transformative justice

and/as harm
This zine is about sexual assault. It does not contain graphic descriptions of assault but it may be upsetting/disturbing/triggering for you. Read it if/when it makes sense to do so and be gentle with yourself.

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# Contents

Glossary ........................................................................................................2  
Introduction ...............................................................................................3  
Acknowledgements ...................................................................................7  
A Transformative Justice Story ................................................................8  
Radical Communities: Exemptions and Existence ..................................10  
... And Trans? ...........................................................................................13  
Sexual Assault and Attempts at Collective Justice ..............................17  
Indigeneity, Transformative Justice and Appropriation .......................40  
Who’s Radical?: The State and Our Complicity ....................................43  
Mental Health, Disablism and Self-Care .................................................46  
Ripple Effects ............................................................................................50  
Don’t Lean In ...........................................................................................51  
Gossip .........................................................................................................52  
Learning From the Past ..........................................................................53  
A Few Lessons ..........................................................................................54  
Conclusion ................................................................................................56  
Notes ..........................................................................................................57  

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GLOSSARY

carceral logics: incarceration thinking. Ways of thinking that use the same logic or framework as the criminal justice system.
cis - people who are not trans. Sometimes I use the word cissies because I think it is funny.
cisism/cissexism/cisgenderism: discrimination against trans people.
community accountability (CA): a diverse group of community responses to harm. It can be the same as transformative justice or it can be used to describe public calling-out processes and banning that do not involve a transformative process or attempts.
complicit - involved or implicated in something.
discourse - how we talk about things. This determines what we know, what we can know, what and how we think, what we do and how we behave.
discursively produced: things that we make real through the way we talk about things.
narratives - stories.
pathologization: the act or process of defining something as a disease or illness.
praxis: where theory meets practice.
prison industrial complex: the prison system and all things related (corporations that build/run prisons, cops, lawyers, courts, social workers, probation officers, prisons, etc.). The word ‘industrial’ is used to draw attention to the fact that it is an industry - that people are making money off of incarceration. Complex is used to draw attention to how it is widespread and interconnected.
psychiatrized people: people who have been diagnosed with a mental disorder and/or brought under the surveillance/control of the psychiatric system.
reflexive/reflexivity: the process of examining oneself. The idea is that you can do self-critique and talk about it in order to both acknowledge your own privilege and how you could have done better, etc. Reflexivity is really important but it is very limited by the fact that you are looking at yourself so there are some things that you may never see.
restorative justice (RJ): alternative sentencing justice process that have been adopted by governments.
sexual assault: unconsentual or coerced sexual act.
the state: the government, including all of its bodies (like the police, the criminal justice system, etc.).
trans: Trans is a term used to encompass people who are transgendered, transsexual, genderqueer, gender variant, transitioned and some two-spirit people. Generally, it means folks who don't fit into the gender binary and/or who do not identify with the gender that they were assigned at birth.
transformative justice (TJ): the idea that meaningful justice processes can be developed that work towards healing, engaging the people who have caused harm and repairing relationships. According to members
of TJ organization Generation FIVE, TJ is “the dual process of securing individual justice while transforming structures of social injustice that perpetuate such abuse.”

**Turtle Island** - original name for North America for a number of Indigenous nations, including the Anishinabe and the Haudenosaunee (Iroquois Confederacy).

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**INTRODUCTION**

This zine is about attempts at dealing with sexual violence, the politics behind it and the practice of it. It is also, in many ways, an apology. It is an apology to the people who I have caused harm to or been a part of causing harm to in the name of accountability/justice. It is also an attempt to put forward a thoughtful, informed and respectful argument for changing the way that these issues are dealt with in my community.

I think transformative justice is important. I also think that the way it is practiced in many activist communities is harmful and it is important to acknowledge and minimize this harm. A lot of the writing and speaking about transformative justice (TJ) and community accountability (CA) that I have come across is quite self-congratulatory. I think it is important to celebrate. But I also think it is important to be critical of our actions and work towards improvement.

In speaking with a friend who does TJ work, she told me that she thinks that the self-congratulatoryness of a lot (but certainly not all) of what has been written is strategic. She said that people often make the political choice to present transformative justice uncritically in order to show that there is a viable alternative to the prison industrial complex. The problem with this is that people read these texts and attempt to do transformative justice without having a full picture of how difficult it can be and without being able to draw on other people’s critical reflections on what they have done. Some of the stuff that has been written makes it feel like it is really easy - it is never easy.

If we present something as wholly good, it is very easy to tear it apart with a small number of cases. For example, the pro-choice movement had a tendency to minimize or erase the difficulty and sorrow involved for some women. It only took a few women coming out with deep
regret to help destabilize all of the claims that the movement was making. Drawing a more complex picture of abortion where the discourse allows for space for people to talk about the hard parts actually makes a stronger movement, not a weaker one.

This zine is my way of complicating TJ discourse with the hopes of minimizing the harm that some groups, including those that I have been a part of, have caused in its name. There is a big difference between denouncing something and providing criticism of something with the hopes of making it stronger. Pointing out cracks in the concrete is not what will make a building fall down but it is the first step in filling the cracks to strengthen its foundation.

How I Ended Up Writing This:
A couple of years ago, I went back to school. I can’t work a lot of jobs because of my health and saw grad school as a job that I could do. So, I did some undergrad, got into grad school and now I find myself in a social work PhD program. I have always done a lot of independent research and been obsessed with going really deep into particular topics. When I start on something, it is really all I talk about until it is written and I can put it away for a while. This is how I wrote my book (Disability Politics and Theory) - I just kept reading and thinking and learning and, later, writing.

Right now, I am in a class called social work in social justice contexts (or something). I don’t have a social work background and it is a long story why I am there; but, in short, I am really critical of social work. For my final paper for this particular class, we had to write a reflection about our social work practice (so, for me this is organizing because I’m not a social worker) and reflect on it using what we learned in the course. Easy.

I decided to do it on community accountability/transformative justice work because I thought it would give me the time to really work through some stuff. I’ve been asked to speak on panels about it and write about it but I really haven’t felt ready. For me, working though this stuff takes a lot of energy because it is very upsetting. I came to the point where it was too late to change topics and really regretted my choice to write this paper. It felt like it was an exercise in masochism.

In order to get through the paper, I ended up doing a lot of side writing, mapping, etc. Together, pieces of that this zine. As I came to new understandings based on thinking about what I have been apart of/ exposed to in Toronto in relation to theory I was deeply impacted. The most important thing for me was reaching a new understanding of what I was holding onto and what I needed to/could let go of.
If you are looking for a transformative justice (TJ) how to manual, this is not it. Indeed, I set out to find one because I wanted someone to give me the answers; but, it doesn't exist. The nature of this work means that it is always messy and each time is different. Some groups like INCITE!, Philly Stands Up, Creative Interventions, Chrysalis Collective, The StoryTelling & Organizing Project (STOP), Transforming Silence Into Action and Generation FIVE (you can find articles by or about all of these groups in the references section at the end) do provide some outlines about their steps or general processes. These are definitely helpful but they are not specific 'how to' guides.

What this is is an attempt at an honest reflection of the work that I have been a part of or witness to over the last 15 years in an attempt to intervene upon/interrupt sexual assault in Toronto. I think it is important to look deeply about the ways that TJ has been practiced that have been harmful and what we can learn from that. I have been a part of troubling and flawed processes and I hope that people can draw from this zine in order to not replicate the same mistakes.

Of course, this is not an exhaustive account of all of the community accountability or transformative justice attempts in Toronto over the last few years - that would be impossible. It is one person's account of a tiny piece of it.

My particular social location also impacts how I experience and participate in transformative justice projects. I am a white, disabled, poor, queer and trans person living on stolen land. Because colonialism and race so deeply inform risk of gendered violence and the responses to it, my whiteness affords me a tremendous amount of privilege. Also, while a great deal of the TJ groundwork has been laid by Indigenous women and women of colour, the communities of which I write draw heavily on Indigenous healing and justice practices but are almost entirely settlers. The vast majority of the people who I worked with around TJ in my early days were white. This has changed significantly over the years but, most of the people involved in most of the processes have been white - although, this has not always been the case.

If you do not identify with me or anything that I have to say, that is totally fine. What isn’t okay, though, is for you to make Toronto an exception. It is not okay to pretend that the issues of sexual assault that I write about only happen in Toronto and don’t happen in your own networks. It isn’t okay to pretend that at least some of the things that I write about in terms of fucked up responses to sexual assault aren’t happening in your own community.
Gender, Trans Stuff and Timing

For me, the timing of writing this is not just about being in school and starting an assignment. It is also about the difficulty that I have in navigating these issues as a trans person. I have been assaulted 4 times (including one rape) in activist communities in and around Toronto (just to be clear, these assaults are something I am writing about, not something we are talking about so don’t ask). Two of these assaults involved the grabbing of my breasts.

There were two key reasons that I couldn’t really navigate these issues, beyond talking about it with a few friends, before having top surgery. The first was around confidentiality. I didn’t want to be named but if people kept calling the person whose breasts were grabbed ‘they,’ everyone would know it was me. In one instance this meant that I had people talk about a woman who was assaulted - something that felt gross to me but necessary. In the other instance, I kept it quiet. I didn’t feel like I could go through an accountability or transformative justice process with him. This was informed both by my being trans and by who he was in the community. Everyone knew he was creepy and that he had been sexually inappropriate many times. The incident happened at a party in front of people. One person intervened (but I don’t think he grasped what had happened) and no one else seemed to care. I felt like that if I went through a process that it would be messy and devaluing and would just lead to me being further isolated. I also felt like I was not adding any new information to the situation - people knew his behaviour was a problem and repeatedly did nothing.

The second reason that trans stuff made dealing with this stuff really hard for me is that I identify as genderqueer. I very clearly identify outside of the gender binary and I feel like everyone has been waiting for this ‘phase’ to end since it began. I once wore a dress to a Halloween party and there was an instant rumor that I had changed my pronoun. For months afterwards, many people called me ‘she.’ Genderqueer is a tenuous place to be. Once I had top surgery, however, it felt like people saw me as permanently and legitimately trans. It finally felt safe to talk about my physical body in a way it didn’t before.

Of course, the examples that I gave of how people treated me around genderqueer stuff is totally unacceptable. Both cis and trans folks often treat genderqueer as something someone is passing through - a stopping point on the way through a transition or a temporary site of rebellion and not a legitimate place to live.

Ok, enough about genderqueer/trans stuff. This is all just to say that having surgery is what made me able to see and think about things
differently. Because my breasts were gone, things shifted from being a site of violence on my body that was deeply intertwined with gender and undermined whatever claims I made about who I was to a historical fact. And, again, this is just me - it isn't every genderqueer or trans person out there. It is, simply, what let me start thinking differently about things.

**Content and Conclusion:**

The central piece of this zine, “Sexual Assaults and Attempts at Collective Justice,” is really long and more academic than I usually write because it was originally a school paper. I tried to make sure that I clearly explain things as I go and there is a glossary at the beginning you can refer to. All of the other pieces are written much less formally.

Also, I live in Canada so I sometimes write about the state in terms of the Canadian state (particularly when I talk about healthcare, alcohol, etc.). Folks not in Canada - you can figure out how this applies to you. But also, for Americans who romanticize Canada, keep this in mind: Canada is an asshole.

Even after writing this massive zine, I still have a lot more to say and there is, I am sure, a lot that I don’t know that needs to be said. This is far from exhaustive. But, I hope it is helpful. I hope you can find something that is useful in this (even with all the typos).

While I feel like I have a deeper understanding of the role I have played in TJ processes and transformative justice, in general, I feel like I have fewer answers now than I did at the beginning of this project. But, I do feel more comfortable with this uncertainty. This stuff is really hard. It is also work that I really don’t like doing, I do not consider myself good at and I am resentful that I have to do (if folks didn't sexually assault people, these specific kinds of TJ processes wouldn't have to exist). It is really important work though. I also think a lot more cis men need to start spending (more) time working on this stuff. I am hopeful that we can build better processes and stronger communities.

**Acknowledgements**

Our politics are always the result of a collective process. This zine is very much the product of the many conversations that I have with my friends and comrades over the years. Several people read over and gave me valuable feedback on portions of this project. Because of the subject matter, I am not going to be naming those people here. I do, however, want to express my gratitude to them. I also want to express my gratitude to those who came before me and work along side me who work(ed) to solve problems in their communities and whose work lays the foundation for what we are doing now.
When I was 12 years-old, someone was driving too fast down my street. My cat was asleep on the side of the road and the driver swerved into her – killing her. We heard the truck and my mother and I went outside to check on our cat because she knew our cat was out front; also, it was both unusual and socially unacceptable for someone to drive so fast on my street. Outside, we found our dead cat. Our neighbour, who had seen what happened through her front window told us and described the truck. My brother knew who the driver was based on the description of the truck and we set out to find him. We drove around town looking for him until someone told us that the family business truck was making its deliveries. My mother, flagged the delivery truck down on the road and explained to the driver, the person who killed my cat’s mother what had happened. Over the next few hours, the teenage driver who killed my cat was tracked down by our mothers. He did not deny killing her but claimed that she was running towards him and he was simply swerving to miss her.

My memory of these events is vague. I do not know if he ever actually admitted to intentionally killing our cat. I do remember him being forced by his mother to apologize but I don’t know, and could never know, if he really meant it. What he did do, however, was have to take in the four three- or four-week-old kittens my cat had recently given birth to. While his mother helped care for them, it was him who had to wake in the middle of the night to bottle feed them. One of the kittens died; while exploring on the farm, he may have been stepped on by a cow. When they were big enough to be weaned from the bottle, the remaining three were assigned their
permanent homes. We got the pick of the litter – a cat that we named Spicy and had for many years. One kitten was given away.

The third kitten stayed with the family of the young man who had run over the cat. He was about 16 or 17 years old when he killed my cat and this kitten would stay with him and his family for the rest of its life. Spicy would never know her mother. I would never have my cat back – the special cat that we named “She She” after a panda because we rescued her, starving, outside of the gas station on our way home from seeing the pandas at the Calgary Zoo. Our families would never become friends. But we would come to a place where we could trust that this would not happen again. We trusted that the driver’s mother now saw her son differently – in a way that was important in order to work to keep him from causing harm again.

The lesson that he learned about harm and justice is an important one. It is not an uncommon, in close communities, for them to deal with harm in their own ways (in my town this more often meant shaming or beating people than reconciliation). I think about how what happened couldn’t have been undone but how our family’s came together to help the teenager who killed my cat to learn and to repair. Had we gone to the police instead of his mother, we would have likely had a very different result. It probably would have taken us a lot longer to heal. Things would have spiraled downwards.

