical irritant in the incident on November 15, 1997. Greenleaf, then 38, also was put in jeopardy when the officers left him outside wearing only a light jacket with the temperature at 20 degrees. The police officers also used racist epithets during the incident.<sup>30</sup>

**March 1998 – Calgary, Alberta.** A First Nations woman, Connie Jacobs, and her son Ty were shot to death by police who called to respond to a domestic violence incident. No charges were filed against Dan Voller, the police officer who murdered them.<sup>31</sup>

**November 1997 – Plymouth, Massachusetts.** The United Indians of New England have an annual protest in Plymouth, Massachusetts on Thanksgiving. In 1997, violence erupted when police attacked the demonstrators with pepper spray in an attempt to halt the march. Twenty-three protesters were arrested. They filed suit against the police for brutality. Lloyd Gray (Onondaga) stated that he was pepper-sprayed and his head was bashed into the ground. Eventually, the protesters dropped the suit in return for a \$135,000 donation made to the United Indians of New England as well as an agreement to let the protesters continue to have their annual marches.<sup>32</sup>

In addition to innumerable incidents of police brutality, Native peoples, including Native women, are overrepresented in prisons and jails. According to a 2000 study, Native women make up only 8 percent of the women's population in South Dakota, but 35 percent of the state's women's prison population.<sup>33</sup> For Native peoples generally, incarceration rates are high. In Montana, for instance, 16 percent of prisoners were Native in 2000, compared with just 6 percent of the state population. In 2000, 19 percent of prisoners were American Indian and Alaska Native in North Dakota, a state where just 5 percent of the population is Native.



Wyoming Indians made up 2 percent of the state population and 7 percent of the prison population in 2000. In 2000, the rate was comparable in Minnesota, where Indians were 1 percent of the general population and 7 percent of the prison population, and to Nebraska, where Indians make up 1 percent of the population and 5 percent of the prison population.

In 2000, South Dakota had the highest percentage of imprisoned women in the Plains. Some 21 percent of the state's prisoners were Native, compared with just 8 percent of the state population. And in 2000, 37 percent of the state prison population in Alaska was Native, compared with 16 percent of the general population.<sup>34</sup> (It should be noted that these statistics often undercount American Indians who often get miscategorized into other racial/ethnic groups.)

As a result of the death of Cindy Sohappay (discussed at greater length in Chapter 2), Earl Devaney, inspector general of the Department of Interior, conducted an investigation into detention facilities in Indian country in 2004. In testimony to the Senate Select Committee of Indian Affairs on June 23, 2004, Devaney reported that, in the previous three years, there were deaths at 27 out of a total of 74 detention facilities he visited. In all, there were 10 deaths and 41 suicide attempts. For instance, he testified that "at the BIA-operated Hopi Adult and Juvenile Facility in Arizona, an intoxicated inmate died of asphyxiation in 2003. According to the Acting Lead Correctional Officer, this occurred because the two officers on duty were 'more interested in cleaning up the office than observing inmates.'" Devaney also found that there were over 500 serious incidents (including attempted murders and suicide attempts) that were never reported to the Bureau of Indian Affairs.<sup>35</sup>

### *Gender Violence and the State*

All women of color, including Native women, live in the dangerous intersections of gender and race. Within the mainstream

antiviolence movement in the U.S., women of color who survive sexual or domestic abuse are often told that they must pit themselves against their communities, often stereotypically portrayed as violent, to begin the healing process. Communities of color, meanwhile, often pressure women to remain silent about sexual and domestic violence in order to maintain a "united front" against racism. The analysis in this chapter argues for the need to adopt antiviolence strategies that are mindful of the larger structures of violence that shape the world in which we live. Our strategies to combat violence within communities (sexual/domestic violence) must be informed by approaches that also combat violence directed against communities, including state violence—police brutality, prisons, militarism, racism, colonialism, and economic exploitation.

Mainstream remedies for addressing sexual and domestic violence in the U.S. have proven inadequate for combating sexual and domestic violence, especially for women of color. The answer is not simply to provide "multicultural services" to survivors. Rather, the analysis of and strategies around addressing gender violence must also address how gender violence is a tool of racism, economic oppression, and colonialism, as well as patriarchy. We must recognize how colonial relationships, as well as race and class relations, are themselves gendered and sexualized.

As discussed in Chapter 1, when a woman of color suffers abuse, this abuse is not just an attack on her identity as a woman, but on her identity as a person of color. The issues of colonial, race, class, and gender oppression cannot be separated. Hence, the strategies employed to address violence against women of color must take into account their particular histories and the complex dynamics of violence.



