ResearchGate

See discussions, stats, and author profiles for this publication at: https://www.researchgate.net/publication/325457894

From carceral feminism to transformative justice: Women-of-color feminism and alternatives to incarceration

Article *in* Journal of Ethnic & Cultural Diversity in Social Work · May 2018

DOI: 10.1080/15313204.2018.1474827

CITATIONS
0

READS
138

1 author:

Mimi E. Kim
California State University, Long Beach
14 PUBLICATIONS **54** CITATIONS

SEE PROFILE

Some of the authors of this publication are also working on these related projects:

Crime and Welfare Polices View project

All content following this page was uploaded by Mimi E. Kim on 09 October 2018.

The user has requested enhancement of the downloaded file.

Routledge
Taylor & Francis Group

Journal of Ethnic & Cultural Diversity in Social Work

ISSN: 1531-3204 (Print) 1531-3212 (Online) Journal homepage: http://www.tandfonline.com/loi/wecd20

From carceral feminism to transformative justice: Women-of-color feminism and alternatives to incarceration

Mimi E. Kim

To cite this article: Mimi E. Kim (2018) From carceral feminism to transformative justice: Women-of-color feminism and alternatives to incarceration, Journal of Ethnic & Cultural Diversity in Social Work, 27:3, 219-233, DOI: 10.1080/15313204.2018.1474827

To link to this article: https://doi.org/10.1080/15313204.2018.1474827

Published online: 30 May 2018.

Submit your article to this journal

Article views: 21

View Crossmark data

Full Terms & Conditions of access and use can be found at
http://www.tandfonline.com/action/journalInformation?journalCode=wecd20

JOURNAL OF ETHNIC & CULTURAL DIVERSITY IN SOCIAL WORK
2018, VOL. 27, NO. 3, 219–233
https://doi.org/10.1080/15313204.2018.1474827

Routledge
Taylor & Francis Group

Check for updates

From carceral feminism to transformative justice: Women-of-color feminism and alternatives to incarceration

Mimi E. Kim

School of Social Work, California State University, Long Beach, CA, USA

ABSTRACT

Racial injustice at the intersections of interpersonal and state violence sets the stage for this examination of mainstream responses to domestic and sexual violence. At one end of this continuum is carceral feminism, a term signaling feminist reliance upon law enforcement as a dominant intervention strategy. At the other end is a growing tide of responses to gender violence alternative to criminalization, largely led by people of color. These restorative and transformative justice interventions offer new anti-violence options. They also prompt a re-imagining of the role of social work in relationship to social justice and social movements.

KEYWORDS

Domestic violence; carceral feminism; restorative justice; transformative justice; intersectionality

In Jacksonville, Florida, the city where an African-American youth named Trayvon Martin lost his life to gun violence perpetrated in the name of public safety, Marissa Alexander, a young African-American woman and survivor of domestic violence, lost her liberty due to a similarly distorted interpretation of "homeland security." The juxtaposition of these two stories, both reaching public recognition in 2012, serves to illustrate the multiple levels at which the contemporary practice and policies of public safety and criminal justice entrap and destroy black and brown bodies.

The racial injustices underpinning the death of Trayvon Martin and the subsequent state response sparked the #BlackLivesMatter movement, a social movement building upon generations of African-American protest against racialized police and prosecutorial violence (Garza, 2014). The lesser known story of Marissa Alexander inspired a parallel and intersecting set of grass-roots campaigns, raising awareness of how women of color frequently become the target of policing for actions that are more appropriately viewed through the lens of self-defense (Bierria, Shim, Kim, & Kane, 2015; Gross, 2015). Florida State Attorney Angela Corey reached prominence as the prosecutor of George Zimmerman, a man eventually acquitted of all criminal

CONTACT Mimi E. Kim mimi.eunmi.kim@gmail.com School of Social Work, California State University, 1250 Bellflower Boulevard, Long Beach, Berkeley, CA 90840, USA

Color versions of one or more of the figures in the article can be found online at www.tandfonline.com/wecd
This article is original and is not under review nor published by another source.

© 2018 Taylor & Francis Group, LLC

charges for the shooting of Trayvon Martin. The same Angela Corey attempted to impose a 60-year prison sentence for Marissa Alexander, whose most serious charge was shooting a warning shot into the ceiling of her home in an attempt to fend off her violent husband. Alexander was finally set free on January 27, 2015. She was held, however, under house arrest, after negotiating release based upon three years served on a guilty plea to three felony counts. It was her initial refusal to plead guilty to charges she knew were unjust that set off a legal battle that almost cost her 60 years behind bars, separated from her three children, the youngest who was a newborn the day these tragic events began to unfold (Bierria et al., 2015).

While full details of this case and that of Trayvon Martin extend beyond the scope of this article, the facts behind Marissa Alexander's criminal charges highlight the intersectional race and gender aspect of *mass incarceration*. For social movement actors and advocates addressing gender violence including domestic violence, sexual assault and, more recently, stalking and sex trafficking, it also raises the specter of what some call the "unintended consequences" of demands for criminalization championed over the past four decades by a broad sector of the mainstream feminist anti-violence movement.