The adversarial system of justice pits each side against the other. Instead of people being able to come together to work something out, any admission of guilt or weakness could be to the detriment of the defendant. Consequently, Morris argues that the “system digs deep trenches where there are gaps, and adds to the
The first few times that people were sexually assaulted in my networks of radical activists (this is about 15 years ago now), I was shocked. While I had experienced sexism happening in these communities, certainly sexual assault - something that was unambiguously wrong wouldn’t happen. Indeed, for me, like a lot of folks, part of the reason that I was a radical and was in radical spaces was because of the violence that I had been subjected to and was determined to eliminate.

But, sexual assault is incredibly common in our communities. Connie Burk says:

“We are the least immune because we’re the most compelled by the interplay of the individual condition with the systems of oppression operating in our world. Activists communities are particularly susceptible to manipulation by abusers because we are the most likely to have compassion for how abusers experience institutional oppression and understand how they are victims of unjust systems.”

And, Rebecca Winter argues that “our continual inaction allows perpetrators to continue abusing people within our communities with impunity.”

Whether or not sexual assault and sexualized violence are more common in activist communities, it certainly isn’t less common than in the rest of the world. And, we know that it is really common in the rest of the world.

Rather than continuing to claim immunity or innocence, we need to actively deal with violence within our communities. No more pretending.

It is also important that we not pretend that our communities are something they are not. The primarily non-Indigenous, largely white, urban radical activist communities of which I am a part are not tight intergenerational networks - as they are in many Indigenous communities, diasporic communities or even small towns. Most people in my networks in Toronto didn’t grow-up here, most of our families aren’t here and most of us are political anomalies in our families in which radical organizing is a single generational enterprise (with some important exceptions to all of these). A lot of us, especially the queer and/or trans folks, are
not even in regular communication with all or parts of our families. When someone causes really serious harm to another person there is a good chance their kin\(^3\) will never know. If someone wants to they could disappear, even in the same city, and almost never see those people trying to hold them accountable.\(^4\) Holding someone accountable can be really difficult because they really can vanish (as has happened in Toronto a few times). Folks who have caused harm can’t do that in small communities.

How community gets defined and who gets included is also a difficult business. Community can be quite simple to define if you are okay with it being homogenous - if everyone is, at least to some extent, a lot like you - if you all listen to the same music and dress the same. It is a lot harder if we are talking about how we imagine community that includes that annoying guy with no friends and the woman who only seems to care about you when she is promoting an upcoming performance art installation. What do we owe them? Community is a lot harder to define when we also try to include the people we don’t know because they don’t have the attendant care they need to be able to leave the house or can’t go out because their abusive partner won’t let them, for example.

INCITE! asks “What if we presume there is no ‘outside’ our community?”\(^5\) That calls on us to do really different work than if we narrowly define who is in and who is out (which is more aptly called a clique than a community).

How do we build accountability or justice if we don’t actually have strong relationships that bind us together? Yes, that is rhetorical - we can’t.

I feel like there is much less of a sense of a community than I felt 10 or 15 years ago. I am not sure if this is true across the board or if it is just that most of the people that I came up with in organizing aren’t around anymore - they’ve either burnt out, sold out, shipped out, been bought out, or some combination these.

So, here, I am about to replicate one of my greatest frustrations with activist writing, TJ writing in particular - I’m going to say things that seem just great but in practice are really hard. In order to build justice, we need to build communities and build skills within those communities.
I think it is easy to say that but there isn’t a lot of appreciation for the daily and difficult work that this requires. Andrea Smith recently said that we should not think about organizing as separate from the rest of our lives and that we should make it fun. For some people that makes a lot of sense and I think those things should happen. Some of her examples like collectivizing childcare or people coming together to cook are great examples of this and of how to better build communities of care.

I also think a lot of disabled folks set really important examples of how to do this. For instance, I think of my friend Loree Erickson, who made the film *Want*, who has brought so many different people together to build a care collective for her. For me, however, social interactions are a struggle. I have a really hard time with lots of people. I get really intense social anxiety, I struggle hanging out in groups unless they are structured. I had to quit my paid organizing gig that I had worked years to get, in part, because I couldn’t handle the social implications and the constant feelings of guilt and inadequacy. While I want to community build and I think I do help with that in some small ways, I also really need my space. There are a few people who are really isolated and I want them to have more social interaction but I really can’t be that person for them. We do, however have to figure out ways to build community and to meaningfully include people. A comrade of mine said out that folks like us are the best people to do community building and TJ work because we have to be so intentional about our interactions (I’m still skeptical). Nonetheless, it is something that we all need to commit to and to recognize is important to ourselves and our movements.

The bulk of community building falls on women and trans people. The most important part of community organizing is building and maintaining relationships. This invisible and gendered labour is incredibly devalued in radical organizing. Coincidence? Nope - it’s patriarchy. Right now, my communities are not cohesive, intact, strong or healthy enough to build real community accountability or transformative justice. It is unrealistic that meaningful transformative justice can consistently be built; however, within this context, we need to be realistic about what we are capable of and not make false promises.
I want to talk about why I talk about women and trans people when I am talking about the group of people who are systemically impacted by sexual violence, or, as many feminists say “live in the shadow of rape.” When I am talking about the systemic impacts, I am not saying that cis men are not sexually assaulted - they very well can be. And, women and trans folks can and do sexually assault people.

And, when I am discussing systemic issues, it is also important to talk about the ways that colonialism, racism and disablism play into this. Indigenous women are more than 3 times more likely to experience intimate partner violence and 8 times more likely to be murdered.\(^1\) Andrea Smith accurately identifies “sexual violence as a primary tool of genocide.”\(^2\) Additionally, women of colour, particularly Black women, are more likely to be at risk of sexual violence than White women.\(^3\) Also, disabled women are 40% more likely to experience violence and significantly more likely to experience sexual assault than non-disabled women.\(^4\)

Patriarchy, often interlocked with other oppressions, is the guiding force behind most sexual violence. The vast majority (92%) of people sexually assaulted are women.\(^5\) This reality means that sexual violence deeply impacts women and trans folks in a way that is just different, worse and deeper than it does cis men. Most cis men do not fear sexual assault on a regular basis while this is not only the reality for most women and trans people it is how we are conditioned to see the world.

In order to explain why I think it is essential to talk about women and trans people when we are talking about systemic issues of sexual violence, I feel like I need to explain a little about myself and where I am coming from.

I am trans and I identify as genderqueer. I was assigned female at birth and came out as genderqueer at 21. I have had top surgery and I take testosterone. My pronoun is ‘they,’ not ‘he’ or ‘she,’ but in certain circumstances, like for safety or, sometimes, simplicity I use ‘he.’ I almost always pass as male (or more often, as a 15 year old boy). That is, I pass until I open my mouth.

My very nice endocrinologist tells me that 1 in 25 people who transition using testosterone do not get deeper voices. I am one of those people. Since having top surgery, I feel a different kind of threat of violence than before. This is a fear that I will not be read as male and will, therefore, be beat up as a result. Before I had surgery, I would use women’s bathrooms if I had to if I couldn’t find a gender neutral one. Now I can’t do that. If someone talks to me in the bathroom, I can’t respond without fear of violence. I’ve developed a very uncomfortable bladder condition.
because of my inability to go to the bathroom when I need to (which is, in itself, a form of violence).

The violence that I fear and that people I know like me have experienced is about transphobia but it is also sexualized violence - it is about being the wrong gender in the wrong place at the wrong time. It is about punishing people who cross gender lines.

So much of trans safety revolves around passing - for all trans folks. Passing does provide a lot of security for many trans folks and passing is deeply intertwined with class, race, disability and heteronormativity. Those who can afford to pass, who can afford the thousands to hundreds of thousands of dollars for surgeries, hormones, electrolysis, voice coaching, etc. are much more likely to be able to pass (although for some folks, no amount of money will make them passable). Those who can fit into gender norms (which are already white, middle/upper-class, straight and non-disabled) are much more likely to be able to pass.

Of course, this is a double edged sword. A lot of trans folks find safety through invisibility which is really hard - the only way you can be yourself is by hiding who you are.

Now, I have been sexually assaulted a few times in the radical scene in Toronto and each one of those times, regardless of how I identify, were very gendered. Whether or not they were related to my being trans, I know that they were also about my being identified, in whole or in part by the person assaulting me, as a woman. However, just because my experience is one of assault when my claim on masculinity was erased or devalued, this does not mean this is the case for all trans men/genderqueer folks. Some trans people are sexually assaulted entirely because they are trans. Additionally, my talking about how part of the reason that I was assaulted was, to some extent, about an imposed ‘womanliness’ on me does not make it okay to simply include me in the category ‘women’ when you are talking about sexual violence - I’m not one and to call me otherwise is transphobic.

It is, however, important to recognize the sexual(ized) violence that trans folks like me experience and are at risk of. Only talking about violence against women erases this violence. Emi Koyama writes: “Crimes against trans men are committed by strangers as well as by close ‘friends,’ and are undoubtedly motivated by a combination of transphobia and misogyny, performed as a punishment for violating gender norms in order to put them back in a ‘woman’s place.”

While I have male privilege in certain ways, I also don’t have it in certain ways. A simple binary logic that says femmes are at risk and butches/masculine people aren’t erases both the reality about how privilege can be experienced by trans people and the existence of non butch/femme identities. Further, being read as butch, masculine or boyish in queer
scenes does not insulate one from systemic sexism or sexual violence in the world at large.⁷

If I did happen to pass at this point of my life, that would not erase my experiences of being assaulted in the past and of having lived “in the shadow.” Those are scars I will always carry with me. Indeed, every trans man carries scars of misogyny, sexual violence and living under the shadow of rape with him.⁸ To be clear, I am not echoing the position of some trans men that “the question of how trans men can recognize and check their male privilege is not as interesting or as urgent as the question of how trans men are harmed by the male privilege and misogyny displayed by cis men.”⁹ That is just plain bullshit. Regardless if someone finds oppression/privilege interesting, it is always urgent (and finding it uninteresting is probably a good sign that someone has privilege).

What I am saying is that it is important to talk about women and trans people when we are talking about the gendered impacts of sexual violence - trans people are deeply impacted and we often find ourselves working in groups with survivors and unable to work with cis men - but this, of course, is not universal.

So far, I have only talked about trans folks who do not identify as women. Now, I am going to talk about trans women.

A lot of the anti sexual-violence organizing that’s been done, especially in the early days of the movement is carried out by white radical feminists. This has led to the movements uncritical approach to criminalization. It has also led to the erasure or disavowal of trans women and their experiences of sexual violence.

When I am talking about women, I am talking about cis women and trans women - you know, women.

Radical feminists, however, do not consider trans women to be women. Janice Raymond has written: “All transsexuals rape women’s bodies by reducing the real female form to an artifact, appropriating this body for themselves....Transsexuals merely cut off the most obvious means of invading women, so that they seem noninvasive.”¹⁰ Here, Raymond constructs trans women as inherently rapists - erasing the reality that so many trans women are raped and falsely depicting them as inherently violent.

Vancouver Rape Relief rejected Kimberly Nixon as a volunteer, even though she had herself been battered by a male partner, because she was trans. They said “she did not share the same life experiences as women born and raised as girls and into womanhood.”¹¹ Of course, as many critics have already argued, there is no shared experience of womanhood. This is a fundamental problem of second wave feminism which seeks to construct a singular idea of ‘woman’ but that woman has always been a middle-class, non-disabled, white woman. All women do share experiences of misogyny and patriarchy; but, that too looks different depending
Trans women are incredibly likely to experience violence. It is important to understand this as violence against women. It is also important to understand that trans women may be particularly at risk. The vast majority of trans people who have been murdered are trans women (and, disproportionately these are racialized people).\textsuperscript{12} Koyama argues:

trans women are targeted because we live as women. Being a woman in this misogynist society is dangerous, but there are some factors that make us much more vulnerable when we are the targets of sexual and domestic violence. For example, when a man attacks a trans woman, especially if he tries to rape her, he may discover that the victim has or used to have a ‘male’ anatomy. This discovery often leads to a more violent assault fueled by homophobia and transphobia. Trans women are frequently assaulted by men when their trans status is revealed.\textsuperscript{13}

So, while it is important to talk about violence against trans women as violence against women, we also need to understand that trans women, especially racialized trans women, are at particular risk. Indeed, sometimes violence against trans women looks very different than violence against cis women; other times it looks the same. The same goes for trans men, genderqueer and gender variant people.

It is possible to say “violence against women” and be inclusive of trans women; but, given the history of radical feminism in violence against women organizing, it will be usually viewed as suspicious. It is not possible to only say “violence against women” without erasing the ways that many trans people, transmen, gender variant people and genderqueer people experience violence in gendered ways.

That’s why I say “women and trans people” when I talk about sexual assault and sexual(ized) violence.
Sexual Assault and Attempts at Collective Justice

I believe and am committed to the idea that out of harm grounded healing can emerge, that we can build a world without prisons and sexual violence, and that these things are not only possible they are urgently necessary. It is through these political ethics that I have been involved in efforts at building transformative justice in my social and organizing communities following instances of sexual assault. This paper is an attempt to examine these processes reflexively and propose alternative ways for moving these practices forward.

Transformative justice (TJ) is the idea that meaningful justice processes can be developed that work towards healing, engaging the people who have caused harm and repairing relationships. According to members of TJ organization Generation FIVE, TJ is “the dual process of securing individual justice while transforming structures of social injustice that perpetuate such abuse.” TJ works towards community based solutions that do not involve the state. It is different than restorative justice (RJ) as it has not been co-opted by the state it recognizes the fundamental injustices that pre-exist and inform harm (it does not presume that there is a just foundation to which the situation can be restored). While TJ can be broad, four general themes emerge as its key principles: (1) a commitment to prison abolition and the understanding that the criminal justice system (CJS) is unjust; (2) a commitment to and belief in healing, not simply protecting/punishing; (3) an understanding that sexual assault happens within the context of systems oppression that must be overthrown; (4) and, the belief that communities have the capacity to solve our problems and do not need to turn to the state for this.

Transformative justice is largely based on traditional Indigenous justice models. It also relies heavily on restorative justice models which are also based on Indigenous models but have now been deeply co-opted by the state. Some practitioners of TJ draw on Mennonite and Cuban justice practices. Some settlers of colour also draw on their cultural or ethnic communities’ justice practices which have been employed for generations.