## *Beyond the Politics of Inclusion and Cultural Competency*

As the antiviolence movement has attempted to become more “inclusive,” attempts at multicultural interventions against domestic violence have unwittingly strengthened white supremacy within the antiviolence movement. All too often, inclusivity has come to mean that the “domestic violence model,” which developed largely with the interests of white, middle-class women in mind, should simply add a multicultural component to it. Antiviolence multicultural curricula are often the same as those produced by mainstream groups, with some “cultural” designs or references added to this preexisting model. Most domestic violence programs servicing communities of color do not have dramatically different models from the mainstream’s, except for “community outreach workers” or bilingual staff. And women of color are constantly called upon to provide domestic violence service providers with “cultural sensitivity programs” in which we are supposed to explain our cultures, sometimes in 30 minutes or less. Even with trainings as long as 40 hours, only one or two of those hours are devoted to “cultural diversity.” It is naively assumed that “the culture” of people of color is simple, easy to understand, homogenous, and that such understanding requires little or no substantive engagements with communities. Furthermore, those people who are marginalized *within* communities of color, such as lesbian, gay, bisexual, and transgendered (LGBT) or queer people, people with disabilities, sex workers, or addicts, are often marginalized within these “cultural” representations.

Of course, many women of color in domestic violence programs have been active in expanding notions of “cultural competency” to be more politicized, less simplistic, and less dependent on the notion of culture as a static concept. However, cultural competency, no matter how reenvisioned, is limited in its ability to create a movement that truly addresses the needs of women of color because the lives and histories of women of color call on us to radically rethink all models currently developed for addressing domestic violence.

An alternative approach to “inclusion” is to place women of color at the center of the organizing and analysis of domestic violence. What if we do not make any assumptions about what a domestic violence *program* should look like, but instead ask: What would it take to *end violence against women of color*? What would this movement look like? What if we do not presume that this movement would necessarily have anything we take for granted in the current domestic violence movement? Beth Richie suggests we need to go beyond just centering our analysis on women of color. Rather, she asks, what if we centered our attention on those abused women most marginalized within the category of “women of color?” This approach is of utmost importance because it is within this context, she argues, that we must ultimately “be accountable not to those in power, but to the powerless.”<sup>36</sup> She is not suggesting that we have a permanent category in the center of analysis (i.e., women of color), but that we constantly shift the center of analysis to multiple perspectives to ensure that we are developing a holistic strategy for ending violence.

In her essay “Disloyal to Feminism: Abuse of Survivors Within the Domestic Violence Shelter System,” Emi Koyama examines some of the possible ramifications of locating women of color, particularly women of color who have been criminalized by the state, such as sex workers, at the center of our analysis and work. Koyama suggests that some of the components now seen as integral to domestic violence programs are ones we would not necessarily continue to use. In particular, she critiques the “shelter system” for mirroring the abusive patterns of control that women in battering relationships seek to leave, and for isolating women from their communities.<sup>37</sup> As Isabel Gonzalez of Sista II Sista (a young women’s community-based organization in Brooklyn) argues, the domestic violence shelter system is often modeled on a pattern similar to the prison system — where women’s activities are monitored and policed, and where they are cut off from their friends and families.<sup>38</sup> In fact, some shelters have gone so far as to conduct background searches on clients and have them arrested if they have outstanding warrants. As Jael Silliman notes, many antiviolence activists in other countries do not rely on shelters as

their primary strategy to address violence. Rather than assume that the absence of a shelter system is a sign of “underdevelopment,” perhaps we can learn from these alternative approaches.<sup>39</sup>

### *Possible Remedies*

**Anchoring violence against women within the larger context of racism, colonialism, and inequality.** The antiviolence movement has always contested the notion of home as a safe place because the majority of the violence that women suffer happens at home. Furthermore, the notion that violence happens “out there,” inflicted by the stranger in the dark alley, prevents us from recognizing that the home is, in fact, the place of greatest danger for women. However, the strategies the domestic violence movement employs to address violence are actually premised on the danger coming from “out there” rather than from at home. Reliance on the criminal justice system to address gender violence would make sense if the threat was a few crazed men whom we can lock up. But the prison system is not equipped to address a violent culture in which an overwhelming number of people batter their partners, unless we are prepared to imprison hundreds of millions of people.