The battered women's movement, the anti-rape movement, and, more recently, the anti-sex trafficking movement have their own historical trajectories, dynamics, and strategies. Together, they form what is sometimes known as the anti-violence movement, one credited with monumental changes in public awareness and state policies aimed at responding to gender violence, ever-pervasive forms of violence barely recognized just 40 years ago. Progressive critics, however, have argued that many of these gains were made through the anti-violence movement's collaboration with the increasing U.S. investments in criminalization.

Carceral feminism, a term more recently developed to articulate the active mobilization of the criminal justice system as a response to sex trafficking, is now used more generally as a critique leveled against mainstream forms of feminism associated with gender violence (Bernstein, 2005, 2012). This label points to decades of feminist anti-violence collaboration with the *carceral state* or that part of the government most associated with the institutions of police, prosecution, courts, and the system of jails, prisons, probation, and parole. Whereas the welfare state aims to provide benefits and the redistribution of resources especially to the most vulnerable parts of the population, the carceral state focuses on activities of surveillance, arrest, and incarceration, often targeting the same sectors of the marginalized population who are recipients of welfare benefits (Gallo & Kim, 2016; Soss, Fording, & Schram, 2011; Wacquant, 2009).

The facts of race-based and class-based disproportionality that have ignited past and present protests against police violence are stark. Today, one in three African-American men will be involved in the criminal justice system in their lifetime (Bonczar, 2003). Despite a recent but slight reversal

in a more than 30-year upward trend in rates of incarceration, African-American men are still 9 times more likely to be incarcerated than White men (Carson, 2015). And the numbers of women entering jails and prisons are currently increasing at a rate higher than that of men, rising by an alarming 646% between 1980 and 2010 (The Sentencing Project, 2012). Again, the figures are disproportionately weighted against women of color although not to the extent revealed in the statistics for males. According to 2014 figures, African-American women are twice as likely to be incarcerated than White women (Carson, 2015).

This article begins with an explanation of the role of neoliberalism and policies of mass incarceration in the formation of the U.S. context for mainstream feminist demands for the criminalization of gender violence. It follows with a historical overview of the leadership of women and people of color in the critique of criminalization in response to gender violence. The next section outlines interventions proposed as alternatives to criminalization including restorative justice, transformative justice, and community-based interventions to gender violence. The article concludes with a summary and reflections on the emerging political context including the critical role of the transgender rights movement in formulating future critiques and innovations.

Methods

This article is a synthesis of feminist, social movement, and critical legal scholarship regarding the unprecedented rise in rates of incarceration in the United States and its relationship to pro-criminalization feminist social movement strategies. The historical and conceptual framework is supported by empirical data drawn from interviews and archival sources from the author's historical research on the formative years of the anti-domestic violence movement and the early construction of carceral feminism. References to historical and current events and their relevance to contemporary feminist, social movement, and critical legal scholarship are further informed by the author's personal experiences in the anti-violence social movement and participation in current activities aimed to create alternatives to criminalization.

Neoliberalism and the advent of carceral feminism

The critique giving rise to the term *carceral feminism* fundamentally centers on the depoliticization of a social movement with politically radical roots. While the anti-violence movement emerged from the civil rights and more radical left movements that were at their fore in the 1960s, the timing of the surge in the women's movement giving birth to anti-violence initiatives also coincided with a decline of these previous race-centered movements (Giddings, 1984; Schechter, 1982). With the 1970s, the conservative tide of *neoliberalism* began to seep into

the U.S. political agenda and public mind-set. Neoliberal ideology and system of governance is tied to a fundamental trust in free market forces, the belief in a small non-regulatory government and the value of individual responsibility (Garland, 2001; Soss et al., 2011). Hence, neoliberalism fueled the climate of growing distrust of U.S. investment in poverty alleviation and redistribution that justified a sharp reduction in welfare benefits as exemplified by the passage of the Personal Responsibility and Work Opportunity Reconciliation Act of 1996 (PRWORA; Soss et al., 2011). With growing attacks against the U.S. welfare state and the stigmatizing of welfare recipients came the increasing belief that crime should be the focus of public and, hence, governmental efforts (Garland, 2001; Simon, 2007). The retrenchment of the welfare state went hand-in-hand with the increasing investment in the criminal justice system, not only in terms of public attitudes but, more importantly, through dramatic shifts in governmental resources (Wacquant, 2009).

Indeed, crime became a centerpiece of public discourse and also became a coded language for talking about race (Weaver, 2007). While feminist anti-violence movement actors were often explicitly anti-racist, they also became aware that gender violence in the form of rape and domestic violence would gain public support and resources if seen through the lens of crime control (Bumiller, 2008). Gender violence as a crime became a rallying point for feminists to fight for institutional change and to attempt to gain popular support for what was already becoming the growing preoccupation with crime (Goodmark, 2011; Gottschalk, 2006; Kim, 2012; Richie, 2012).

As a movement that developed with the emergence of neoliberalism in the 1970s, a once politicized feminist social movement eventually succumbed to pressures to professionalize and adopt an individualized direct service, case management model of service delivery (Bumiller, 2008). At the same time, demands for public awareness and accountability for what became known as the pervasive problem of gender violence focused on measures to expand criminal justice responses to domestic and sexual violence. The path to strengthened criminal legislation and institutional investments in policies and practices led by police, prosecutors, and courts contributed to the shift from gender violence envisioned as a broad social and political problem to one defined more narrowly as a crime (Goodmark, 2011).