Sometimes authors and activists use different terms to describe transformative justice; most commonly these are restorative justice and community accountability. Consequently, this paper discusses those models employing the above principles, even when the name “transformative justice” isn’t used. There is also some fluidity between these terms. The group Philly Stands Up said it was doing restorative justice work but in later years identified the same work as transformative justice. Similarly, Chen, Dulani and Piepzna-Samarasinha assert that community accountability and transformative justice are the same thing with different names. However, restorative justice can describe ‘alternative’ state sentencing models for Indigenous people which are deeply embedded in criminal law. Additionally, community accountability may not have the same value system embedded in it as transformative.
justice. It can be used to describe public calling-out processes and banning that do not involve a transformative process or attempts. The term community accountability is increasingly falling out of favour in activist networks, being replaced by transformative justice - although this may not indicate an actual shift in practice. This paper draws on transformative justice, community accountability, and restorative justice, theory and practice within progressive/radical communities that are grounded in the principles I previously outlined.  

I have been involved, directly or indirectly, in several transformative justice efforts since the early 2000s in order to deal with issues of sexual assault in activist communities. This paper is an attempt at working through some of the issues with these endeavours with the hope of developing a more effective transformative justice praxis. It is also an attempt to reflexively engage in my own role in these processes. Transformative justice is practiced very differently in different communities. In the Toronto radical activist community of which I am a part, which is comprised of largely non-Indigenous people who do various forms of anti-oppression and anti-capitalist organizing, these practices have varied dramatically depending on the context. Fundamentally, I believe TJ is a beautiful and important idea; however, there are a number of issues that are unresolved with this model and, in practice, it has caused harm to individual survivors and communities. This paper will discuss some of the ways that I/we have been complicit in creating/maintaining/perpetuating injustices, specifically through the ways that we have misrecognized and/or excluded both those who have caused harm and those who have been harmed, and try to imagine ways of moving transformative justice.

**Why Come to Transformative Justice?**

Different supporters of transformative justice come to TJ for
different reasons. There is, however, a general recognition of the prison industrial complex and CJS are unjust and inappropriate bodies to arrive at a sense of justice. A number of authors argue, and to me it is self evident, that the state itself is the most significant source of violence in the lives of many people, particularly Indigenous people and people of colour. The disproportionately higher rates of these groups in prisons compared to white people is profound.12

Therefore, the criminal justice system is a body that will likely increase harm for these communities rather than prevent it.13 The criminal justice system and state funded violence against women system is also seen as providing individualistic and inadequate services that do not address the root causes of harm and systemic injustices, making it a body that will likely increase harm for these communities rather than prevent it.14 Incarceration is not regarded as a vehicle for individual healing and/or social change by many who engage transformative justice principles.15 The criminal justice system not only does not lead to healing, according to Coleman, it “frequently retraumatizes survivors.”16 Further, the state is viewed as illegitimate for many because Canada and the United States are colonial states founded on genocide and, thus, not appropriate or acceptable arbiters of law and justice.17 Many on the radical Left are anarchists and anarchist thought is also quite influential in social movements.19 Anarchists view all states as fundamentally unjust and question how any sense of justice could be achieved through a fundamentally unjust system.20

For people without immigration status, the CJS is entirely inaccessible as they may be deported if they encounter the police – as someone who has assaulted someone or as someone who has been assaulted.18 For instance, No One Is Illegal – Toronto scrambled to fight to prevent the deportation of a 16 year old woman who reported her rapist to the police and was subsequently detained and ordered to be deported. Her deportation date was set to be the same date that she was supposed to testify against her assailant. Ultimately, her deportation was prevented through community organizing efforts.20a Nonetheless, many survivors of violence with precarious immigration status are well aware of the risks to them if they report a crime to the police.20b State funded services, including women’s shelters are also frequently inaccessible to women without status as staff have been known to report women to the police and/or immigration enforcement.20a Survivors may also be reluctant to report those who have harmed them because it could lead to their deportation which could also result in the loss of their financial resources and/or harm to that person.
Individuals in the activist communities of which I am a part are unable to access and/or disillusioned by the CJS because of all or a combination of the above. Lilsnoopy Fujikawa summarizes the general position of radical activists: “we’re starting from the framework that our communities can’t and don’t go to the police.” There is, however, a very real difference between those people who come to TJ primarily through ideology alone than those who come to it primarily through necessity. I am a white anarchist and it is a very different thing for me to make the choice to try to implement transformative justice than for people of colour and Indigenous people. People in communities in which large portions of their (mostly) men have been ripped out of their communities and imprisoned do not have the same access to the criminal justice system that I have. This is also true of communities whose members face deportation to conflict, war and/or deprivation and those that have experienced colonial genocide at the hands of the state. It is also a very different thing for a white settler to reject the criminal justice system because it is a function of and for colonial power than for an Indigenous person to do so. Much of the transformative groundwork that has been/is being done in activist communities now has been done by Indigenous women and women of colour because of these contexts, including as a response to the state’s maintenance of white supremacy and failures of the (white) mainstream anti-violence against women movement’s failings.

Transformative justice, however, is not only about critique or deconstruction of existing systems but also about construction, “to be generative rather than reactive.” At the heart of transformative justice is the idea that not only does there have to be a better way than what exists in the mainstream system, but also that we have the resources within our communities to build it. This is a form of prefigurative organizing: organizing that works to build the world that we want to live in the present. It is, according to Walia, “the notion that our organizing reflects the society we wish to live in - that the methods we practice, institutions we create, and relationships we facilitate within our movements and communities align with our ideals.” Thus, by doing prefigurative organizing, Oparah maintains that “abolition
becomes a present-tense verb, not merely a dreamed of utopian future.”

Here, the time difference between the post-revolutionary future and the present is collapsed, according to Maeckelbergh: “instead, the struggle and the goal, the real and the ideal, become one in the present.”

If capitalism and oppression fell tomorrow, what would we put in their stead? Prefigurative politics calls on us to imagine and create precisely that. Generation FIVE argues “The goal of dismantling oppressive structures is short-sighted, and perhaps impossible, if we are not also prepared to build alternatives. This is not merely a rhetorical failure or a failure of analysis; it is a failure of practice.”

I have been involved, directly or indirectly, in several TJ efforts since the early 2000s in order to deal with issues of sexual assault in activist communities. This paper is an attempt at working through some of the issues with these endeavours with the hope of developing a more effective TJ praxis. TJ is practiced very differently in different communities. In the Toronto radical activist community of which I am a part, which is comprised of largely non-Indigenous people, most of whom are white, who do various forms of anti-oppression and anti-capitalist organizing, these practices have varied dramatically depending on the context. Fundamentally, I believe TJ is a beautiful and important idea; however, there are a number of issues that are unresolved with this model and, in practice, it has caused harm to individual survivors and communities. This paper will discuss some of the ways that I/we have been complicit in creating/maintaining/perpetuating injustices, specifically through the ways that we have misrecognized and/or excluded both those who have caused harm and those who have been harmed, and try to imagine ways of moving transformative justice forward for my communities.

Practicing Transformative Justice On the Ground in Toronto

Sexual assault has been responded to in a number of different ways in Toronto’s radical activist communities and not all of these involve TJ attempts. In Toronto, and elsewhere, TJ processes are always different every time because each situation is different. Lately, there has been a group of people who are working directly (informally or formally) with the person who has been assaulted and there is often a different group working with the person who committed the assault (also informally or formally). There may or may not be cross-over between these groups. Sometimes who the survivor is becomes public information and other times it is secret (although this is not always respected).

I have been involved in a number of TJ processes both directly and indirectly. All of these involve instances of sexual assault where the survivor was assaulted once by that person. In some instances the person who did the assault assaulted more than one person. In almost all of these processes, I have been friends, ex-partners, acquaintances, members of the same organization and/or coworkers with the person who caused harm and with the person who was assaulted, although some of the survivor’s identities were concealed - I may or may not have known them.
The first process that I was ever involved with was on an organizational level and we set out to have a meaningful engagement with the person who caused harm but it quickly devolved into yelling, side-taking and then unsuccessful attempts to ban him from the scene (although he was prevented from joining particular organizations and being in particular spaces). There was significant debate about what his responsibility was (does allowing an assault to happen ‘count’?). During this period, much of the radical Left in Toronto (which later spread to other cities) was incredibly polarized. Everyone, it seemed, was on one side or the other.

Since then, other processes I have been in or around have been more successful, although some have been an outright failure.

At the same time, at least in recent years, there has also been a larger discursive effort to enact a cultural shift away from rape culture toward consent culture in (parts of) my networks. FORCE: Upsetting Rape Culture defines rape culture as one where rape imagery and language is commonplace and “people in a rape culture think about the persistence of rape as ‘just the way things are.’” There has been a concerted informal effort by a number of, primarily women and trans people, to change the way that people engage in social spaces and talk about consent and safety in order to prefigure a consent culture. This, however, has been too much work for many to take on, particularly when people are actively engaging with ongoing TJ processes.

Reflecting on Our Work

One of the things that makes these processes incredibly difficult for me, and I think most other people, is the high stakes involved. Perez-Darby reflects on her experiences doing this work, saying: “it feels like one slip can be the difference between life and death.” Survivors of assault, it seems, are particularly sensitive to this. At the same time that we are desperately trying to help someone we care about heal from trauma, we are trying to ensure that the person who committed the assault never does so again.

This is a burden that I am more intimately aware of than most. Nearly 15 years ago, at a party at my house, I was sexually assaulted by a good friend of mine. The act was very minor on a spectrum of sexual assault (which I think is important to emphasize because it can make it easier to articulate this right now). The consequences for me, however were not minor: As a teenaged runaway, I experienced deeply traumatizing stranger assault a number of times. The incident at my house profoundly shook my sense of safety both in my home and with my friends. The person who assaulted me went on to assault two people that I knew and rape someone whom (I assume) I do not know. I have carried a profound sense of guilt with me over the years for my failure to prevent this; although, I also intellectually understand that this is not my fault. For a number of us, the way we engage TJ now is deeply informed by this and other past experiences trying to interrupt sexual assault.

“Us” vs. “Them” and Erasures of Implication in (In)Justice

When an assault occurs, there are often lines drawn within my
community between the person who was assaulted and their supporters and the person who conducted the assault and their supporters. In the past, I could simplistically break this down to: the survivor’s side are the innocent or good people and the person who committed the assault and their supporters (if they are not seen to be appropriately engaged in some form of justice or accountability process) are the guilty or bad people. I have consistently tried to discursively produce myself as on the right side, as innocent. However, this construction is overly simplistic and several significant issues arise through it that have important implications for TJ building and the elimination of violence.

This construction of innocence works to erase how we are all implicated in broader systems of violence including, but not limited to patriarchy, heterosexism, cissexism, colonialism, racism, disablism and capitalism.

Constructing ourselves as on the ‘right’ side can work to erase the ways that survivors and their supporters are also implicated in violence. Lamble argues that “When responsibility belongs to a single perpetrator, the rest of us are positioned as innocent bystanders.” Consequently, Lamble asserts, when “justice claims rest on proof that one group is not only most oppressed but also the most innocent; that is, the group in question must convey itself as bearing no responsibility in the oppression of others.”

Fellows and Razack call this, simply, “The race to innocence” which allows (some of) us to disavow our responsibility to end systemic oppression because we are the most oppressed. If we fix ourselves as innocent, we do not need to interrogate the ways that we subscribe to logics that lead to violence or our relationship oppression.

Those of us who are ‘innocent’ in the activist networks of which I write do not disavow a general sense of duty to eliminate oppression in general (indeed, most people are deeply committed to doing so from a broad anti-oppression, anti-colonial and anti-capitalist position). However, if we are confident in this commitment, we can fail to examine the ways are politics are oppressive or incomplete; further, we are permanently fixing ourselves as innocent when it comes to the commission of sexual assault. This is too simplistic. It erases the reality that survivors of assault can also have committed or may at some point commit assault.

Constructing oneself/survivors as innocent works to reinforce the carceral logic (prison thinking) that there are bad people and legitimize their imprisonment/banishment while enabling those of us who are innocent to avoid scrutiny. Perez-Darby argues that this is a “simplifying logic” which constructs a “binary [that] allows us to think of batterers as people who exist somewhere else, in fantasy and stories but not in our lives, communities, and homes.” Depicting people who have sexually assaulted others as not like ‘us’ makes distancing ourselves from ‘them’ relatively straightforward. This also means we can assume, as Chapman asserts: “that his motivation was clearly, simply, and unambiguously to do harm, because he was a certain kind of person unlike the rest of us.”

This construction of innocence also works to limit the reflexivity
of those supporting survivors in particular ways. In my experience, those people who have worked in groups supporting survivors are generally very thoughtful and develop thorough critiques of how to improve this work. However, depicting ourselves as innocent means that we might not interrogate the ways that we also cause harm through these processes. Nonetheless, if we understand ourselves as wholly innocent rather than profoundly implicated, we may not reflect on how the practices of seeking justice can cause harm. This is how I have been complicit in taking a series of steps that have resulted in harm. I have been able to reflect on those individual decisions without questioning whether or not I/we should be walking at all. I failed to question whether or not our framework was unjust because I saw myself as innocent.

(Mis)Recognition of Those Who Have Caused Harm

I have adopted carceral logics through the disavowal of my complicity in violence and capacity to commit sexual assault and by collapsing of an act (assault) into an identity (assaulter/perpetrator). I have said: “he is an assaulter” or some variation thereof many times. In the past few years, there has been a shift from calling people assaulters to calling them perpetrators in my networks. This may be because of the influence of activists in Philadelphia who report: “We use the term perpetrator because defining someone as an assaulter holds assumptions about what patterns of behavior will characterize their future, and our work at Philly Stands Up is based on the belief of that person changing.” Here, these activists are attempting to construct the person who has caused harm as changeable, while not stated, there appears to be an attempt to attend to the ways that abusive behaviour can continue beyond assault. This shift to using “perpetrator,” however, made me uncomfortable. I found it to be both sanitized and carceral. While the politic that Philly is articulating is an important one, exchanging the term assaulter with perpetrator does not accomplish their goal as it continues to define the person’s identity in relation to the act the person is a perpetrator.

Both my calling someone an assaulter and others calling someone a perpetrator, I would argue, work to consume the complex identity of an individual and replace it with a master identity (or in Becker’s terms a master status). Becker’s theorization of master status, a status that works to erase or override the rest of the person’s identity, is useful here. Becker argues: “To be labeled a criminal one need only commit a single criminal offense... Yet the word carries a number of connotations specifying auxiliary traits characteristic of anyone bearing the label.”