State violence—in the form of the criminal justice system—cannot provide true safety for women, particularly women of color, when it is directly implicated in the violence women face. Unfortunately, the remedies that have been pursued by the mainstream antiviolence movement have often strengthened rather than undercut state violence. The antiviolence movements have been vital in breaking the silence around violence against women and in providing critically needed services to survivors of sexual and domestic violence. These movements have also become increasingly professionalized in providing services. As a result, they are often reluctant to address sexual and domestic violence within the larger context of institutionalized violence.<sup>40</sup>

For instance, many state coalitions on domestic/sexual violence have refused to take stands against the anti-immigration backlash and its violent impact on immigrant women, arguing that this issue is not a sexual/domestic violence issue. Yet as the immigration backlash intensifies, many immigrant women do not report abuse for fear of deportation. Mainstream antiviolence advocates have increasingly demanded longer prison sentences for batterers and sex offenders as a frontline approach to stopping violence against women.<sup>41</sup> However, the criminal justice system has always been brutally oppressive toward communities of color. In 2003, almost three out of four prison admissions and ninety percent of those imprisoned for drug offenses are Black or Latino.<sup>42</sup> Two thirds of men of color in California between the ages of 18 and 30 have been arrested.<sup>43</sup> Six of every 10 juveniles in federal custody are American Indian. Two thirds of women in prison are women of color.<sup>44</sup>

Prisons serve to disguise the economic hardships of these communities because prisoners are not included in unemployment statistics. They then serve to exacerbate these problems within the same communities. In addition, when the state allocates resources by population, they count prisoners as part of the community in which the prison is located, primarily white rural areas. Thus, the imprisonment of mass numbers of people of color leads to the draining of resources from communities of color.<sup>45</sup>

The Thirteenth Amendment expressly permits the slavery of prisoners. Uncompensated prison labor is a multimillion-dollar industry and undercuts unionized labor, forcing more people out of jobs and into poverty and thus making them more vulnerable to committing crimes of poverty. Companies that profit from exploitation of prison labor include TWA, McDonald’s, Compaq, Texas Instruments, Sprint, Microsoft, MCI, Victoria’s Secret, IBM, Toys R Us, AT&T, Eddie Bauer, Nordstrom, Honeywell, Lexus, and Revlon.<sup>46</sup>

Furthermore, public funds are diverted directly from public education and social services to prison construction. Since education is one of the more effective ways to prevent future incarceration, essentially some youth are being tracked toward higher education and others are being tracked into prison.

According to a 2001 study *Cellblocks or Classrooms?: The Funding of Higher Education and Corrections and Its Impact on African American Men* sponsored by the Justice Policy Institute, there were more Black men in prison than in college.<sup>47</sup> Prisoners become seen as nonpersons, deserving of any type of abuse or enslavement. They may lose their right to vote. Eighty percent of experimental drugs are tried on prisoners. Women in prison are routinely sexually abused with no recourse for justice. Prisoners lack adequate nutrition and medical care, much less anything rehabilitative. The denial of media access to prisons ensures that this abuse continues unnoticed by the public.<sup>48</sup> Three out of four women in prison are mothers who routinely lose custody of their children while in prison.<sup>49</sup> When men of color are imprisoned they too are prevented from fulfilling familial responsibilities. Prisons effectively prevent communities of color from raising physically and psychologically healthy children.<sup>50</sup> In addition to suffering the brutalizing effects of prison, Native prisoners are also finding that the state uses incarceration to seize the tribal trust funds guaranteed to them by treaty rights. The Native American Project of Columbia Legal Services (CLS) and the Colville Confederated Tribes have filed suit against the state of Washington for seizing trust fund disbursements from tribal members since 1997.<sup>51</sup>

Under such conditions, it is problematic for women of color to go to the state for the solution to the problems that the state has had a large part in creating. Consider these examples:<sup>52</sup>

An undocumented woman calls the police because of domestic violence. Under current mandatory arrest laws, the police must arrest someone on domestic violence calls. Because the police cannot find the batterer, they arrest her and have her deported. (Tucson)

An African-American homeless woman calls the police because she has been the victim of group rape. The police arrest her for prostitution. (Chicago)

An African-American woman calls the police when her husband, who is battering her, accidentally sets fire to their apartment. She is arrested for setting the fire. (New York)

A Native woman calls the police because she is the victim of domestic violence, and she is shot to death by the police. (Alert Bay, Canada)<sup>53</sup>