As Figure 1 illustrates, the feminist anti-violence movement which had its contemporary start in the early 1970s coincides with the growth of the carceral state (Pleck, 1987). Starting in 1973, rates of incarceration took a sharp upward turn from levels previously stable for decades. Over the course of the next 40 years, rates of incarceration increased 500%, with only a slight decline starting in 2009 (Bonczar, 2003; Carson, 2015). This unprecedented expansion of criminalization led to the condition that many now recognize as mass incarceration (Alexander, 2010; Garland, 2001) or *hyper-incarceration*, the latter term intended to highlight the narrow race and class focus of carceral attention (Wacquant, 2009).

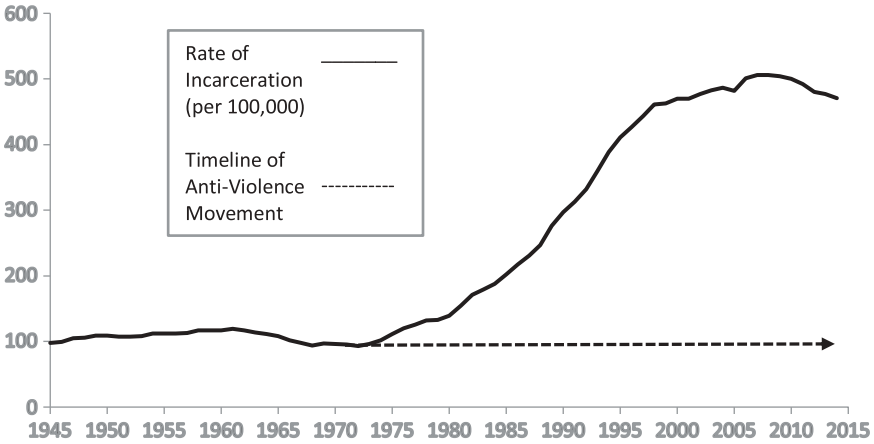

Figure 1. Rates of incarceration and timeline of the feminist anti-violence movement. Adapted from Sourcebook of Criminal Justice Statistics (Table 6.28, p. 500), by K. Maguire, (Ed.), 2003, Albany, NY: University at Albany, Hindelang Criminal Justice Research Center and Prisoners in 2014 (Table 5, p. 7), by. E. A. Carson, Washington, DC: Bureau of Justice Statistics.

Although debates regarding involvement with the criminal justice system were active during the formative period of the anti-violence movement, the trend to pursue a dominant strategy of criminalization prevailed (Goodmark, 2011; Richie, 2012; Schechter, 1982). Throughout the 1980s and 1990s, those crime control policies that are now associated with the extraordinary expansion of the U.S. carceral state were among those pursued by the feminist anti-violence movement. For example, the addition of domestic violence to the criminal code, the enhancement of criminal penalties for gender violence, and the passage of state legislation supporting mandatory arrest are among policies demanded by the mainstream feminist anti-violence movement (Goodmark, 2011; Mills, 1999; Schechter, 1982). By 1994, the anti-violence movement pushed to pass the Violence Against Women Act (VAWA) as part of the Violent Crime Control and Law Enforcement Act of 1994 (Crime Bill). This explicit joining of gender violence under a crime bill marked the concretization and acceleration of the collaboration between the feminist anti-violence movement and the agenda of law enforcement (Bumiller, 2008; Kim, 2012).

Leadership of women of color in the critique against criminalization

Critical race scholar Kimberlé Crenshaw (1989, 1991) first coined the term *intersectionality*, referring to the differential set of experiences, social context, and policy impacts of individuals and groups based upon the intersections of race, gender, class, and other social categories. It was specifically the vastly varied experiences of domestic and sexual violence among African-American women and other women of color, including immigrants, that inspired her detailed documentation of

disproportionate vulnerability to violence among marginalized women and her initial illustrations of intersectional analysis. Crenshaw's conceptualization of intersectionality also raised strident criticisms of mainstream White-dominated feminist scholarship and policies that ignored and often exacerbated the oppressive and violent conditions of women of color in the United States. Crenshaw's analysis articulated concerns raised by many women of color who identified with feminist anti-violence struggles, but for whom the mainstream feminist movement's domestic violence and sexual assault programs and policies were often irrelevant or antithetical to the interests of their communities (Kim, 2012).

Despite the small yet significant participation of women of color in the formative years of the anti-violence movement in the 1970s and 1980s, the critique of criminalization even among women of color within the anti-violence movement remained uneven throughout the 1970s and muted by the 1980s (Richie, 2012; Schechter, 1982). In the mid-1970s, the prominent case of Joan Little, a young African-American woman who faced the death penalty for the killing of a jail guard in self-defense as he sexually assaulted her in her jail cell, prompted widespread protest, including women in the anti-violence movement. Joan Little's case provided a vivid example of how the targeting of women of color by the criminal justice system tied directly to subjection to sexualized state violence (Bierria, Kim, & Rojas, 2011; Thuma, 2015). Such cases of women of color, victims of interpersonal and state violence, including that of Inez García and Yvonne Wanrow, were widely publicized throughout the mid- to late 1970s (Thuma, 2015), but did not lead to an overarching analysis of race, gender, and state violence with the vigor to reverse trends that effectively strengthened policing (Richie, 2012).