Drawing on Becker, Presser and Gunnison maintain: “other life roles that the offender might play (e.g., parent or friend) are discounted. Sex offender becomes a master status; the diversity of behaviors and identities of those persons labelled sex offender are obscured.” The master statuses I imposed on people who have assaulted people is rooted in the same carceral logic that is used to define someone who has committed a crime as a criminal.
In a network of people who are largely anti-prison, I would like to suggest, that there is a profound disconnect between the way we view and treat people who have committed an assault and a politic that is opposed to criminalization and incarceration. A great deal of the discourse that we employ when we aren’t discussing people who have been sexually violent in our community is deeply critical of both incarceration and the ideology that coincides with it. If someone has stolen something or even been physically violent, we actively argue against the imposition of master statuses onto people. However, we make those same impositions on people who have sexually assaulted someone or battered a partner.

The erasure of the complexities of one’s identity and imposition of a master status is a problem of recognition. Honneth argues that an injustice often occurs when one experiences misrecognition. The issue where is obvious; people who commit assault are also people who are (at least sometimes) loving, generous, compassionate, hardworking, respectful, thoughtful, etc. It makes sense that someone who causes this kind of harm would have difficulty not feeling defensive and hurt by their characterization solely as a perpetrator or an assaulter.

For example, in times that I have hurt people that I care about I have had difficulty interrogating my behaviours when I have felt that I am being cast as wholly bad by someone. I once had a friend of many years stop talking to me because I was not emotionally or materially supportive. For a very long time I could only explore the ways that I felt that this was not true. I could go through a list of the ways I had been emotionally or materially supportive and was very hurt by what I perceived as the erasure of this. It was very difficult for me to examine the ways that I had hurt this person because of the misrecognition that I felt.

At the same time that injustice is being fought/disrupted through TJ projects, these same projects are also reinforcing injustices. This is why Spivak says: “when a narrative is constructed, something is left out.” The narrative of justice is constructed here but the misrecognition that is implicit in this project is erased. To be clear, I am not arguing that the feeling of misrecognition (injustice) that someone who causes harm feels can be equated with the experience of harm that the person who was assaulted and/or their community feel – it can’t. I have friends, many of whom who are survivors of sexual(ized) violence, who will simply say ‘so what’ with respect to the misrecognition that people who have caused harm may feel. Frankly, I am sympathetic to this position. For years I would have said the same.

However, if we truly do want to build a world without prisons, we need to start from somewhere and one of those places is the humanity of the people who caused the harm. Kelly maintains that it is essential to recognize “The intrinsic importance of humanizing perpetrators.” Similarly, Morris asserts “A part of any good healing process is to help each see the other as a whole human being.” If we dehumanize those who have committed assault by collapsing their identities and their actions we are both ascribing to carceral logic and ensuring that attempts at TJ
will be more difficult and/or destined to fail. If they feel that they are only
recognized as is a perpetrator they will be disinclined to undergo the slow,
tedious and painstaking work of self-transformation.

Additionally, looking at the whole person means looking at the ways that
the person has also experienced oppression. This, in my experience, can
be particularly difficult in instances of sexual violence. Generation FIVE
points out that “The abuse perpetrated by these men is usually connected
to a history of feeling persecuted, powerless, abused, or neglected.” This
does not make sexual violence acceptable or understandable; however, it
informs how to help people take responsibility, give reparations, restore
trust and reform their behaviour.

Honneth argues that recognition is an injustice that can be experienced
on a pre-political level. Here, social justice can be withheld from individuals
in ways that largely go unrecognized more broadly because there has not
been political mobilization around this feeling of injustice. Therefore,
according to Honneth, recognition of those groups that experience injustice
that have been able to build movements around those injustices (i.e. women,
people of colour, queers, etc.) is important but insufficient to achieve social
justice. The construction of identity always does so in relief – identity groups
are constructed by drawing boundaries around what they are not.

Something always gets left out in this process. Consequently, for Honneth
it is important to conceptualize ideas of justice at a deeper level. Honneth
conceptualizes recognition as being at the heart of social justice. Using
this, we can examine some of the ways that people who have committed

This is a commentary on people who go into law, not people who feel they
have to turn to it. It is based on something Spike said to Angel [Spoiler
alert] when took over the evil law firm Wolfram and Hart only to realize
later that revolution, not reform was the only way.
assaults may view themselves as being treated unfairly in relation to each other. Some people who have caused harm have been able to use their status in the community to avoid a community accountability and/or transformative justice process in Toronto and, elsewhere. In Philadelphia, the men’s organization that was formed to support women who had been assaulted and hold men accountable determined that one widely respected and regarded community member could not have possibly committed an assault and, therefore, his accuser must be lying. A full 28 of its 30 members left the group in defense of this man who had committed a sexual assault.

Some people who have committed sexual assault may feel personally targeted because of their particular status in a community and because others who have done similar things are treated very differently. This feeling of being treated differently than others (in Toronto, this has most commonly been about, but is far from limited to, class) could make it easier to dig down and view themselves as unfairly being persecuted rather than be reflexive. This is, also, obviously a social justice issue for the survivors of violence who are dismissed or who feel like their claims are minimized because of the status that the person who harmed them has.

Honneth also argues that people need to feel like what they are doing or are working towards has social value, that they “understand themselves as subjects possessing abilities and talents that are valuable for society.”

Casting people who have sexually assaulted others as wholly bad forecloses on any possibility that they can have recognition of accomplishment because they have no value. This is both a recognition issue for the person who has caused the harm and could be a barrier for a successful TJ process. Indeed, if the person who commits the assault is going to change, it is integral that they are able to re-author their own understandings of themself.

Having thought through the issues of recognition and identity imposition more, I have stopped calling people assailers; rather, I adopt the approach that Creative Interventions takes, saying: “person who caused harm.” Kim, writing about her experiences with the organization, argues that “This allows for the possibility of change, without assuming it is inevitable.”

**Banning, Exclusion and Marginalization**

In short, the dominant response in TJ discourse to sexual assault is “no exile” (although there are counter CA discourses that do focus on safety and/or punishment that endorse banning as a, or sometimes the, tactic). Generation FIVE, one of the most well-known and respected organizations promoting TJ argues that banning or exclusion is “simply the same as the prison system approach” and raises concerns about the person who has caused harm leaving a community and doing the same thing elsewhere. These are the key concerns that have consistently been raised in my networks with respect to how to engage someone who has committed assault. Philly Stands Up, another well-known TJ organization asserts that “Rather than shunt them off as pariahs, we recognize them as complex, connected
members of our communities who are thus worth keeping around.”

This idea that people aren’t disposable and are redeemable is central to the prison abolition project. Carceral logics need to be transformed and alternatives to be created/expanded.

Indeed, it makes a lot of sense that in order to build a meaningful alternative to the CJS that we would not replicate it; that we would, instead, recognize the value of each person and support people in changing harmful behaviours. In practice, this discourse positions survivors as inhibiting TJ or revolutionary change if they take measures to exclude the people who have assaulted them from spaces. Andrea Smith observes that “people’s immediate needs are often sacrificed in favor of seemingly pure political ideals.” Coleman has found that keeping those who have committed an assault in our midst can, and often does, lead to the exclusion of survivors.

I have seen a number of survivors of assault become socially and politically isolated because they cannot engage with the people who assaulted them and/or those who they understand to be enabling them. This no banning principle also allows some activists to discharge themselves of any responsibility in the situation. This is of particular issue with respect to social events. Party hosts have, many times, claimed that they can’t exclude someone who has sexually assaulted someone else because they have a political responsibility to include the person who has caused the harm. No such political responsibility, it seems, exists for survivors. Disturbing messages about patriarchy, misogyny, power, consent and political priorities are sent when there is collective pressure imposed upon people to create space for those who have committed assault but not those who have been assaulted. Winter, countering much of the TJ activist discourse, calls for people who cause harm to be banned from activist space. She recognizes “banning is divisive” but calls on us to “make a choice to prioritise survivors in our political work.”

Winter views the recent innovation of exclusion if one is not in an active accountability process from some spaces as promising. Having entered into an accountability process as a prerequisite for inclusion for people who have caused harm, I would argue, is inadequate. Beginning a process does not mean that any degree of healing or reparation has occurred. Accountability processes should not be treated as ends in themselves; rather, they should be understood as tools for transformation.

Because of our collective failure to appropriately create space for survivors, I am hesitant, at this point, to adopt or endorse a no expulsion approach. The way it has been practiced in Toronto, the refusal to ban has caused harm to survivors. I find it both ironic and shameful that so many of us on the Left are willing to exclude people for small political divergences but not for sexually assaulting someone. Many authors have written about how some activists do not believe that combatting violence against women and trans people and eliminating sexual assault are sites of meaningful struggle.
out how to ensure space for survivors without banning is because, as Spade observes, “banishment is a cornerstone of societal organization.” However, it is important to find a place where we can both not expel someone who has assaulted someone and ensure that survivors (direct to this situation and all those impacted) feel safe, accepted and respected. To be clear, this is not a middle-ground; this cannot be a simple compromise between two parties’ needs. We need to figure out a way to create space for survivors and those who have harmed them to have divergent needs understand them as not competing. INCITE! and Communities Against Rape and Abuse have found that an important component of this can be stripping the person who has committed the assault of their power in the community – revoking their leadership/trusted status (if they have it). We can also begin by recognizing that there is no right to party and that space and engagement must be shared consensually. At its core, the issue isn’t banning, it is about not viewing people as disposable. We can exclude people from particular spaces while preserving ties to the community.

(Mis)Recognition of Survivors

While issues of recognition for the person who caused harm are often central to TJ projects, issues of recognition for survivors are not typically discussed (if at all) beyond the discourse of survivor-centricism and (re)empowerment. There are, however, some significant recognition issues with respect to survivors.

The one constant that has been maintained in all of the processes that I know of in Toronto is the supremacy of the idea that it is survivor-centric. This means, as Winter puts it, “the needs and desires of survivors determine our response.” The model that Philly Stands Up uses often involves the survivor producing a set of demands early on which drive the TJ process. In the processes that I have been a part of, most people involved want a set of demands on the onset as it makes it much easier to move forward with a clearly drawn map of what needs to be done. In practice, demands or not, the process is always difficult to navigate.

Examining survivor recognition, however, has helped me realize that it is unfair to expect a survivor to draw us a map. This may simply be too difficult or traumatizing for someone to do. Even when survivors can and want to do this work in order to assert a list of demands, what is really happening is that we are calling upon the survivor(s) to be able to anticipate all of their needs in advance and to fix them in time. Not creating space for or allowing survivor’s needs to change is also a form of misrecognition. Working together to support survivors means not foreclosing on the possibility of their needs (or demands) changing.

Space and negotiating space can be a really big deal in our communities following a sexual assault. Oftentimes the survivor cannot be in the same space with the person who committed the assault because it is really traumatizing. Just catching a glimpse of your assaulter can put you right back there. Even the fear of seeing that person can keep survivors from going out. Negotiating space can become very complicated and difficult.
I have been in the situation where I have been told by close friends of mine that if I wasn't okay with sharing space, I shouldn't go to their party or event. In addition to socially excluding me, this also made it clear that if I went, I had to be okay with seeing him and if that changed, I would need to suck it up or leave. There certainly was no room for a public scene, no matter what happened. There was also no room to ask him to leave.

I have also been given the option of having someone I felt unsafe to share space with excluded in advance. However, once you answer this question, especially if you agree that it is okay for the person who caused you harm to attend, it feels like there is no possibility of retracting your answer. Here, we are trapping survivors in their ‘yes.’ Once someone has said it was okay for their assaulter to attend, there is, at best, a lot of pressure not to take it back and, at worst, no room to entertain the possibility of the survivor withdrawing consent.

Being asked what a survivor needs in the context of sharing space with someone who assaulted that person is really calling on that person to anticipate in advance how they would feel about being in the same space. This preemptively fixes the survivor’s emotional responses. There is no space for this to change, especially close to or during the event. Indeed, if a survivor flip flops or is inconsistent (as is incredibly common when there is trauma) this survivor is seen as impeding transformative justice. The survivor role is to provide clear demands, not sticking to them makes the process ineffective from some points of view.

Consequently, we discursively produce the inclusion of the person who has sexually assaulted someone in particular ways and create a situations in which the survivor had extremely limited acceptable options. Discourse constructs what and how we can know, say, act and be.

The pressure on the survivor to ensure that the person who assaulted them is not socially isolated works to restrict or remove removing the survivor’s capacity to say “no.” So, in the name of justice in relation to someone’s “no” not being respected (i.e. the initial sexual assault), we put that person in a position where they are pressured into not being able to say “no.” How could this be justice?

This isn’t a violence that the person who committed the assault is inflicting (although that person may be a part of it) it is something that we are collectively inflicting because of the ways we have taken up no-banning discourses. And, while I am deeply critical of this and how it has impacted me, I have also been a part of reproducing this pattern in the lives of other people.

I have also been a part of unexpected encounters many times - instances where someone who has assaulted me or someone I care about somewhere I didn’t expect. An example of this was the time I was supposed to preform 28 Lays Later. It is a choose your own adventure stick figure porn comic where the characters are trying to escape zombies and end up having sex all over town before their inevitable deaths. When I do it live, I project the images and get the audience to choose what happens next.
One time, I was set to do it at a friend’s house when someone who had assaulted me and a number of people in my community showed up. I refused to perform porn in front of this individual, particularly he had never admitted he had caused harm or attempted to make reparations. He is the person who told people I was crazy and a lot of intense lies about me as part of what I can only describe as psychological warfare. He had also tried to put a complaint in against me at my work for refusing to do a layout training for him because I didn’t feel safe alone with him. So, his showing up to something that had been promoted as a performance by me was, for me, a sign of a continued program of harassment and control.

I told one of the organizers that I would not perform porn in front of him. I was asked by this person if I wanted him to leave over and over. I remember saying that I couldn’t do it in front of him. I just kept being asked if I wanted him to leave. At one point I said that I didn’t want to be the one to have to say that - that it was always me and I didn’t want to be singled out. Nonetheless, I kept being asked if I wanted him to be asked to leave. Eventually I said “yes.” He was asked to leave and he did.

I went and sat in the kitchen, unbeknownst to me, beside this guy’s backpack. Instead of having someone to get it for him, he came back. He walked into the kitchen and grabbed his bag–staring me down the whole time. This very much felt like an attempt to intimidate me.

I couldn’t do the performance. I was to shaken up.

From the group’s perspective, however, if there was a ‘bad guy’ that evening, it was me. I had several people tell me that they had come across town or cancelled other plans to come and see me perform. It felt like people thought I was over reacting or being over sensitive or diva-lish. Rather than people checking in on me and being tender with me, I was blamed for ruining their night.

I think that most people didn’t know what was going on and that that happens a lot in spaces where this stuff is happening.