The *New York Times* recently reported that the effect of strengthened anti-domestic violence legislation is that battered women kill their abusive partners less frequently; however, batterers do *not* kill their partners less often.<sup>54</sup> In addition, as Beth Richie notes in her study of Black women in prison, and as Luana Ross describes in her study of incarcerated American Indian women, women of color are generally in prison as a direct or indirect result of gender violence. For example, Richie and Ross document how women of color involved in abusive relationships are often forced to participate in men's criminal activities.<sup>55</sup> Abused women often end up in jail as a result of trying to protect themselves. For instance, over 40 percent of the women in prison in Arizona were there because they murdered an abusive partner.<sup>56</sup> The criminal justice system, rather than solving the problems of violence against women, often revictimizes women of color who are survivors of violence.<sup>57</sup>

In addition, those who go to prison for domestic violence are disproportionately people of color. Julie Ostrowski reports that of the men who go to domestic violence courts in New York, only 12 percent are white. Half of them are unemployed, and the average income of those who are employed is \$12,655.<sup>58</sup> But the issue is not primarily that antiviolence advocates are supporting the prison-industrial complex by sending batterers and rapists to jail, since many antiviolence advocates simply say, "If someone is guilty of violence, should they not be in jail regardless of their racial background?" The co-optation of the antiviolence movement by the criminal justice system has far-reaching effects beyond the immediate victims of domestic violence. The Right has been very successful at using antiviolence rhetoric to mobilize support for a repressive anti-crime agenda that includes "three strikes" legislation and antidrug bills. These anti-crime measures then make abused women more likely to find themselves in prison if they are coerced by partners to engage in illegal activity. When men of color are disproportionately incarcerated because of these laws



that have been passed in part through the co-optation of antiviolence rhetoric, the entire community — particularly women, who are often the community caretakers — is negatively impacted. For instance, the Violence Against Women Act was attached to a repressive anticrime bill that was then heralded by antiviolence advocates as “feminist” legislation.

Increasingly, domestic violence advocates are coming to recognize the limitations of the criminal justice system. This recognition gave rise to the joint statement by INCITE! Women of Color Against Violence and Critical Resistance, “Gender Violence and the Prison Industrial Complex: Interpersonal and State Violence Against Women of Color.”<sup>59</sup> This document critiques the antiviolence movement’s reliance on state violence as the primary strategy for eradicating violence against women in general, and women of color in particular. Since this statement was developed, many prominent activists and organizations have signed it, including the National Coalition Against Domestic Violence. (The statement follows this chapter.)

**Restorative justice and peacemaking.** In critiquing mainstream strategies against domestic violence, we must answer the question, what are the strategies that can end violence against women? Unfortunately, many of the alternatives to incarceration promoted under the previously described restorative justice model have not developed sufficient safety mechanisms for survivors of domestic/sexual violence. On the one hand, these models seem to have much greater potential for dealing with crime effectively; if we want perpetrators of violence to live in society peaceably, justice models which allow the community to hold him/her accountable make sense. On the other hand, in addressing domestic/sexual violence, these models work only when the community unites in holding perpetrators accountable. And in cases of sexual and domestic violence, the community often sides with the perpetrator, not the victim, because of the patriarchal values they have internalized. So in many Native American communities, as well as other areas where these models are in operation, they are often used to pressure adult sexual violence

survivors to “reconcile” with their families, and “restore” the community.

Models of restorative justice proposed by anti-domestic violence advocates tend to be located within the criminal justice system, as illustrated by the important but flawed anthology *Restorative Justice and Family Violence*.<sup>60</sup> What unites these essays for the most part, is an inability to think outside the traditional criminal justice/social service model for addressing violence. What seems to be at stake for the contributors of this book is whether or not restorative justice programs should be added as an appendage to the current criminal justice/social service model as the primary strategy for addressing violence. No contributor considers how some of the principles involved in restorative justice programs might be helpful in considering completely different strategies for eradicating violence. There are reasons why this tendency happens — some domestic violence advocates argue that restorative justice only works if it’s backed by the threat of incarceration. This approach can actually strengthen the criminal justice system, with all its inherent racism, rather than challenge it. Prison abolitionist Stanley Cohen argues that alternative models are typically co-opted to serve state interests, increase the net of social control, and often lose their community focus as they become professionalized.<sup>61</sup> When programs are administered by the state, the state usually requires that someone with a professional degree oversee these programs. This professionalization hinders communities from doing the work on the grassroots level. Indeed, the history of prison reform shows how often reform programs actually strengthen the prison system, increasing the number of people who fall under its purview.<sup>62</sup>