Women-of-color activism within the broader feminist anti-violence movement consolidated within the Women of Color Caucus as part of the National Coalition Against Domestic Violence in the early 1980s and the First National Conference on Third World Women and Violence in 1981, organized by African-American leaders of the DC Rape Crisis Center (Schechter, 1982; Thuma, 2015). However, the numerical and political dominance of White women within the anti-violence movement suppressed the potential of a more unified alternative platform and set of strategies led by women of color (Richie, 2012). Rather, women-of-color anti-violence activism taking place throughout the late 1970s and 1980s translated into more narrowly focused demands for greater representation in terms of numbers within membership bodies, task forces, and caucuses, and greater influence in terms of placement in positions of power.

By the mid-1990s, the influential voice of critics such as Crenshaw and the rising tide of more alarming "law and order" policies, exemplified by mandatory arrest in situations of domestic violence, eventually prompted more widespread concern particularly among progressive voices within the anti-violence movement (Maguigan, 2002; Mills, 1999). It would not be until the turn of the millennium that a growing chorus of critics and mounting

evidence of the harms of the expanding criminal justice system mobilized a new social movement response to both gender violence and police violence (Bierria et al., 2011).

In March 2000 with the emergence of INCITE! Women of Color Against Violence, now called INCITE! Women and Trans People of Color Against Violence (Incite!), at its founding Color of Violence conference, a women-of-color organizational formation gathered force (INCITE! Women of Color Against Violence, 2006). Unlike earlier gatherings among women of color within the anti-violence movement, a critique of the criminal justice system and of the mainstream anti-violence movement's embrace of that system stood solidly at the center of the renewed movement. The articulation of an explicitly feminist anti-gender violence and anti-criminalization stance opened the door to a broad critique of the dominant feminist criminalization approach among a growing cross-racial group of anti-violence advocates and policymakers, legal scholars, and feminist and racial justice activists (Bierria et al., 2011; Sokoloff, 2005). Critiques of criminalization have since lined up along a continuum of political positions expressed by concerns over the "overreliance on the criminal justice system" (DasGupta, 2003), the identification of pro-criminalization forms of feminism as carceral feminism (Bernstein, 2005, 2012), and a call for an analysis of responses to gender violence that align with a more radical vision of prison abolition (Bierria et al., 2011; INCITE! Women of Color Against Violence, 2006). Together, these positions inform various and multiple ways in which once-hegemonic feminist anti-violence demands for criminalization are losing ground.

Alternative visions and practices: Restorative justice, transformative justice, and community accountability

The critique of mainstream feminist pro-criminalization strategies to address domestic and sexual violence has inspired alternative visions for violence prevention and intervention. It has also sparked a new vocabulary representing their underlying principles and practices. Most commonly, the terms *restorative justice* and *transformative justice* have been used to describe responses to gender violence that challenge punitive, retributive criminal responses to gender violence.

Restorative justice is the most long-standing and familiar concept attributed to alternative responses to violence. In its contemporary form, restorative justice practices originated in New Zealand in the 1980s to address Māori youths who were and continue to be significantly overrepresented in the criminal justice system (Blagg, 2002). While the types of processes identified as restorative justice vary widely, they shift the focus from an adversarial binary of victim and perpetrator to one that acknowledges the impact of harm not only on individuals but on broader communities. Restorative

justice processes offer a collective forum elevating the voice of the victim or survivor, recognizing the impact of violence on community members, and allowing the perpetrator of harm to more fully understand the multiple levels of impact. Unlike the retributive criminal justice system, the aim is not punishment but restoration, rehabilitation, and the healthy reintegration of all parties back into the community (Braithwaite & Strang, 2001).

While it remains primarily used to address issues of juvenile justice, restorative justice has very tentatively been considered in response to domestic or sexual violence (Ptacek, 2010, 2014; Strang & Braithwaite, 2002). The application has been mostly confined to New Zealand, aboriginal communities in Australia, and within some Native American communities in Canada and the United States (Blagg, 2002; Burford, 1999; Coker, 1999, 2006; Ptacek, 2010). Renewed interest in restorative justice has led to its explicit application in a handful of U.S. programs addressing domestic violence, including The Resolve to Stop the Violence Project (RSVP), run by the San Francisco Sheriff's Department (Gilligan & Lee, 2005), and Circles of Peace, also a criminal justice-led initiative in Nogales, Arizona (Mills, Barocas, & Ariel, 2013). As these examples illustrate, restorative justice, while developed as an alternative to punitive criminal justice processes, is still largely practiced within and sanctioned by the criminal justice system (Smith, 2010). Established as a diversionary option within law enforcement, restorative justice proceedings often rely on the involvement of at least one state agent, such as a police officer or judge. The monitoring of participation and outcomes also remains within or closely tied to state systems of crime control.