Survivors are constantly put in the position where they are not okay being in a space with the person who assaulted them...
but they also don’t want to have to be the person who gets blamed for ruining someone’s night, excluding people, having bad politics, etc.

In those moments when a survivor is quickly being called upon to make a decision about asking someone to leave, all of this stuff is probably going through their head. There is a lot of pressure for the survivor to make the decision very quickly so that we can go on with the event which means that they don’t have a lot of space to actually process how they are feeling. Being asked over and over is also neither helpful nor fair.

Another issue with survivor-centrism is that an entire community is impacted by an assault.78 Survivors of other assaults, in my experience, are particularly affected. When an assault happens in our community, many of us feel very uncomfortable around someone who sexually assaulted someone, especially when we are unsure of how the person who committed the assault is handling it.

When the survivor tells the person who assaulted them it is okay to attend an event or is given the ultimatum that the person will there and they have to put up with it if they want to come, it can put other survivors in a very awkward position. There have been times when I was profoundly uncomfortable sharing space with a particular person who committed assault. However, if I asked him or had him asked to leave, I would have been the person portrayed as disrespecting the survivor’s wishes and/or standing in the way of transformative justice. This is particularly intense when the survivor has given a specific directive to the community to ensure that the person who has caused harm remains a part of the community. This can lead to the exclusion of broader groups of survivors who simply are not okay to share particular spaces with particular people who have committed assault at particular times (and, sometimes for some survivors they will just never be okay being in a space with someone who they know raped someone. We need to figure out space for these folks. The solution to ending banning is not effectively banning survivors who can’t be around people who have committed assault).

There are a number of times when I felt like I was in a trap because of how these particular dynamics have played themselves out in my networks.

In addition to pressuring/requiring survivors to permanently predetermine their emotional reactions, the category ‘survivor’ itself is problematic. For people, all of whom I am aware of are women or trans people, who have been sexually assaulted within my radical activist networks, there is only one permissible category that they belong to: that of “survivor.” This term was popularized as a direct response to the construction of women who had been sexually assaulted and/or battered as “victims” – as weak.79 Survivors, unlike victims, are cast as strong and enduring.

Survivor language imposes a way of being that doesn’t necessarily fit how people feel or identify. For instance, Emilie Morgan says: “Please don’t call me a survivor. I really don’t feel like one. Not yet, anyway. I have a lot more healing to do, and it’s going to take time.”80 There is no room in the discourse that we employ to engage with Morgan’s position. We
generally and simplistically employ the logic that calling people victims is bad – they aren’t victims they are survivors. This logic robs people of the chance to be weak – at least publicly and, problematically, constructs those things associated with victimhood: weakness, shakiness, uncertainty, vulnerability, tears and trauma as bad.

Further, self-blame is very common for survivors but there is also no space in the discourse for a survivor to engage with or (publicly) express these feelings. The inability to fully work through issues of self-blame and guilt because of how survivor discourse is confining could slow or impede one’s healing.

Many survivors I know, including me, feel forced into retaining two selves: a public self who is a strong survivor and a private self who is shaky, unsure and sometimes weak. However, survivors stories, by definition, are stories of strength, empowerment and perseverance. Here, again, there is an issue with recognition – those people (or parts) that do not fit the survivor narrative are rendered invisible.

Our discursive production of the survivor, it seems to me, also works to produce the TJ process itself and those things that are permissible for survivors to demand/request/want. The demands survivors must articulate are ones that involve no state intervention – no police. There is very little space for people who are sexually assaulted to go to the police even if community based solutions are obviously inadequate or ineffective. Burk observes: “‘Not calling the cops’ becomes a litmus test for radical realness.” Lilsnoopy Fujikawa asserts: “it is never OK to blame the survivor for not doing community accountability ... [or for] practicing rage.” This is clearly a response to how some people have “bent and twisted” notions of CA or TJ in order to coerce people to engage with it. I would like to suggest that many of us in radical communities have enacted a form of control over survivors which pressures them to foreclose on certain possibilities, particularly, going to the police. Indeed, survivors are also coerced to enter into accountability processes “in order to ‘keep the peace.’”

The way that we have framed assault and accountability has also made it so there is little or no space for survivors to take responsibility for their role in the harm if and when that makes sense. Because survivors are viewed as unproblematically good, there is no room for them to discuss or interrogate the ways that they may have been racist or transphobic (for example) to the person who assaulted them or how they may have also crossed boundaries, etc. How do they take responsibility for anything if survivors are always innocent? This is incredibly unfair to survivors who know that they are not unproblematically good and who may need support in their feelings of responsibility.

In my experience, we have had a tendency to make “survivor” a master status. In many instances being a survivor becomes the only thing or the most dominant thing that people know about someone in the broader community (at least outside of one’s individual friends). For those
who choose to not be named in these processes, all they are and all they ever will be is a survivor – everything else about them is erased. Indeed the term “survivor” can be objectifying as people are constructed as the objects of violence rather than whole, complex humans.\(^8^5\)

Here, we are not affording these people full and fair recognition. Survivor becomes a permanent, fixed and totalizing identity; in this way, it is similar to the term “perpetrator.” While there may be mechanisms to remove this master status for people who have caused harm through TJ processes (although there is no “magic ‘perpetrator-free’ stamp”\(^8^6\)) there is no mechanism for survivors to ever not be survivors. If a master status of survivor is imposed on someone, that person will always (and sometimes only) be a survivor and that identity will be dominant no matter where that person is at with things in their life and what their relationship to the assault is.

Further, the term survivor does not interrupt the positioning of people in relation to the harm done to them. The Philly collectives describe their choice in terminology:

> We use the word survivor, instead of victim, because victim defines someone by what someone else has done to them. Survivor defines a person more by how they responded to the experience. Sexual assault can be a profoundly disempowering experience. We use the word survivor to centralize our commitment to actively attempt to restore power.\(^8^7\)

The intention here is a good one: work to “restore power” and don’t describe the person by what happened to them. However, describing someone’s reaction to harm still, although indirectly, describes that person through the harm. Profitt asserts that using the word “survivor” “still refers to women primarily in terms of the effects that violence has had on them.”\(^8^8\) If we are collectively identifying a group of people entirely through their experience of sexual assault, this is a profound misrecognition and one that reconstructs patriarchal notions that women are wholly defined and definable (if not ruined) by sexual violence.

Profitt argues that to move beyond the problem of survivor language, we should focus on collective resistance. She argues that the conceptualization of ‘survivors’ is absent “any articulation of this refusal [to be accomplices in their own subjugation] and its potential for personal and social change.”\(^8^9\) “Resistance,” unlike “survivorship” is a response to oppression in general, not necessarily a specific violence. While Profitt raises some important points, using “resistance” could be over generalizable and/or an erasure of lived experiences.

While I think that “survivor” is deeply problematic, I do not have a proposal for how to shift this language. I do not know what word(s) would have a better functional and theoretical application. I do not think, however that following the language shifts that occurred with respect to those who have caused harm is appropriate. Saying “someone who has survived sexual assault” does not address the problems with the term survivor; although, it does not totalize the person’s identity as a survivor.
Saying “someone who has experienced sexual assault” may be better but “experienced” glosses over the violence and harm. Consequently, I have used the term “survivor” throughout this paper but I think it is essential that we recognize the injustice in embedded in and stemming from this term and find more just, compassionate and complex words to describe what people have been subject to, survived, endured, and/or resisted. This is an important project because, as Profitt discusses: “language structures the work we do by plotting particular courses of action while excluding and negating others.” Holding ourselves to survivor discourse confines our capacity to imagine ways of moving forward, of respecting those people who I am presently calling survivors and of building justice. Different language could help us create different and prefigurative environments.

There are a number of other ways that I have/my community has been complicit in maintaining injustice for survivors. Communities Against Rape and Abuse reports that often, “Survivors are considered ‘damaged,’ pathologized beyond repair.” From what I have seen, being a survivor sometimes makes one’s opinion about sexual assault and/or TJ more respected because they have lived experience. However, sometimes women I know who are survivors are viewed as overly angry or emotional about sexual assault because they are survivors and this is used as a means of devaluing them (and, often, their critique or rejection of TJ). This is another example of the rejection of certain survivors who do not fit particular discourses of what/how a survivor should be.

Another site of misrecognition is with respect to the ways that we have often articulated the needs and desires of survivors. In the discussions about sexual assault survivors, there is often a great deal of discussion about their needs for safety and reparations – the things that we as a community and or individuals who assaulted them are giving (back) to the survivor. I can recall very little discussion about the profound compassion and patience that many survivors have given to the people around them, including those who have caused them harm. Morris describes the deep compassion and generosity that survivors who engage in TJ processes exhibit. Many survivors come to TJ out of the commitment to ensure that the person who caused harm does not harm someone else. It is “This selfless goal,” Morris writes, that “inspires many victims to keep going through the long, dark tunnel of grief and rebuilding.” I have come to TJ processes asking: “what can I do for the survivor?” but rarely acknowledge what the survivor has done for me. Even when I am deeply affected by the courage, patience and generosity of survivors and I know others are, they rarely hear this.

**What does Success Look Like?**

Defining success with respect to transformative justice is very difficult because there are few processes that aren’t deeply flawed. Indeed, transformative justice is trying and painstaking work. Generation FIVE says that, at a minimum, successful accountability includes:

- acknowledging the harm done even if it is unintended;
- Acknowledging its negative impact on individuals and the
community; making appropriate reparations for this harm to individuals and the community; transforming attitudes and behaviors to prevent further violence and contribute toward liberation; engaging bystanders to hold individuals accountable, and toward shifting community institutions and conditions that perpetuate and allow violence; and building movements that can shift social conditions to prevent further harm and promote liberation, including holding the State accountable for the violence it perpetrates and condones.  

I think that this is a good starting framework. However, it is difficult to actually know if you have achieved these things (some more than others). There are certainly concerns that I and others have that individuals who have caused harm are preforming accountability/responsibility rather than doing it. Some people who do TJ work advocate setting clear goals or benchmarks for the person who caused harm to achieve in order to gauge their progress. In the absence of a better alternative, I think this makes sense; however, it is important that these do not get approached mechanistically or bureaucratically. It is also important to point out that TJ successes are, Burk asserts, “very difficult to achieve reliably.”

Success cannot, however, be defined in terms of the changes in the person who has done harm on its own. If it is, we are allowing someone who has caused harm to continue to have control over the survivor and over all of us. As long as that person doesn’t successfully complete a TJ process or meet the demands of the survivor(s) they will retain a particular kind of control over those impacted by the assault. Even members of the demands driven Philly Stands up recognizes that it can be very difficult for a survivor if too much emphasis is placed on the person who has caused the harm to change/be accountable. While engaged in a TJ attempt involving someone who, in my view, was continuing to engage in a great deal of domineering, controlling and sexist behaviour I realized that centering the success of the process around him gave him power and control over us. We had to figure out a way to support the survivors in healing and heal ourselves – to build our own success (sadly, I don’t think we did that very well).

At the same time, how is a process successful if the person who committed a sexual assault goes on to do so again or if that person causes other serious harm? This is a paradox that I have yet to find a resolution to. Pusey and mehrotra recognize the importance of seeing the ways that these processes can be positive even if they do not meet their original goals, “they can contribute to building values-based community and even accomplish unintended positive results that can be documented, evaluated, and shared.” Is this enough? Nathaniel Shara suggests that:

contrasting the results with what is coming out of our attempts with what’s being produced out of prison systems is actually a more more (sic) reasonable measure than a perfection standard and how we are doing compared to that. That to me feels really hopeful.

This is, however, a very low bar. I agree with Shara that this is a good
starting place for now but it simply not enough to absolve ourselves of the harm we cause because it is better than what came before (I am not saying Shara is doing this). Narratives of progress are problematic because they do not attend to themselves. Returning to Spivak, constructing a narrative of progress, like constructing any narrative, leaves something out. Spivak proposes: “uncertainty is where we would fix our glance. Let us look for a bit at what is being edited out.” If we want to tell ourselves the story that we are doing better than what exists, we cannot omit the issues of appropriation of Indigenous justice practices, issues of recognition with respect to those who have caused harm and survivors and the real ways that our ‘better’ is simply not good enough.

**Concluding Thoughts and Moving Forward**

Shannon Perez-Darby and Connie Burk argue for a revisioning of accountability — that we should view it as a skill rather than a process. Perez-Darby asserts that we need to “build our skills so that each of us to be (sic) accountable for our own actions on a daily basis.” She understands the desire to want to hold people accountable but maintains it is an impossible task to get someone to be accountable if they do not want to be. Instead, she says: “I do think we can create environments that support people in their efforts toward selfaccountability.”

Perez-Darby and Shara both call on groups practicing CA/TJ to step back from attempts at TJ processes in order to build skills and community. I agree with them that capacity building is essential in order to do this work. I also agree that it is very problematic for people, including me, to jump into this work thinking they can resolve a situation if they simply have the right politics. Shara encourages people to ask ourselves “what would it be like if we knew there was going to be an incident of harm in our community in 3-5 years. And what would we do now to actually be ready by then.” I think this is an important question to help frame how we build capacity moving forward. We do know that in 3-5 years there will be a sexual assault – there always is.

Burk calls on people to shift focus from community accountability to accountable communities. This approach “shifts the emphasis from a collective process for holding individuals accountable for their behavior to individual and collective responsibility for building
a community where robust accountability is possible, expected, and likely.”

Where I diverge from these positions is with respect to practicing TJ in the present to deal with the very real harm in our communities. Perez-Darby and Shara aren’t saying that people who are sexually assaulted should put up with it, do nothing and/or keep their mouths shut. However, in practice, my fear is that we would pressure people not to go to the state for help while also telling them that there is nothing we can do for them beyond individual support. While it is essential we work to recognize the ways that we are causing harm, doing nothing also causes harm. I think we need to keep trying while we more thoroughly think through what we are doing and work more diligently to learn from others practicing TJ. Community capacity building is a reciprocal process. Transformative justice can help build communities. At the same time, “in order to have community accountability, our work may also include building communities where they have been fractured” according to INCITE! Or, as Bumgs puts it: “To resist, we must heal; to heal, we must resist.”

While capacity and skills are built and many lessons about TJ have yet to be learned those of us who (attempt to) practice it in radical communities need to work to ensure that we are not also creating or reinforcing injustices. Relying on narratives of innocence or progress simply works to justify our injustices not to eliminate them. We need to acknowledge and interrupt our complicity without getting comfortable in it – without letting the knowledge that we will cause harm validate inaction. Sexual assault is an incredibly traumatizing and fraught site at which to work build from. Up until now, TJ work in my radical activist networks and elsewhere has been almost entirely focused on dealing with issues of sexual assault and/or intimate partner violence. By doing this, we have exceptionalized these kinds of harm. I think it is important to ask ourselves what we are saying about sexual assault, patriarchy and cissexism if we only apply what Kelly calls the “experiment in TJ and community accountability” onto sexual violence.