For instance, women religious reformers in the nineteenth century advocated reforms for women prisoners, who were being kept in the same brutal institutions with men. These reformers imagined women prisoners not as “criminal, fallen women” deserving harsh treatment, but as “sick” or “wayward” women in need of a cure or proper retraining. They fought for the establishment of sex-segregated “reformatories” to provide women the guidance they needed to fulfill their domestic roles. As a result, great numbers of women suddenly found themselves in the



criminal justice system receiving domesticity training.<sup>63</sup> As Luana Ross points out, the outgrowth of this ideology is that women often find themselves in prison longer than men—until they can prove they have been “cured.”<sup>64</sup> Simply adding restorative justice to the present criminal justice system is likely to further strengthen the criminal justice apparatus, particularly in communities of color that are deemed in need of “restoration.” In addition, as discussed in Chapter 8, continued emphasis on criminal justice reforms diverts our attention from grassroots political-organizing strategies which do have the potential to address root causes of violence.

We face a dilemma: On the one hand, the incarceration approach promotes the repression of communities of color without really providing safety for survivors. On the other hand, restorative justice models often promote community silence and denial around issues of sexual/violence without concern for the safety of survivors.

Thus our challenge is, how do we develop community-based models of accountability in which the community will actually hold the perpetrator accountable? There are no simple solutions to violence against women of color, but we will not develop effective strategies unless we stop marginalizing women of color. When we center women of color in the analysis, it becomes clear that we must develop approaches that address interpersonal, state (e.g., colonization, police brutality, prisons), and structural (e.g., racism, poverty) violence simultaneously. In addition, we find that by centering women of color in the analysis, we may actually build a movement that more effectively ends violence not just for women of color but for all people.

### *Structural Change, Social Change*

Today, more community-based organizations are developing strategies that do not primarily rely on the state to end domestic violence. These interventions are not based in what are typically

known as “domestic violence” programs, and they often do not receive sufficient attention for their innovation and creation. Because these models attempt to get at the root causes of violence, they do not offer simple panaceas for addressing this problem. This work does suggest some possible directions that the antiviolence movement could take in eradicating violence, including sexual and domestic violence. Providing services to survivors is important, but services alone will not stop domestic violence. It becomes critical that we create more space to ponder how to end domestic violence in communities of color. If we do, some directions we might take could include the following strategies.

**Develop interventions that address state violence and interpersonal violence simultaneously.** In one model intervention, Communities Against Rape and Abuse (CARA) in Seattle, began monitoring incidents of police brutality shortly after they were established in 1999. They found that the majority of police officers involved with brutality were responding to domestic violence charges in poor neighborhoods of color. As a result, CARA began organizing around the issue of prison abolition from an antiviolence perspective. In the program book for a 2002 prison-abolition film festival cosponsored with Critical Resistance, CARA outlined its philosophy:

Any movement seeking to end violence will fail if its strategy supports and helps sustain the prison industrial complex. Prisons, policing, the death penalty, the war on terror, and the war on drugs all increase rape, beatings, isolation, oppression, and death. As an anti-rape organization, we cannot support the funneling of resources into the criminal justice system to punish rapists and batterers, as this does not help end violence. It only supports the same system that views incarcerations as a solution to complex social problems like rape and abuse. As survivors of rape and domestic violence, we will not let the antiviolence movement be further co-opted to support the mass criminalization of young people, the disappearance of immigrants and refugees, and the dehumanization of poor people, people of color, and people with disabilities. We support the anti-rape movement that builds sustainable communities on a foundation of safety, support, self-determination, and accountability.

Also significant about CARA is the manner in which they have followed Beth Richie's mandate to organize around the women of color who are least acceptable to the mainstream public. In particular, the group began a campaign against Children Requiring a Caring Kommunity (CRACK), which pays women (and some men) who are substance abusers to be sterilized and focuses primarily on recruiting women from poor communities of color. (See Chapter 4.) CARA's organizing framework emphasizes how an organization that targets substance abusers necessarily targets survivors of violence. Furthermore, CARA is unique in organizing specifically around women with disabilities. In the CRACK campaign, for instance, they address the manner in which the success of CRACK is dependent on the notion of "crack babies" as being "damaged goods" because they may have disabilities.

**Emphasize base-building approaches that view domestic violence survivors as potential organizers rather than clients.** Long-time activist Suzanne Pharr argues that one of the ways in which the domestic violence movement fails as a violence-reduction movement is its focus on providing services to "clients" instead of seeing survivors as potential antiviolence activists or organizers. Because they are focused on providing services, rather than building a sustainable antiviolence movement, those involved in antiviolence work tend to be professionals who may or may not be interested in challenging the societal norms and structures that give rise to violence.