Because of the reliance of restorative justice programs on law enforcement, another set of alternatives has been identified under the general rubric of transformative justice. In contrast to restorative justice, transformative justice has been popularized largely within social movement spaces aligned with the politics of *prison abolition*, a term signifying opposition not only to the criminal justice system but also to reform measures that can serve to legitimize the existing system of crime control (Generation FIVE, 2007; Herzing & Ontiveros, 2011). Rejecting the criminal justice system as primarily responsible for the violent oppression of marginalized communities, transformative justice responses to gender violence and other forms of interpersonal or community violence seek resolutions within more intimate systems of community or civil society (Bierria et al., 2011; Coker, 2002). Following more radical political traditions, transformative justice relies upon the leadership and interests of marginalized communities. At the level of individual- or community-level acts of violence, those most impacted by violence understand best the immediate and underlying conditions in which interpersonal acts of violence are embedded (Generation FIVE, 2007). Ultimately, as community members directly impacted by violence but also sharing home and collective space with victims and perpetrators of violence, they hold the potential for greater investment in the well-

being of all parties involved and the creation of conditions that could prevent future harm, including that perpetrated by the state (Bierria et al., 2011).

Transformation, as opposed to restoration, also explicitly recognizes that interpersonal forms of violence take place within the context of structural conditions including poverty, racism, sexism, homophobia, ableism, and other systemic forms of violence (Bierria et al., 2011; Coker, 2002; Generation FIVE, 2007). Joining a critical analysis of neoliberal conditions of welfare retrenchment and mass incarceration, this view understands the criminal justice system as one that serves to maintain conditions of structural violence. Such a system cannot then be trusted to intervene in harm (Smith, 2010). While the term restoration implies the desire to return to such conditions, transformation requires moving beyond.

Because transformative justice solutions tend to lie within marginalized communities and more radical social movement spaces outside of institutions, these processes have been informal, decentralized, and largely undocumented (Bierria et al., 2011). In fact, they have built upon many of the principles and practices of restorative justice but moved to informal, de-institutionalized contexts in which informal social networks and fellow community members serve as facilitators and supporters (Kelly, 2011; Kim, 2011). Organizations taking up transformative justice practices have tended to be located outside of nonprofit or service delivery organizations (Chen, Dulani, & Piepzna-Samarasinha, 2011).

This emphasis on community or collective responses has also led to an affiliation with terms such as *community accountability* or *community-based responses* that highlight this level of prioritization (Bierria et al., 2011; Kim, 2010). Such references shift the focus of violence from individual actors to communities, the latter taking a role both as perpetrators and casualties of violence. Communities are also sites for prevention, intervention, and transformation, spaces where interventions can be imagined, initiated, and implemented. The emphasis on the level of community is also posed as an alternative and challenge to the authority of the criminal justice system, child welfare system, or even nonprofit organizations (Bierria et al., 2011; Chen et al., 2011).

For example, Philly's Pissed and Philly Stands Up emerged as organizational responses to sexual assaults within the anarchist punk community in Philadelphia (Kelly, 2011). Initially focused on enforcing community-based "consequences" for violence, their evolving responses drew upon practices and principles developed by restorative justice practitioners and the more explicitly radical politics of transformative justice. Over time, Philly Stands Up created long-term processes for engaging perpetrators of violence or "people who caused harm" that provide both an anti-oppression critique and a supportive and healing community context for accountability.

In 2004, Creative Interventions emerged in the San Francisco area to pilot community-based interventions to domestic and sexual violence. In collaboration

with primarily immigrant anti-violence organizations, Creative Interventions aligned with the politics of transformative justice while responding to the pragmatic need for concrete, viable, and replicable models of violence intervention (Kim, 2010, 2011). In distinct contrast to conventional anti-violence services, its approach prioritizes the engagement and coordination of social networks—that is, friends, family, and community members tied to specific situations of violence. During its pilot period, Creative Interventions offered a physical space for individual or group meetings to take place and informational resources supporting violence intervention strategies. Their personnel also served as facilitators, asking questions and promoting dialogues that would clarify often complex dynamics of violence, identify potential community allies, and map possible options. The actual design and implementation of interventions were created and carried out by victims or survivors and their selected group of supporters. In addition, the organization initiated the StoryTelling & Organization Project (STOP), collecting stories internationally from people who had carried out a community-based intervention to intimate or community forms of violence that neither relied on law enforcement nor service organizations (Herzing & Ontiveros, 2011). From lessons gained from the pilot project, Creative Interventions developed a community-based violence intervention model and set of tools consisting of conceptual frameworks, stories, worksheets, and tips aimed for community members of diverse racial or ethnic backgrounds, educational levels, political orientations, and prior knowledge of violence intervention (Kim, 2011).

While these alternative transformative justice practices remain formative, proponents have continued to work in close collaboration with each other. Initiatives developed within specific organizational, regional, and community settings differ widely; however, frequent informal communication regarding points of progress and shared strategies to leverage political and material opportunities has served to articulate common principles, develop intervention practices, and expand accessibility across marginalized communities. These models of transformative justice have served to shift the broad social justice landscape toward values, language, and de-centralized practices reflective of developments largely led by feminists of color (Bierria et al., 2011).

Conclusion

As rates of criminalization have risen five-fold over the past four decades, growing public alarm about the economic and social costs of criminalization and the disproportionate impact on communities of color have begun to dismantle conventional wisdom regarding the legitimacy of criminalization as a primary response to gender violence. Likewise, recognition of the role that neoliberal ideologies and policies have had on the criminalization of social problems and prioritization of individualized service delivery models has led

to a re-envisioning of more humane, community-based, and liberatory approaches (Bierria et al., 2011).