Further, because of the focus on sexual violence for TJ initiatives, Burk argues that this “requires women to bear the brunt of the Community Accountability learning curve.” Here, again, is another injustice that we have created. Frankly, the mistakes that we have made in Toronto on the backs of women and trans people in the name of TJ have been incredibly brutal. In order to build capacity to do transformative justice, maybe we should do more of it when the stakes are not as high. Why aren’t communities working to do TJ when organizations denounce each other, when friendships break down, when collective houses implode, when someone steals, when people behave in oppressive ways, etc. If we want to create communities of healing and care, we need to do that at every site of conflict, not only in relation to sexual assault.

Moving forward always requires looking back. For the ways that TJ gets practiced in radical communities, this means examining the
ways that we create or perpetuate injustices through misrecognition and exclusion. Moving forward with TJ work also means that we can’t pretend we are further ahead than where we are. There are a number of people within radical communities who reject transformative justice and we accomplish nothing by imposing it on them. While working towards TJ, we also need work to create space for survivors in general and not silence them or discursively construct them as unjust or unradical for needing this.

This work is far from easy. It is very difficult to break out of carceral logics and enact creative forms of transformative justice. I have asked a lot of questions that I do not have the answers to and it is unsettling to continue to try and do this work knowing I may never have them and that this will always be heartbreaking. Not to move forward, however, would be to abandon survivors of sexual assault, ignore the crisis that our communities repeatedly find themselves in and allow our movements to erase the real violence and harm that happens within them. As I go back into this work having done this reflection, I have a better understanding of how we have caused harm through TJ and new strategies to prevent or minimize this. However; I also have a deeper understanding of the ways that harm may be inevitable and, sometimes, we may be completely unaware of this. Thus, I go back to it with compassion and love and a deeper understanding of how I am not nor will I ever be innocent. While we work to answer some of the questions that I and others have raised, approaching this work from a harm reduction perspective – both in reference to the criminal justice system and ourselves is essential. bell hooks maintains: “without justice there can be no love.” An important lesson we can draw from those transformative justice processes that have been successful is that the inverse is also true – without love there can be no justice.

**Indigeneity, Transformative Justice and Appropriation**

Transformative justice is largely based on traditional Indigenous justice models. It also relies heavily on restorative justice models which are themselves based on Indigenous models but have been deeply co-opted by the state. Whether acknowledged or not, however, the bulk of transformative justice appears to build on and from restorative justice practices while employing radical critiques of the state and criminal justice system.

Of course, many settlers may draw understandings of justice and law from non-Eurocentric understandings and, therefore, have a non-Indigenous (to this place) but also non-Western foundation on which to build these
forms of justice models. Indeed, non-criminal modes of justice have existed around the world for much longer than the CJS has. This is why Bierra, Kim and Rojas report: “Often what seemed like new strategies were reflections of existing community-based responses to violence that had historically been used to call out, contest, and challenge violence.” Further, Kim writes that it “reflects everyday ways of thinking and doing that have been practiced within communities for generations.” Many communities of colour draw on their own cultural traditions of justice and/or healing.

In the activist communities of which I am a part and those I am familiar with in Canada draw primarily on Indigenous models. This is, however, not to say that communities of colour are aren’t actively drawing on other justice traditions. However, because the TJ practices that I am familiar with draw so heavily on Indigenous knowledges and traditions, this section will discuss some of the problems that arise when primarily non-Indigenous people draw primarily on Indigenous justice models on Turtle Island. The first issue is that it is an appropriative distortion that is profoundly removed from its origins and, therefore, its significance and meaning. Sometimes, its Indigenous origins are not recognized at all. For instance, one group discusses their community accountability process in which a talking stick and circle are used without any acknowledgment of the origins or symbolism of these customs. Many people who use transformative justice, in my experience, make no mention of its roots, they simply treat it as a permanent and fixed concept that is used because it is the logical radical approach.

When transformative justice’s origins are recognized, they are sometimes done quite problematically. Take, for instance, Critical Resistance’s (CR) discussion about criminal justice alternatives (to be clear, CR is an incredibly important organization that I have a tremendous amount of respect for). In its toolkit, however, they write: “The circle is a well-known and successful transformative justice practice that comes from the aboriginal communities of the Yukon in Canada.” Here, it seems that the authors are placing the origins of transformative justice circles at the point that the state initiated restorative justice processes in the court system, erasing the long history of healing circles and setting them in a particular geographic location that is drawn by colonial boundaries (“the Yukon in Canada”) rather than in particular national Indigenous traditions. They discuss an Ojibwae violence intervention circle later, but this is also in relation to the colonial criminal justice system. This text, however, does recognize the diversity and difference between Indigenous cultures and practices, which is essential.

The way that transformative justice (and restorative justice) are discussed means that distinct practices are erased and a pan-Indigenous
notion of justice is superimposed on top of them. The notion of transformative justice becomes a monolithic stand-in for the diverse modalities of healing and reconciliation that were practiced prior to colonization. This is the case even though the notion of pan-Indigeneity has been rejected by many Indigenous people because it is oppressive. Nonetheless, pan-Indigeneity is being reinforced by non-Indigenous activists taking up pan-Indigenous projects and, simultaneously, we are romanticizing these processes. So, at the same time that injustice is being fought/disrupted through transformative justice projects, these same projects are also reinforcing injustices. This is why Spivak says: “when a narrative is constructed, something is left out.”

The narrative of justice is constructed here but the colonialism that is implicit in this project is erased.

While transformative justice and restorative justice are based on Indigenous approaches to harm, it is important to recognize that they are not themselves Indigenous models. Consequently, a number of Indigenous women “complain that many of these models, are termed ‘indigenous’ and hence Native peoples must use them, even though they may bear no resemblance to the forms of justice particular Native nations used at all.”

Healing/justice circles were never universally practiced on Turtle Island, yet notions of pan-Indigeneity have constructed them as universal. Those of us working towards anti/decolonization are perpetuating this colonial logic.

Indeed, transformative justice has been developed through a critique of restorative justice but neither of them are actually translatable from Indigenous worldviews to Euro-American ones. Patricia Monture-Okanee reports that concepts like guilt, law and justice do not translate directly into the Mohawk language or understanding of the world – at least not the way they are understood in English. She asserts that “Law is about retaining, teaching and maintaining good relationships” rather than order, control, security and reprisal. James Sa'ke'j Youngblood Henderson also reports that Indigenous justice is a fundamentally different concept than is employed in dominant settler Canadian culture. It is, according to him, about prevention rather than reaction. Elsewhere, writing with Wanda D. McCaslin, calls Euro-American understandings of justice “alien ideas.”

Harry Eagle argues that “restorative justice comes from a different worldview. Restorative ways work in conjunction with all aspects of life found in that worldview... For the sake of brevity, it can be said to be about balance and the interconnection of all things found in this living universe.”

Transformative justice
in activist communities is based on an amalgam of Indigenous justice models; however, the underlying concepts that it is built on mean very different things for (many/white) settlers than Indigenous people.

**Prefiguration and/as Non-Violence**

Before moving forward, I need to take two steps back (get used to it–it is typical of transformative justice projects). The first step is for me to simply acknowledge my frustration with the transformative justice body of literature. It is small and, while I have so much respect for what people have done so far, there are still a lot of gaps.

The second step is to address a tension I feel within the transformative justice literature and work but that is not generally openly discussed. A lot of the transformative justice literature is anti-violence and does not (explicitly) distinguish between intimate/sexual violence and violence tactically employed by liberation struggles. A friend of mine very aptly commented on how we are a part of a marginal faction on the left – one that refuses to denounce those who use violent tactics as part of liberatory struggle. This position is one that draws heavily on Indigenous author Ward Churchill’s argument in Pacifism as Pathology.¹⁴ I came into organizing in 1997 and quickly became involved in the anti-globalization movement. Around the time of the anti-WTO protests in 1999, conversations about the use of violence exploded on the Left. From my perspective, the stabilizing idea was that of diversity of tactics (that, at a minimum, the protesters wouldn’t denounce one another, regardless of the tactics used). However, every large demonstration that comes up (like against the G20 in Toronto in 2010) pacifist activists attempt to put forward a denunciation of violent tactics (including property damage). This struggle over tactics was/is not a new one in the Left,¹⁵ it is however, the one that we are living in the most recent shadow of. I organized through some very nasty times in the early 2000s, including protesters pulling others off of fences, hitting them and or threatening them with violence in the name of non-violence.

My acceptance of violence as a possible tactic is primarily based on our support for armed resistance (and often specific support for Indigenous groups like the Zapatistas or parts of the Mohawk nation). It also comes out of the belief, again drawing on Churchill, that non-violent struggles have been valorized and mythologized in order to devalue other forms of resistance even though the historical record demonstrates the importance of violent struggles. In the presence of (increasingly globalized) domination that will stop at nothing to perpetuate itself (a few recent examples: violent state responses to the Arab Spring, police attacks of student protestors in Quebec, the War On Drugs, the repeated denial of climate change in order to maintain economic prosperity) the denunciation of violent tactics works to stifle social justice movements and liberation struggles. Barter markets, organic gardens, free schools and transformative justice processes may be necessary but, in my opinion, are insufficient to actually eliminate global oppression.

Stepping forward again: my friend pointed out the absurdity of the way that transformative justice discourse often gets employed in our circles.
Specifically, there is a widespread acceptance of diversity of tactics, if not violence as a tactic, in order to fight for/create social justice except when it comes to sexual assault. In these instances, there is often a notion that a prescribed non-violent transformative justice process should be followed. This exceptionalizes sexual assault. Based on previous conversations, I know that not everyone who writes about/tries to practice transformative justice rejects violence as a tactic. However, there is a need for an open discussion about the tensions between prefigurative practice/transformative justice and other liberatory struggles. It should be noted, however, that in my social and organizing networks – in part because transformative justice is not fully accepted and in part because not everyone who practices it believes it is necessarily non-violent – violence is always (at least implicitly) on the table as a potential response to sexual assault.

Further, if transformative justice is viewed as necessarily non-violent and if it is drawing on/appropriating Indigenous forms of justice. Oparah argues that “circle sentencing, on Native American tribes may maintain and replicate the romanticizing and homogenizing tendencies of colonial relations.” Consequently, many proponents of transformative justice are both working to construct a romanticized notion of Indigenous justice and people in the past and producing a very particular kind of permissible Indigeneity in the present. Looking at the two examples of Indigenous (sometimes) armed struggles I raised earlier: Mohawks and Zapatistas, these real Indigenous groups claims to Indigeneity are delegitimized because it has previously been established that Indigenous people are non-violent. This is colonial logic that only permits recognition on specific, pre-established terms. Povinelli writes that “no indigenous subject can inhabit the temporal or special location to which indigenous identity refers” precisely because Indigenous identities are fixed somewhere afar and they cannot actually be inhabited because cultures cannot change, according to this logic. So, when TJ gets employed in this way, this attempt at justice is really an attempt at justice for some and a real injustice for others. Pointing this out is not to equate these injustices, simply to notice that this social justice project, as it is engaged in by me and/or many other settler radical activists (particularly white ones) also upholds injustice(s).

I think there needs to be an open conversation about violence, prefiguration and building the revolution.
**Who’s Radical? The State and Our Complicity**

So, even for people who are deeply critical of or outright opposed to the state, it is unavoidable in some contexts. Here is a breakdown of what I see from my position of what people think is and isn’t okay to go to the state for and why:

<table>
<thead>
<tr>
<th>What do you need/want?</th>
<th>Radical to go to the state?</th>
<th>Why?</th>
</tr>
</thead>
<tbody>
<tr>
<td>Healthcare</td>
<td>Yes</td>
<td>Healthcare is a right should have access.</td>
</tr>
<tr>
<td>Welfare/ODSP</td>
<td>Yes</td>
<td>Capitalism creates poverty. We are entitled to collective support if we fall on hard times/can’t work.</td>
</tr>
<tr>
<td>Drivers’ Licenses</td>
<td>Yes</td>
<td>It is foolish not to get a drivers’ license if you are going to drive - you don’t want to lose your car.</td>
</tr>
<tr>
<td>Immigration Permits</td>
<td>Yes</td>
<td>Many people necessarily have to go through this system and that is just a fact of life (for now).</td>
</tr>
<tr>
<td>Education</td>
<td>Yes</td>
<td>Many people go to university (institutions funded by the state, often students use state issued loans) in order to get better jobs/take the time to really look at theory - that’s important.</td>
</tr>
<tr>
<td>Marriage Licenses</td>
<td>Maybe</td>
<td>For immigration purposes, this is totally radical. Otherwise, not so much - especially if you are gay then you are a real sell-out (unless you have kids and it makes it easier for custody stuff).</td>
</tr>
<tr>
<td>Building Permits</td>
<td>Yes</td>
<td>Lots of radicals get building permits to improve/expand on their private property.</td>
</tr>
<tr>
<td>Alcohol</td>
<td>Yes</td>
<td>In most places in Canada (unless you are buying beer/wine at a private, but still capitalist store) you are buying it from the state and giving your money to the state.</td>
</tr>
<tr>
<td>Passports</td>
<td>Yes</td>
<td>How else could people go on vacations to Cuba?</td>
</tr>
<tr>
<td>‘Justice’ around a sexual assault</td>
<td>No</td>
<td>It is not radical to turn to the state. Communities need to solve our own problems. It doesn’t matter if you don’t know who did it. Do the radical thing!</td>
</tr>
</tbody>
</table>

Obviously my table is a bit crass and not everyone would agree with the way I have broken it down (especially, say, around building permits). But I hope that I have made my point - people turn to the state every day but draw particular lines around sexual assault and state involvement. Of course there are two important places where issues of sexual assault diverge from the other examples I gave.
The first is that the police are likely not going to make things ‘better’ and may well be degrading, humiliating, and traumatizing. If you have a broken arm and go to the state to get it fixed, there is a very high chance that it will be fixed. There is also a very high chance that you will be treated differently depending on your privilege in the world and that it will suck - no matter who you are (it also may well be degrading, humiliating, and traumatizing). But in the end, you will have a cast and the healing will begin. The criminal justice system is devoid of healing.