One organization that focuses on base-building—recruiting people who are not currently activists to become activists—is Sista II Sista in Brooklyn. This organization of young women of color addresses violence against girls in the neighborhood committed both by the police and by other members of the community. Sista II Sista created a video project documenting police harassment after two girls were killed by the police. (One girl was sexually assaulted as well.) In addition, it recently created a community accountability program called Sisters Liberated Ground, which organizes members to monitor violence in the community without relying upon the police. Sista II Sista recruits young

women to attend freedom schools which provide political education from an integrated mind-body-spirit framework, then trains girls to become activists on their own behalf.

**Develop accountability strategies that do not depend on a romanticized notion of "community" and that ensure safety for survivors.** As Pharr's analysis suggests, the success of community accountability models will always be limited as long as survivors are seen as "clients" rather than as organizers. Furthermore, community accountability models will be limited in their success if they are not implemented in the community itself. One group that has developed a model for accountability within communities is Friends Are Reaching Out (FAR Out) in Seattle, an organization which works with queer and LGBT communities of color. The premise of this model is that when people are abused, they become isolated. The domestic violence movement further isolates them through the shelter system because they cannot tell their friends or family members where they are. In addition, the domestic violence movement does not work with the people who could most likely hold perpetrators accountable—their friends and family.

The FAR Out model encourages people to have conversations with friends and developing friendship groups so they are less likely to become isolated. These groups develop processes to talk openly about relationships, since most people tend to keep their sexual relationships private. If we are talking more openly, it is easier for friends to hold us accountable. If a person knows s/he is going to share her/his relationship dynamics openly, it is more likely that s/he will be accountable in the relationship.

Perpetrators will listen to the people they love before they will listen to court-mandated orders, contends FAR Out. And given the homophobia in the criminal justice system, involving law enforcement is more difficult in queer communities. What has made this model work is that it is based on preexisting friendship networks. As a result, it develops the capacity of a community to handle domestic violence.

At the same time, it is important to critically assess community resources for their accountability to survivors of violence.

Sometimes it is easy to underestimate the amount of intervention that is required before a perpetrator can really change his behavior. Often a perpetrator will subject her/himself to community accountability measures but eventually will tire of them. If community members are not vigilant about holding the perpetrator accountable *for years* and instead assume that he or she is “cured,” the perpetrator can turn a community of accountability into a community that enables abuse.

**Expand our definition of community.** Given the high level of mobility in the U.S., the challenge is to develop accountability structures when people can so easily leave communities, or when these communities may not really exist. Part of establishing community accountability processes may involve developing communities themselves. In addition, it is important to expand our notion of community to include communities based on religious affiliations, employment, hobbies, and athletics, and develop strategies based in those communities. For instance, one man was banished from a community for committing incest. As a result, he simply moved out of that area. But because he was a well-known academic, the family made sure he was held accountable in the academic community by making sure that when he gave talks in different communities, his history of incest was exposed.

Traci West’s *Wounds of the Spirit* looks to church communities as possible sites for building strategies of accountability. What is particularly noteworthy about *Wounds of the Spirit* is West’s attempt to locate at least some crisis intervention services within community structures (in this case, the church), rather than in separately constituted agencies that often force women to leave their communities (or in the criminal justice system). Her approach also involves communities holding social service agencies accountable to those communities.<sup>65</sup>

**Build transnational relationships in the fight to end violence against women.** Currently, the mainstream domestic violence model in the U.S. is exported to other countries as the model for addressing violence. However, in many countries where reliance on the state is not an issue or a possibility, other

organizations have developed creative strategies for addressing violence that can inform the work done in the U.S. Masum, a women’s organization in Pune, India, addresses violence through accountability strategies that do not rely on the state. The members of Masum actively intervene in domestic violence cases by using such nonviolent tactics as singing outside a perpetrator’s house until he stops his abuse. Masum reports that it has been able to work on this issue without community backlash because it simultaneously provides needed community services such as microcredit, health care, and education. After many years, this group has come to be seen as a needed community institution, and thus, has the power to intervene in cases of gender violence where its interventions might be resisted.