Restorative justice and transformative justice provide promising frameworks to guide a new set of practices and policies. While activists outside of or at the margins of the nonprofit sector have made strides in bringing restorative and transformative frameworks and practices to their respective communities, a wide gap remains between these informal, grassroots efforts and more mainstream service provision (Liebenberg, Ungar, & Ikeda, 2013).

One sector of engaged social work researchers has taken leadership in articulating the need for alternative restorative justice and transformative justice options (Burford & Adams, 2004; Kim, 2010, 2011; Levenson & Ackerman, 2016; Mills, Barocas, & Ariel, 2013; Pennell, 2006; Umbreit & Armour, 2011; van Wormer, 2006). Working in close collaboration with critical legal scholars and practitioners (Coker, 1999, 2002, 2006; Goodmark, 2011; Coker & Macquoid, 2015), they have asserted the language of restorative and transformative justice into academic and policy arenas. Many of these proponents have also engaged in pioneering restorative and transformative practices in the field (Burford, 1999; Kim, 2010, 2011; Mills et al., 2013; Pennell & Burford, 2002).

While headway has been made in the restorative practice arenas of school discipline, juvenile justice, and child welfare (Burford & Adams, 2004; Pennell, 2006; Umbreit & Armour, 2011), practitioners and policymakers remain cautious about the application of restorative and transformative practices in situations of gender violence.

In recent years, segments of the mainstream anti-violence sector have begun a period of reflection, investigating the consequences of its long-term investments in criminalization and its negative impacts particularly on communities most targeted by state violence. Conversations between restorative and transformative justice proponents and mainstream anti-violence advocates have begun to build points of alignment and to identify arenas for the adoption of restorative and transformative justice practices to more broadly address domestic violence and sexual assault across the United States. Recent national forums such as INCITE!'s fourth Color of Violence Conference organized in Chicago in 2015 and the Converge Conference held in Miami in 2014 have amplified the work of feminists of color already engaging in restorative and transformative practices in response to gender violence. They have also increased the visibility of harms that current remedies to gender violence enact on communities of color, immigrants, poor people, lesbian, gay, bisexual, transgender, and queer/questioning (LGBTQ) communities and people with disabilities.

Demands by contemporary social movements to challenge interpersonal and law enforcement violence add urgency to the call for the creation of restorative and transformative responses. Transgender and gender-nonconforming people, marginalized not only within mainstream feminist social movements and

advocacy sectors but also among more radical feminist women of color, have increasingly demanded recognition of their heightened vulnerabilities to interpersonal violence, community violence, and specific targeting by state violence (Mogul, Ritchie, & Whitlock, 2011; Smith & Stanley, 2011; Spade, 2011). The routine murders of transgender people of color across the United States serve as morbid contemporary evidence of the vulnerability of transgender lives, and have sparked campaigns and social media platforms such as #TransgenderBlackLivesMatter, calling attention to gender violence against African-Americans as well as the diversity of those targeted by violence within African-American communities (BlackLivesMatter, n.d.). Transgender people of color, in particular, have taken leadership in innovative analysis of intersectional forms of violence and demands for new social movement strategies that are not complicit with the cultural violence of "gender policing" and the state violence of arrest, prosecution, and incarceration (Smith & Stanley, 2011; Spade, 2011).

All communities support and maintain gender violence, and all communities provide opportunities for resistance. However, the notions of healing, reintegration, and repair hold particular promise to communities destroyed by the intersection of intimate, community, and structural forms of violence and, most recently, the impact of four decades of policies of mass incarceration. Support for collective, community responsibility can foster notions of community self-determination, culturally meaningful practices, and the building or rebuilding of community health. Approaches that support storytelling and the creation of reparative narratives can be inclusive of the diverse ways in which people learn and communicate. In the move from carceral feminism to transformative justice, it has been the most marginalized and vulnerable that have provided leadership pressing for reimagined anti-violence goals and liberatory practices grounded deep within embattled communities. In the best traditions of social work and its commitment to social justice, these communities serve as the sources of our evidence, inspiration, and future trajectories.

Acknowledgments

I would like to acknowledge the creative and collective spirits who have preceded us, join with us, and are yet to lead the journey toward liberation, with special heartfelt thanks to INCITE! Women, Transgender and Gender Non-Conforming People of Color Against Violence.

Disclosure statement

No potential conflict of interest was reported by the author.

Funding

This work was supported by the Center for Research on Social Change, University of California, Berkeley and the University of California Center for New Racial Studies.

References

Alexander, M. (2010). *The new Jim Crow: Mass incarceration in the age of colorblindness*. New York, NY: New Press.

Bernstein, E. (2005). Militarized humanitarianism meets carceral feminism: The politics of sex, rights, and freedom in contemporary antitrafficking campaigns. *Signs*, *36*(1), 45–71.

Bernstein, E. (2012). Carceral politics as gender justice? The "traffic in women" and neoliberal circuits of crime, sex, and rights. *Theoretical Sociology*, *41*, 233–259.

Bierria, A., Kim, M. E., & Rojas, C. (2011). Introduction. Community accountability: Emerging movements to transform violence. *Social Justice*, *37*(4), 1–11.