The second thing is that the police force is a different animal than, say, the liquor store. While both are driven by the interests of capitalism and the rich and both can be sites of violence, the liquor store isn’t murdering people, almost always people of colour, in the streets. It isn’t imprisoning people and it isn’t beating, harassing, or unlawfully searching people. When those things do happen, it is almost always the cops in the stores that are doing that (but the stores create the possibility for this to happen). It is a really different thing to go to the liquor store than to call the cops. But, the state is a web and you cannot separate out the liquor store from the cops. Where do the cops get their funding? Some of it is from the profits from the booze you bought. When you look closely at the state’s web, the lines are blurry.

I am not saying that the radical thing to do is to pull our kids out of school, build our own stills, build our own hospitals and require that no one ever cross the border (although maybe we should be building schools and/or health centres - especially where people in our communities don’t have access to these things, usually because of immigration status and we definitely should be tearing borders down). I am trying to point out that the lines that we draw around what is radical and what isn’t can be incredibly arbitrary and they say something about who we are and what we actually think is important.

Each of us is complicit in state violence (some of us more than others). Each of us has no choice but to turn to the state sometimes and each of us makes choices to turn to the state sometimes. Saying that people shouldn’t turn to the cops because it is the state erases all of these things.

Some people simply say that we shouldn’t turn to the cops because they are the cops. While I completely agree that we should be working to solve violence in our communities and recognize that the police are a tremendous source of violence, particularly in particular communities, prohibiting people from going to the police when we haven’t actually dealt with these problems - when we don’t have the mechanisms in place to build justice (especially when the assaulter is not known to the survivor) is an injustice.

While I recognize they are different in many ways, hospitals imprison people, their security guards beat people, they treat people very differently based on their membership in oppressed groups and people die as a result. The solution to this injustice isn’t to assert that the only radical option is to stop using hospitals because we will (eventually) build a radical one. Just let your wounds fester - we will have something together in a few years/decades (maybe - but we do have other priorities).

Also, how much of the ‘don’t go to the cops’ comes from cis men who
do not live ‘under the shadow of rape’ and expect to never be assaulted (although, I have heard many radical - particularly anarchist, women say this as well).

‘Don't go to the cops’ - I think, is partially driven by the desire to control survivor’s behaviour. I was asked to speak on a panel about sexual assault once and one of the questions was going to be something like: “should we support someone who is assaulted and goes to the police?” This question, like the many similar conversations that I have been witness to, works to regulate survivors behaviour and limit our options. Even if the answer to the question ends up being “yes! We should support survivors no matter what,” the conversation makes it clear that survivor’s actions are being monitored, are contentious and may lead to denunciation. So, as I see it, there is a problem not only with the directive ‘don't go to the cops’ but also with the conversation about it. This conversation happening at all shapes survivor’s actions and possibilities - as, I think, it is intended to do.

To be clear, I am saying that when people, particularly cis men, have conversations about if it is ever okay for survivors to go to the police that the one of the underlying intentions of this conversation is often to keep survivors from going to the police.

There is a lot of time dedicated to this question in radical communities. Why is there so much time being dedicated to questions of survivor behaviour (which is an indirect way of policing survivor behaviour)?

It is a very different thing to sit down with a survivor you are closely supporting and talk about what going to the police will look like, what they want from the process and if they can get it than to say ‘you aren’t radical if you go to the cops.’ I think that these conversations are important and need to happen if the survivor wants them to but in the context of a clear understanding that the survivor has your support no matter what and that the survivor decides.

Like I said, the question implies that survivors might be denounced or written off as not radical if they go to the cops (and sometimes, people overtly say this). When asserted by people who claim to be committed to TJ/CA what we have, then, is an implied assertion that is never okay to ban people who caused harm because that isn’t radical but it is okay to ban people who have been harmed because they aren’t radical. By this logic, people who have caused harm remain radical in spite of their actions but survivors become not radical through their actions. It also implies it is way worse to talk to the cops about being raped than to rape someone. What the fuck?!

Changing this conversation isn’t going to lead to a run on police stations but it might lead to survivors feeling safer and more welcome in our communities and help us shift our priorities away from policing survivors towards real justice.
Mental Health, Disablism and Self-Care

I do anti-disablism workshops and specific questions about how to deal with someone who is being abusive who has mental health issues come up in about half of them. Sometimes, people want me to tell them how to tell if someone is ‘using’ a mental health issue to avoid responsibility. In one workshop where this came up and I was co-facilitating with my friend Amanda, she gave an eloquent answer that I can’t properly repeat. The heart of it was that we need to look at behaviour rather than identities when we are talking about abuse. It is not okay to be abusive, no matter who you are. However, our responses to abusive behaviour may be different depending on what is going on with the person - this comes back to recognition for those who have caused harm.

One thing that I think is really interesting, though, is how often mental health issues are raised with respect to people who cause harm and how little they come up with respect to people who are assaulted. I think at its core, this is rooted in disablism (but this is not to say that some of those questions aren’t coming from issues with actual people). These questions are influenced, I’d argue, by the cultural construction of psychiatrized people as violent predators. While psychiatrized people are less likely to be violent than non-psychiatrized people,¹ they are commonly depicted as dangerous. At the same time, the high rates of abuse committed towards disabled people are frequently erased.² I am particularly concerned with the ways that being ‘crazy’ is used to devalue survivor’s of assaults of accounts of violence, to marginalize and delegitimize them.

The person who I wrote about earlier who assaulted me and then went on to assault a number of others told people that I was crazy. This was a really easy way to devalue what I was saying. Unfortunately, because of disablism (or saneism, if you prefer) people devalue what folks who are labeled as crazy are saying. I was constructed as ‘out to get him,’ irrational and crazy and it meant that a number of people who he got to first didn’t believe my account of things (some of them still don’t).

This has serious implications. I think people with mental health issues probably feel a lot less safe to talk to people about their experiences of sexual assault because of disablism in our communities. This is not okay. Some survivors may be discredited for being ‘crazy’ because of their behaviour after being assaulted. This also comes back to issues of recognition and how we only allow certain ways for survivors to tell their stories and behave. There is no correct way to respond to sexual violence and trauma. However, some responses are deemed unacceptable or illegitimate and bring the entire person and their account into question.

This is disablist and it needs to stop. If you don’t understand why fighting disablism is important in every social justice project, you have a lot of leaning to do about this. There is no shame in this - we all have a lot of learning to do about something. There is shame, however, in choosing not to do the work.
Recently, there has been a lot of talk about self-care and how important it is for everyone, especially for survivors. Yes, it is totally important not to work to hard, to have balance in your life, etc. I think we all need to have things that we love to do, to have healthy relationships and to (find ways to) feel good about ourselves. Self-care is often described a necessary in order to avoid activist burnout. Again, this is true. But if the only reason that we are trying to take care of ourselves is to ensure we can remain productive - what kind of movement is that?

My entire life is built around self-care. Because of my disability, I engage in the world in a really different way than most people which includes having to lie down a lot and take a bath pretty much every day.

But, I am not going to mince my words: I think that the way that self-care is taken up in activist communities is often dangerous.

There are a few reasons why I am concerned with self-care discourse. The first is that some of us get to take better care of ourselves than others. Some folks don’t have money to eat well, take time off of work or go for a massage. Self-care is profoundly classed (which also means folks who are racialized, disabled, women, queer and/or trans are also disproportionately less likely to be able to do it because we are disproportionately more likely to be poor). It is also really individualistic - it minimizes or erases ideas of community care and interdependence. Self-care is impossible for some people without attendant care or childcare. Sometimes I need someone to take care of me and sometimes you need someone to take care of you and that is important.

I see self-care as one of the ways that neoliberalism is penetrating activists psyches. A foundational idea of neoliberalism is that it is up to you to take care of yourself and if you don’t it is your own fault. Self-care is also deeply tied to consumption (massages, cake, manicures, shop-therapy, counselling, etc.) and, oftentimes, cultural appropriation (white people doing yoga). I think that we should all have access to the things that we need in order to do self-care within the context of a collective culture of care. However, I think it is really problematic to articulate self-care as the politic without doing the work to make it materially possible for people.

The ways that self-care gets taken up with respect to survivors is that we are expected to do self-care in order to deal with our trauma. For some of us, not dealing with our trauma is the best we can do. For some of us drinking a mickey every day is the best way to get through that day. I would call these things self-care but that, generally, isn’t how these things get taken up. Self-care is put forward as the answer to a lot of trauma but an individualistic approach is never going to address the causes of trauma.

If someone is struggling, telling them to do self-care is not helpful - that just blames them if they can’t figure it out on their own. Talking to them about what they need is helpful. Helping them address what individual steps they want to talk, what they need to do them and helping them get that in conjunction with community care is helpful. But simply telling people to do self-care is not helpful, especially if it is the only way you are going to respond to a survivor you think is ‘being crazy.’
Ripple Effects

This is an exempt from an e-mail that I sent to someone who I work with who had assaulted someone and who I had just learned about. I was asking him to not attend activist events (in general) on behalf of a group that I work with in order for us to have the time to figure out what we wanted/needed. He responded saying that he respected our group asking this of him but that he felt it was unfair to ask this of him in general. This part of my reply.

The first time I dealt with an assault in an organization was 14 years ago. In the number of sexual assaults that I have had to deal with there are a few patterns that I have seen and I feel like it is important to tell you my thoughts on one of them now.

While the assault happened quite a while ago for you, many people are only finding out about it now. The timing of the assault will likely be irrelevant for many of the survivors of assault who you have worked with who are just finding out about this now. For survivors of assault, of which I am one, finding this out about a friend/colleague can be triggering and traumatizing. It can shake our foundations and make us question our sense of safety all over again.

News of sexual assault often travels in ripples. There is often something that leads to people learning about it and then is spirals outwards. These ripples can keep moving outwards. Sometimes they go for months or years between them. This is not the first ripple you will experience after the fact. Each time new people find out they may be deeply impacted and be uncomfortable being around you. For you there may have been a long time passed but for them/us it is new. Even survivors who are deeply committed to transformative justice need time to deal with this news.

So, the thing that I think is really important for you to understand is that if you assert your right to participate right now you are very likely making survivors uncomfortable/forcing them out of spaces. One of the ways that a lot of harm has happened in the communities I am a part of is through the constant feelings of insecurity that perpetrators put on others by insisting on their right to participate. So, independent of the our group’s policy, I would really encourage you to think about the way you use space and the way you assert your right to it. I think the best thing that you can do is show survivors that you are responsive to their needs and respectful of their space. I think that this is an important part of building trust and a sense of safety – although different people will need different things in this respect.

I also think that developing respectful tools for when these ripples come now will be in your interest in the long run.

In his response to me, he expressed his thanks for writing this, his respect for this position and recognition of how he had been expressing a fucked up sense of entitlement. I feel more promising about where things are at with him than I have about many before. I wonder, however, is this because I am not at the centre of this storm?
DON’T LEAN IN

The CBC has been talking a lot about this book *Lean In: Women, Work and the Will to Lead* by Sheryl Sandberg. Basically her argument, at least in her interviews, is that women too frequently pull back when they should lean in. Women should, take individual responsibility for their success, ‘lean in’ and everything will be fine - oppression be damned. In a similar vein, Barbara Cruikshank writes about how feminism is often being replaced by self-esteem. Women, indeed, all oppressed people simply need to feel good about themselves and social problems will vanish.¹

I was talking to a friend of mine about people who commit assault and how there is a common (but far from universal) phenomenon that they lean in rather than step back. “Ripple Effects” was a response to a particular individual who was asserting his right to space. So many of the people who have assaulted people in my community have leaned in or stood their ground - continuing to do workshops, go to demos where they know people aren’t comfortable with them, taking on liaising between groups when they know people in the other group aren’t comfortable with it/when you were kicked out of that group, preforming on the same stage that they assaulted someone on, keeping their progressive job, etc. It really feels to me like what they are saying is that the movement is better off with them retaining/obtaining particular positions regardless of the impacts because issues of sexual assault are separate from the movement.

INCITE! tells folks that they should ensure “the person is stripped of her/his power position in that community.”² I think that figuring out how to do this in a way that doesn’t fall into criminal justice logic is easier said than done. Nonetheless, all of the things that I listed previously happened and, as a community, we largely let them happen (even though there was vocal dissent at times). While we didn’t strip people of their positions, they could have shown us their respect for us by not putting us in that position - by stepping back. Stepping back from these things is really different than socially isolating yourself - it is a recognition that some people need their space and that you know that you shouldn’t have power over people, particularly women and trans people, right now.

I was at a meeting once where someone who sexually assaulted someone was demanding that I work with him. I told him to speak to one of the cis men about it. He said they made up that he assaulted someone. I told him to back up. He didn’t. There was a table behind me and I felt trapped and threatened. “Back the fuck up or I am going to punch you in the face” I said. He leaned in. I punched him in the face. The end.
**Gossip**

Within Euro-American culture, gossip has been a highly gendered form of communication and deeply devalued. Heim and Murphy write:

The scorn often inherent in the term points to a patriarchal interpretation of female interactions. Women tend to talk with other women about relationships and feelings, and men call this *gossip*. Men tend to talk about things - cars, the game, a promotion, their new computer gizmo - and men call it *shoptalk*. The goals of women’s communication include creating shared communal meaning and the maintenance of relationships.

Therefore, gossip serves many valuable functions in women’s lives.¹ The devaluation of gossip is, at least in part, about the devaluation of women (and, often, queer and/or trans folks), and the way they communicate.

Gossip, however, is an essential vehicle for building communities and knowing how people are doing. In a zine, many years ago, I wrote: gossip is a good way of keeping track of the people in your community and ensuring that they are healthy. It also saves time. You can have a conversation with someone and know that the people in your community will get the abridged version (unless you tell them not to).

So, to give you an example, someone I really don’t know well sent me a text that I was concerned about their mental health because of. I called a friend of theirs to check if they were okay and to give them the heads up that maybe they weren’t okay. This is gossip. It is also a way for people to ensure that others are supported.

Gossip is also an important way that people warn others about people who have caused harm. This happens in lots of ways from “that guy is really creepy, you shouldn’t hang out with him” to “my friend had a bad experience with that person...” to “watch out he is really sexist behind closed doors” to “have you heard that __ sexually assaulted someone, this is what people are doing about it...” There are people who circulate through our communities assaulting people and gossip can be important to warn people.

**FAR Out (Friends Are Reaching Out),** a project in Seattle, writes:

One way abuse continues, is that we tend to keep our sexual relationships private. By talking about them more openly, it is easier for friends to hold us accountable. Plus, if you know you’re going to share your relationships dynamics openly, it is more likely that you will be accountable in the relationship.²

So, in some ways, more gossip should be called for rather than less.