Another model is from Brazil, the Movement of Landless People (known as Movimento dos Trabalhadores Rurais Sem Terra, or MST). This movement is based in networks of families which claim privately owned territory that is not being used. The families set up tents and fences and defend the land, an action which is called an “occupation.” If they manage to gain control of the land, they form a settlement in which they build houses and more permanent structures. Over the past 20 years, 300,000 families have been involved in these occupations. Families rather than individuals take part in this resistance. About 20 families form a nucleus, which is coordinated by one man and one woman. The nuclei are then organized into the following sectors: production/cooperation/employment; trading; education; gender; communication; human rights; health; and culture. Since the MST cannot utilize the state to address domestic violence, it must develop accountability structures from within. Both men and women participate in the gender sector. This sector is responsible for ensuring that women are involved in all decision-making positions and are equally represented in public life. Security teams are made up of women and men. The gender team trains security to deal with domestic violence.

All issues are discussed communally. As time progresses, participants report that domestic violence decreases because interpersonal relationships are communal and transparent. Because women engage in “physical” roles, such as being



involved in security, women become less likely to be seen as “easy targets” for violence; and the women also think of themselves differently. Sectors and leadership roles rotate so that there is less of a fixed, hierarchical leadership. Hierarchical leadership tends to promote power differentials and hence abuse. This leadership model helps prevent the conditions of abuse from happening in the first place. This model suggests community accountability strategies need to be more holistic. We need to focus not only on intervening when violence happens, but on creating communities where violence becomes unthinkable.

**Organize outside the nonprofit industrial complex.** Anti-violence and social justice organizations within the U.S. largely operate within the 501(c)3 nonprofit model. Activists and organizers often have difficulty conceiving of developing structures outside this model. At the same time, however, social justice organizations across the country are critically rethinking their investment in the 501(c)3 system. Particularly because of the negative impact of the current recession on foundation support, as well as increased surveillance on social justice groups through “homeland security,” social justice organizations are assessing other possibilities for funding social change that do not rely so heavily upon state structures.

In spring of 2004, INCITE! Women of Color Against Violence co-organized a conference with Grace Chang, a professor of women’s studies at the University of California–Santa Barbara, called “The Revolution Will Not Be Funded: Beyond the Non-Profit Industrial Complex.” At the conference, which attracted 600 attendees, activist and scholar Dylan Rodriguez defined the nonprofit-industrial complex as the set of symbiotic relationships which link political and financial technologies of state to create owning-class control and surveillance over public political ideology, including and especially emergent progressive and leftist social movements. He argued that the nonprofit-industrial complex (NPIC) is the natural corollary to the prison industrial complex (PIC); the PIC overtly represses dissent, while the NPIC manages and controls dissent through incorporating it into the state apparatus. In her presentation, panelist Suzanne

Pharr observed that the early development of antiviolence organizations within the nonprofit system coincided with the era of Reaganomics. As a response to the slashing of government services, the women’s movement organized itself into nonprofits to provide the services that the government was no longer providing. As a result, the antiviolence movement essentially became a “cover” for state defunding.

The NPIC contributes to a mode of organizing that is ultimately unsustainable. To radically change society, we must build mass movements that can topple current capitalist hierarchy. The NPIC encourages us to think of social justice organizing as a career—you do the work if you can get paid for it. A mass movement, however, requires the involvement of millions of people, most of whom cannot get paid to do the work. Or, as Arundhati Roy says, “Resistance does not carry with it a paycheck.”<sup>66</sup> By trying to do grassroots organizing using a careerist model, we are essentially asking a few people to work more than full-time hours to make up for the work that needs to be done by millions of people.

Also, because our funding comes from foundations rather than from the people we claim to represent, the NPIC does not have an incentive to increase “membership,” or the base. Instead, we become preoccupied with developing what Paula Rojas calls “smoke and mirrors” forms of organizing that look good to funders, but that do not actually increase the number of people doing organizing work, or that do not really build power.

As Paula Rojas, Anannya Bhattacharjee, and Adjoa Jones de Almeida pointed out at the Revolution Will Not Be Funded Conference, we must look outside the U. S. for alternative models for social change. In India and throughout Latin America, social movements are not dominated by nonprofits; movement building is funded by the constituents. These movements have made alliances with nonprofits and developed their own nonprofit organizations to fund specific aspects of their work. But these nonprofits are truly *accountable* to social movements from which they sprang and are not necessarily seen as parts of the movement. Furthermore, when such nonprofits are “defunded,” it



does not significantly impact the movement because its resources come primarily from constituents.

It might be helpful to think about developing antiviolence organizing projects in the U.S. that are not nonprofits, but are funded by their constituents. People of good conscience who work in mainstream antiviolence organizations could then play a critical role and support these basebuilding efforts and develop accountability to movements. Such an approach would require a shift in our thinking. Instead of seeing domestic and sexual violence agencies as the antiviolence movement, we would work to develop an independent antiviolence movement *supported* by nonprofit domestic and sexual violence agencies.