Bierria, A., Shim, H., Kim, M., & Kane, E. (2015). Free Marissa Now and Stand with Nan-Hui: A conversation about parallel struggles. *The Feminist Wire*. Retrieved fromwww.thefeministwire.com/2015/06/free-marissa-and-stand-with-nan-hui/

BlackLivesMatter. (n.d.). *The loud silence when trans women of color are killed*.Retrieved fromhttp://blacklivesmatter.com/the-loud-silence-when-trans-women-of-color-are-killed/

Blagg, H. (2002). Restorative justice and aboriginal family violence: Opening a space for healing. In H. Strang & J. Braithwaite (Eds.), *Restorative justice and family violence* (pp. 191–205). Cambridge, England: Cambridge University Press.

Bonczar, T. P. (2003). *Prevalence of imprisonment in theU.S.population,1974–2001*. *Bureau of Justice Statistics*(Special Report, NCJ 197976). Washington, DC: Bureau of Justice Statistics.

Braithwaite, J., & Strang, H. (2001). Introduction: Restorative justice and civil society. In H. Strang & J.Braithwaite (Eds.), *Restorative justice and civil society* (pp. 1–13). Cambridge, England: Cambridge University Press.

Bumiller, K. (2008). *In an abusive state: How neoliberalism appropriated the feminist movement against sexual violence*. Durham, NC: Duke University Press.

Burford, G. (1999). Letting the family speak about violence: Research findings on family group conference use in domestic violence. *Child Care in Practice*, *5*(4), 350–360.

Burford, G., & Adams, P. (2004). Restorative justice, responsive regulation and social work. *Journal of Sociology and Social Welfare*, *31*(1), 7–26.

Carson, E. A. (2015). *Prisoners in 2014* (Special Report, NCJ 248955). Washington, DC: Bureau of Justice Statistics.

Chen, C. I., Dulani, J., & Piepzna-Samarasinha, L. L. (Eds.). (2011). *The revolution starts at home: Confronting intimate violence within activist communities*. Boston, MA: South End Press.

Coker, D. (1999). Enhancing autonomy for battered women: Lessons from Navajo peacemaking. *UCLA Law Review*, *47*, 1–111.

Coker, D. (2002). Transformative justice: Anti-subordination processes in cases of domestic violence. In H. Strang & J. Braithwaite (Eds.), *Restorative justice and family violence* (pp. 128–152). Cambridge, England: Cambridge University Press.

Coker, D. (2006). Restorative justice, Navajo peacemaking and domestic violence. *Theoretical Criminology*, *10*(1), 67–85.

Coker, D., & Macquoid, A. D. (2015). Why opposing hyper-incarceration should be central to the work of the anti-domestic violence movement. *University of Miami Race & Social Justice Legal Review*, *5*, 586–601.

Crenshaw, K. (1989). Demarginalizing the intersection of race and sex: A Black feminist critique of antidiscrimination doctrine, feminist theory and antiracist politics. *University of Chicago Legal Forum*, *1989*(1), 139–168.

Crenshaw, K. (1991). Mapping the margins: Intersectionality, identity politics, and violence against women of color. *Stanford Law Review*, *43*(6), 1241–1299.

DasGupta, S. (2003). *Safety and justice for all: Examining the relationship between the women's anti-violence movement and the criminal legal system*. New York, NY: Ms. Foundation for Women.

Gallo, C., & Kim, M. (2016). Crime policy and welfare policy. *Oxford Handbook Online*. doi:10.1093/oxfordhb/978019993583.013.46

Garland, D. (2001). *The culture of control: Crime and social order in contemporary society*. Chicago, IL: University of Chicago Press.

Garza, A. (2014). A herstory of the #BlackLivesMatter movement. *The Feminist Wire*. Retrieved fromhttp://www.thefeministwire.com/2014/10/blacklivesmatter-2/

Generation FIVE. (2007). *Toward transformative justice: A liberatory approach to child sexual abuse and other forms of intimate and community violence*. San Francisco, CA: Author.

Giddings, P. (1984). *When and where I enter: The impact of Black women on race and sex in America* (2nd ed.). New York, NY: Harper Collins.

Gilligan, J., & Lee, B. (2005). The resolve to stop the violence project: Reducing violence in the community through a jail- based initiative. *Journal of Public Health*, *29*(2), 143–148.

Goodmark, L. (2011). *A troubled marriage: Domestic violence and the legal system*. New York, NY: New York University Press.

Gottschalk, M. (2006). *The prison and the gallows: The politics of mass incarceration in America*. Cambridge, England: Cambridge University Press.

Gross, K. N. (2015). African American women, mass incarceration, and the politics of protection. *The Journal of American History*, *102*(1), 25–33.

Herzing, R., & Ontiveros, I. (2011). Making our stories matter: The storytelling & organizing project. In C. Chen, J. Dulani, & L. L. Piepzna-Samarasinha (Eds.), *The revolution starts at home: Confronting intimate violence within activist communities* (pp. 207–216). Boston, MA: South End Press.

INCITE! Women of Color Against Violence. (2006). *The INCITE! anthology*. Cambridge, MA: South End Press.

Kelly, E. (2011). Philly stands up: Inside the politics and poetics of transformative justice and community accountability in sexual assault situations. *Social Justice*, *37*(4), 44–57.

Kim, M. E. (2010). Alternative interventions to intimate violence: Defining political and pragmatic challenges. In J.Ptacek (Ed.), *Restorative justice and violence against women* (pp. 193–217). New York, NY: Oxford University Press.

Kim, M. E. (2011). Moving beyond critique: Creative interventions and reconstructions of community accountability. *Social Justice*, *37*(4), 14–35.

Kim, M. E. (2012). Challenging the pursuit of criminalization in an era of mass incarceration. *British Journal of Social Work*, *43*(7), 1276–1293.

Levenson, J. S., & Ackerman, A. (2016, July19). The Stanford rape case: Maybe we're having the wrong conversation?*Psychology Today*. Retrieved fromhttps://www.psychologytoday.com/blog/the-guest-room/201607/the-stanford-rape-case

Liebenberg, L., Ungar, M., & Ikeda, J. (2013). Neo-liberalism and responsibilisation in the discourse of social service workers. *British Journal of Social Work*. Advance online publication. doi:10.1093/bjsw/bct172

Maguigan, H. (2002). Wading into Professor Schneider's 'murky middle ground' between acceptance and rejection of criminal justice responses to domestic violence. *American University Journal of Gender, Social Policy & the Law*, *11*(2), 427–446.

Mills, L. (1999). Killing her softly: Intimate abuse and the violence of state intervention. *Harvard Law Review*, *113*(2), 550–613.

Mills, L. G., Barocas, B., & Ariel, B. (2013). The next generation of court mandated domestic violence treatment: A comparison study of batterer intervention and restorative justice programs. *Journal of Experimental Criminology*, *9*, 65–90.

Mogul, J. L., Ritchie, A. J., & Whitlock, K. (2011). *Queer (in) justice: The criminalization of LGBT people in the United States*. Boston, MA: Beacon Press.

Pennell, J. (2006). Restorative practices and child welfare: Toward an inclusive civil society. *Journal of Social Issues*, *62*(2), 259–279.

Pennell, J., & Burford, G. (2002). Feminist praxis: Making family group conferencing work. In H. Strang & J. Braithwaite (Eds.), *Restorative justice and family violence* (pp. 108–127). Cambridge, England: Cambridge University Press.

Pleck, E. (1987). *Domestic tyranny: The making of American social policy against family violence from colonial times to the present*. New York, NY: Oxford University Press.

Ptacek, J. (Ed.). (2010). *Restorative justice and violence against women*. New York, NY: Oxford University Press.

Ptacek, J. (2014). Evaluation research on restorative justice and intimate partner violence: A review and critique. Retrieved fromhttp://uknowledge.uky.edu/cgi/viewcontent.cgi?article=1008&context=ipv

Richie, B. E. (2012). *Arrested justice: Black women, violence and America's prison nation*. New York, NY: New York University Press.

Schechter, S. (1982). *Women and male violence: The visions and struggles of the battered women's movement*. Boston, MA: South End Press.

The Sentencing Project. (2012). Incarcerated women factsheet. Retrieved fromhttp://www.sentencingproject.org/doc/publications/cc_Incarcerated_Women_Factsheet_Sep24sp.pdf

Simon, J. (2007). *Governing through crime: How the war on crime transformed American democracy and created a culture of fear*. New York, NY: Oxford University Press.

Smith, A. (2010). Beyond restorative justice: Radical organizing against violence. In J.Ptacek (Ed.), *Restorative justice and violence against women* (pp. 255–278). New York, NY: Oxford University Press.

Smith, N., & Stanley, E. A. (Eds.). (2011). *Captive genders: Trans embodiment and the prison industrial complex*. Oakland, CA: AK Press.

Sokoloff, N. J. (Ed.). (2005). *Domestic violence at the margins: Readings on race, class, gender, and culture*. New Brunswick, NJ: Rutgers University Press.

Soss, J., Fording, R. C., & Schram, S. F. (2011). *Disciplining the poor: Neoliberal paternalism and the persistent power of race*. Chicago, IL: University of Chicago Press.

Spade, D. (2011). *Normal life: Administrative violence, critical trans politics, and the limits of law*. Brooklyn, NY: South End Press.

Strang, H., & Braithwaite, J. (Eds.). (2002). *Restorative justice and family violence*. New York, NY: Cambridge University Press.

Thuma, E. (2015). Lessons in self-defense: Gender violence, racial criminalization, and anticarceral feminism. *Women's Studies Quarterly*, *43*(3–4), 52–71.

Umbreit, M. S., & Armour, M. P. (2011). Restorative justice and dialogue: Impact, opportunities, and challenges in the global community. *Washington University Journal of Law & Policy*, *36*, 65–89.

van Wormer, K. (2006). The case for restorative justice: A crucial adjunct to the social work curriculum. *Journal of Teaching in Social Work*, *26*(3–4), 57–69.

Wacquant, L. (2009). *Punishing the poor: The neoliberal government of social insecurity*. Durham, NC: Duke University Press.

Weaver, V. M. (2007). Frontlash: Race and the development of punitive crime policy. *Studies in American Political Development*, *21*, 230–265.

View publication stats