## *Conclusion*

Activist and scholar Beth Richie asks, "What if funding to combat domestic violence had been located instead in agencies other than criminal justice?"<sup>67</sup> Perhaps we would be organizing around providing affordable housing for women, so they could leave their abusers. Or perhaps we would be working to end poverty, so women would not be trapped in abusive relationships by economics.

By decentering the criminal justice approach to sexual and domestic violence, we can expand the strategies we employ. Increasingly, human rights organizations such as Amnesty International advocate that states act with "due diligence" to prevent domestic or sexual violence. However, this due diligence is often equated with increased criminalization. What if demands for due diligence focused less on criminalization and more on the U.S. ensuring economic, social, and cultural rights that decrease women's vulnerability to violence?

Such an approach might be particularly relevant for Native communities, because the response by many in the federal government and the mainstream media to social ills faced by Native peoples is more funding for tribal law enforcement. Two recent *USA Today* articles, for instance, paint a picture of lawlessness in

Indian Country and suggest that it would be solved through more police and prisons. In 1999, Janet Reno provided \$89 million for tribal law enforcement as a solution to "crime."<sup>68</sup> At the same time, however, there was no call for increased funding for housing, social services, economic development, or health care.

One element that models from other countries share is a reliance upon strategies other than "crisis intervention" to develop community accountability. We must recognize that the criminal justice approach cannot stop domestic violence—it only works at the point of crisis, and it does not prevent abuse from occurring. Of course, it is important not to simply appropriate such models without assessing current conditions in the U.S. Strategies to prevent and respond to domestic violence are much more effective when they address the underlying structural and cultural conditions in the community which make abuse possible. In short, radical social change is necessary to end violence against women.

Furthermore, Native and non-Native communities must meet the challenge to develop programs which address sexual violence from an anticolonial, antiracist framework, so that we don't attempt to eradicate acts of personal violence while strengthening the apparatus of state violence. Nothing less than a holistic approach toward eradicating sexual violence can be successful. As Ines Hernandez-Avila states,

We must imagine a world without rape. But I cannot imagine a world without rape, a world without misogyny, without imagining a world without racism, classism, sexism, homophobia, ageism, historical amnesia and other forms and manifestations of violence directed against those communities that are seen to be "asking for it" "Even the Earth is presumably "asking for it..."

What do I imagine then? From my own Native American perspective, I see a world where sovereign indigenous peoples continue to plunge our memories to come back to our originality, to live in dignity and carry on our resuscitated and ever-transforming cultures and traditions with liberty....I see a world where native women find strength and continuance in the remembrance of who we really were and are...a world where more and more native men find the courage to recognize and honor—that they and the women of their families and communities have the capacity to be profoundly vital and creative human beings.<sup>69</sup>

*INCITE! Women of Color and  
Critical Resistance Statement:  
Gender Violence and the  
Prison Industrial Complex*

We call 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.

- 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. Thus, the law protects batterers more than it protects survivors.

- 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. Many undocumented women have reported cases of sexual and domestic violence, only to find themselves deported. A tough law and order agenda also leads to long punitive sentences for women convicted of killing their batterers. 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. These cutbacks leave women less able to escape violent relationships.
- 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. 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. During the past fifteen years, the numbers of women, especially women of color in prison has skyrocketed. 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. The criminal justice system, an institution of violence, domination, and control, has increased the level of violence in society.
- 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. 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.

- 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. 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.

- Prison and police accountability activists have generally organized around and conceptualized men of color as the primary victims of state violence. 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. 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. Several organizations have been established to advocate for women prisoners; however, these groups have been frequently marginalized within the mainstream anti-prison movement.
- 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.

- The anti-prison movement has failed to sufficiently organize around the forms of state violence faced by LGBTI communities. LGBTI street youth and trans people in general are particularly vulnerable to police brutality and criminalization. LGBTI 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.
- 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. The inability to answer the question is interpreted by many anti-violence activists as a lack of concern for the safety of women.
- 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.

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

- 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.
- 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.

- 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).
- 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 an opportunity for both movements to build coalitions and joint struggles.
- 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.
- Center stories of state violence committed against women of color in our organizing efforts.
- 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.
- 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.

- Develop strategies for mobilizing against sexism and homophobia *within* our communities in order to keep women safe.
- 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.
- Link struggles for personal transformation and healing with struggles. 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.