However, as a safety mechanism gossip is not necessarily effective. It tends to concentrate information with the people with the most social capital while those on the margins don't necessarily have access to it. Also, depending on the circumstances, what does it say about us if we are simply warning people about the risk others may pose? This is an essential safety mechanism for women and trans people, often in the absence of sufficient ways of dealing with assault and misogyny but it is far from enough.
We also cannot assume that any of us knows about all of the instances of assault in our communities. Another important issue is that information can become really skewed, as anyone who has ever played broken telephone knows can happen. Information can also be skewed dramatically depending on the interests of the person relaying it. I have seen people who are friends with the person who caused harm relay information about that harm in a way that dramatically minimizes it. I have also see folks who don’t like someone skew accounts of what happened, in order to affect the way supporters are viewed. It can get really nasty.

Talking about relationships (AKA gossip) can also be an important way to figure things out for yourself. But there is a problem when we are talking about people but not to them. I’ve done this and it was an unfair thing for me to do. I’ll probably do it again but I am working on checking myself on it. If we want to live in respectful, accepting and loving communities, we need to figure out how to call each other on things respectfully and how to respond respectfully.

Rather than eradicate gossip, I think it is important to look at its purpose, intention and productivity. Are you cutting people down to bring yourself up? Do you have a hidden agenda? Are you trying to be malicious or bullying? Is what you are saying actually true? Are you using this as entertainment? Is what you are saying helpful? Are you just enjoying the fact that you know something first? Are you relishing in other people’s tragedy? Are you creating the scandal?

Gossiping about other people, especially creating scandals, can also be a way of casting yourself as innocent.

Gossip circles around particular instances of assault have been quite brutal for survivors. The absolute skewing of what happened can be really devaluing for survivors and so can the feelings that everyone is talking about you but those people are not actually doing anything to support you. I have been in a situation where people were
gossiping about me to me but did not know that I was the survivor. I have found it helpful when I have been given a clear line to say to people: this is what happened, this is what is happening now.

Productive gossip can work to build relationships, communities and movements. Malicious or unproductive gossip can be really hurtful and harmful. Fundamentally, relationships and movements are built on trust. If we can’t trust that someone will come and respectfully talk to us about a problem, how can we trust that that same person will have our backs?

Maybe we can all make more of an effort to respectfully communicate, to ‘call people out’ in loving ways and not simply cut people down. I am a notorious gossip but I have also been working on ensuring I am a productive rather than a malicious one. Maybe, if you see me doing otherwise, we can talk about it gently and respectfully. Maybe I can do the same for you. Maybe this will be a good start.

![Image](image.png)

**Learning From The Past**

In the late 1700s, Quakers built the first prison that was not only intended punish people but also to rehabilitate them.¹ They later, along with Anglicans, invented solitary confinement which was thought to be a compassionate reform which would allow people to reflect on the harm that they did and to be rehabilitated.² Their good intentions in experimenting with justice resulted in what amounted to torture. There is something that is incredibly important in this story. They believed that their intervention into the criminal justice system was helpful and they failed to recognize that they were doing harm until very serious harm had been done. While Quakers in Canada have been officially calling for prison abolition since 1981 because imprisonment “is inherently immoral and is as destructive to the cagers as the caged,”³ control units remain commonplace in Canada and, especially, the United States.

I am not equating transformative justice with control units or torture. Nonetheless, it is essential that those of us doing this work recognize that we sometimes cause harm even when we have the best intentions. We need to be accountable to those people who we have harmed and to work to stop causing harm. At the same time, we need to be cognizant of the fact that misrecognition and injustice will always be perpetuated by us in some form – even if this is in ways we do not recognize. This is why Chapman tells us: “those who help need to be aware of the likelihood that we will also harm.”⁴ Nevertheless, knowing that, at some point, you will cause harm doesn’t mean you shouldn’t try.
A FEW LESSONS

In absolutely no particular order:

- Specific TJ processes are long-term. There will be stalls and backslides.
- We will never achieve meaningful justice without understanding the ways that oppressions are interlocked and working against all of them.
- Activist communities that have preexisting, long-term organizations that are dedicated to dealing with sexual violence and transformative justice (like Seattle's Communities Against Rape and Abuse and Philly Survivor Support Collective/Philly Stands Up) seem to have more foundation for building justice (I'd recommend you read Philly Stands Up's "Start Up Your Stand Up" zine if you want to start something).

- Practice responsible gossip.
- The TJ process should be a collective one. And, don't meet with someone who has assaulted someone to talk about it on your own. One reason is if it becomes a their word against yours scenario which is bad news; another is for your emotional safety.
- Stop having conversations about how to police survivor behaviour and start supporting survivors on their terms.
- The Chrysalis Collective has the accountability team for the person who causes harm vetted by the survivor’s support circle. This seems like a useful step to insure the accountability team is trusted.
- Think about the ways that oppression is operating in your reactions and responses to assault and to survivors and interrupt them.
- There is no being neutral. As Paulo Freire said: 'To wash one’s hands of the conflict between the powerful and the powerless is not to be neutral, it is to side with the powerful.'
- Challenge misogyny, patriarchy and oppression when you see it. I can think of a number of times where someone who assaulted someone after a number of misogynist instances that we could have been more proactive about. This often means that the people who bare the brunt of sexism, women and trans people, are the people who have to name it but this does not make it our responsibility to deal with it. It is cis men who should be doing most of this work because the directly benefit from patriarchy.

- Shift party culture. Here’s some of the stuff people are talking about/doing in our area: If you are a host, be responsible for people at the party. Put up signs that explain and demand consent and tell people ‘do not sexually assault someone.’ Have party safety marshals who look out for people (without minimizing the reality that it is all of our jobs). Take responsibility to make sure the people around you are okay. Have a buddy who you check in with frequently. Etc.
- If you are friends with someone who has caused harm and you continue that relationship, you have a responsibility to work with them on this. You can’t just not talk about it and pretend that is okay because you have a duty not to socially isolate them. You also have a responsibility to check up on the progress of your friend with someone who isn’t the person who caused harm. Simply believing the person who caused harm without knowing the full
picture is irresponsible and it can make survivors feel devalued/disbelieved.

• No one has the right to party. Ensuring that one remains a part of the community does not mean full access to all spaces.

• If you consider violence as a response to sexual assault to be legitimate, think about what position this puts the survivor in. Survivors are often put in a position where they feel that they have to protect their assailers. Identification with the person who has assaulted you is really common. It is really common for survivors to feel guilty about the consequences for the person who hurt them. This is just a basic reality of trauma for a lot of people. It has happened to me several times, but not every time. For me, it has meant that I have these strong feelings of guilt and protectiveness for the person who assaulted me even though I intellectually understand that it is not my fault. Knowing that it isn’t your fault and that you are embodying a typical response to trauma, however, doesn’t make those feelings go away. If, for you, violence is on the table, how do you insure that you are not creating a situation in which you are causing the survivor to have (deeper) protective responses to the person who assaulted them? How do you know that you aren’t forcing the survivor to minimize their demands as a response to the offer of this kind of support?

• Organizations need to talk about assault and come up with a plan for how to deal with it before it happens while understanding that no policy will be perfect and needs to be a work in progress.

• We need to understand that we will make mistakes and that those mistakes will hurt survivors. But we cannot let our fear keep us from trying. Or, as Andrea Smith says: “revolution by trial and error.”

• Cindy Crabb says: “As a supporter, the most vital tool available to you is empathy... Do your support work as a team. It is the best way to preserve your own mental health and relieves a ton of pressure.”

• Recognize that there are lots of different ways to do support. Do what you can and if you are supporting someone work to make sure you don’t get burnt-out (because then you won’t be useful to anyone) and draw on support for yourself.

• People who have experienced violence need long-term support. Oftentimes people who are supporting those people work in a crisis mentality. A lot of the time in a crisis people are ready and available - oftentimes when they aren’t needed. But this isn’t sustainable. Sometimes the best way to support someone you aren’t super close to is to step back until the hoopla dies down because in 6 months most of those people won’t be around.

• Don’t make your supportingsomeone into performance art and don’t make yourself out to be a hero for making space for/supporting survivors.

• Don’t tell someone who has assaulted someone that they are lucky that we aren’t going to the cops because they could go to jail for this. This isn’t helpful and they probably don’t feel lucky. It works to hold the CJS over someone as a threat - it implies that if you don’t do TJ we’ll go to the cops which is coercive and counterproductive in the long run.

• Andrea Simth says that global oppression and neoliberalism limit our imaginations. Be creative and imaginative but understand how these are limited.
I don’t really know how to end this. Perhaps frustratingly, I have put forward a lot of critiques but not as many answers. I think it is important for me to look at how I have and my networks have practiced transformative justice in ways that have been unjust or harmful. This doesn’t mean that we should stop trying, but it does mean we need to change how we are doing things. I ask a lot of questions that I really don’t know the answers to. I do know that from here I am going to work on building community more and being more compassionate with both myself and with others. For me, some of building community includes working on forgiving people for the ways they have hurt me and taking responsibility for the ways I have hurt others.

Sometimes I am incredibly angry at both the people who have sexually assaulted others and at my communities for failing to deal with it appropriately (although, there has been more progress on this recently). This anger can be really consuming and I see it eating people up inside all the time. One of the shittiest things about this is that it can have really negative implications on you but it might not have any impact for the people you are mad at. It is really hard to come to TJ with so much rage. One group that I was reading about (I forget which one) talked about creating support for people involved in TJ processes so they could have an outlet for their very strong and legitimate emotions outside of the spaces used to engage with the survivor of person who assaulted them. I think this is a good idea.

During this project, I drew a map of a number of different assaults and how people have been involved in them. I didn’t put it in but, for me, it was really useful in seeing how none of us are innocent. Here’s an example: a person who is an integral part of a survivor’s support circle was, at the same time, denounced by many in another process for enabling the assaulter to avoid accountability. Instead of only having room to think of her as innocent or guilty, maybe we can think of her as complicated. Her having been criticized by a number of people doesn’t mean that she isn’t also a good support and vice versa. There are folks who talk transformative justice but don’t do it and there are folks who trash it but what they do looks a lot like it. At some point, each of us has messed up. Maybe innocence shouldn’t be the goal; rather, accepting complexity and working towards self-accountability and healing should be the goal.

But I am hopeful that we can find a better way, that we can feel justice between each other, that we can work towards healing, that we can both build and win revolution. I know we can do it - it is our only choice.
A Transformative Justice Story
2. Kershnan et al.; Morris.
3. Different terms to describe TJ can be used; commonly, these are restorative justice (RJ) and community (CA) accountability. For example, one group said it was doing RJ work in 2008 (in Coleman, Kelly, & Squires) but in later years called the same work as TJ (in Kelly). Similarly, Chen, Dulani and Piepzna-Samarasinha assert that CA and TJ are the same thing with different names. However, RJ can also describe ‘alternative’ state sentencing models for Indigenous people which are functions of criminal law. CA may operate with different values than TJ and be punitive. Thus, this paper draws on justice, theory and practice within progressive/radical communities that is grounded in the above principles.
6. Kershnan et al.

Sexual Assault and Attempts at Collective Justice
2. "I am using kin instead of families here because a lot of us do have families - they are just chosen families (although while I watch so many of my friends vanish into their class privilege and adopt hetero/homonormative lifestyles, I have begun to doubt the permanence of these structures.
3. An important exception to this is someone who does not speak English, as they are more likely to have to see the same people in order to access services. This depends, however, on the size of the community.

...and Trans?
6. This is not to say that issues of femme visibility in queer scenes or challenging the privileging of masculinity aren’t important. They are.
7. Of course, some trans men embody these things when they transition, something I find both sad and unacceptable.
8. Supermattachine "How Misogyny Hurts Trans Men, or We Do Sometimes Have Male Privilege But There Are More Important Things to Talk About Here." Transpride. (n.d.)

Notes
Web links can be found at: stillmyrevolution.org/TJ-Resources

A Transformative Justice Story

Radical Communities

...and Trans?
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14. Ansfeld & Colman; Bierria, Kim, & Rojas; Coleman; Davis; Fenner; INCITE! 2003; 2006; Jashnani, Maccani, & Greig: Monture-Okanee; The Chrysalis Collective.


20a. In Toronto, through the efforts of No One Is Illegal and violence against women organizers, however, an access without fear policy has been passed by the city in order to ensure sanctuary in violence against women’s services for women without status fleeing domestic violence. Miranda, Farrah. Resisting deportation - women fighting violence against women. Shameless Online. 2010

20b. Herzing & Ontiveros; Miranda.

21. Fujikawa, Lilsnoopy, Norma Timbang, Shannon Perez Darby, Nathaniel Shara, and billie rain. Panel on Transformative Justice and Community Accountability [Transcript], Seattle: API Chaya’s Queer Network Program, 2014, 2. With respect to sexual assault, however, most people don’t go to the police. Statistics Canada estimates that only 1 in 10 although I would estimate that this number is lower) of sexual offences are reported to police and this number has been declining Brennan, Shannon and Andrea Taylor-Butts, Sexual Assault in Canada (Ottawa: Canadian Centre for Justice Statistics, 2008).

22. INCITE! 2006; Chen, Dulani & Piezpn-Za-Samarintha.

23. Oparah, 135.

24. Walia, 11.


28. Throughout this paper, I use ‘harm’ in the past tense for simplicity’s sake. Nonetheless, just because a sexual assault has occurred it does not mean that the harm is not continuing. Indeed, even in instances of a discrete sexual assault, the person who committed the assault can cause emotional harm on an ongoing basis.

29. I am conscious of the potential blowback of this piece on particular individuals. Some of the details have been glossed over or simplified to protect survivors. The lessons of our work is very important, figuring out the people involved is not. For example, when I am reflecting on a particular process, where there were two people assaulted, I write it as one person so that particular individuals cannot be narrowed down.

30. Coleman; Cindy Crab, Support (Portland: Microcosm, 2002); Esteban Kelly, ‘Philly Stands Up:

31. Others, however, take issue with this approach. For instance, Kim asserts: “A separate component for people doing harm was thought to violate our principle of holism” (28).


33. Perez-Darby.

34. Lambie 2008, 34.

35 Lambie 2008, 27.


37. Perhaps a good example of this is how it used to be incredibly commonplace to list racism, sexism and classism/capitalism as the three oppressions. Now it is more generally understood that this is insufficient. However, who gets on the list and in what order remains contested territory.

38. Coleman, Kelly & Squires; Kelly; Pusey & mehrotra.


40. I have tried to minimize the use of gender pronouns that I use in this paper out of recognition that anyone can commit sexual assault. It is also important, at the same time, to not lose the fact that the vast majority of sexual assaults involve men assaulting women. This is deeply intertwined with patriarchy and other oppressions (those who are assaulted are often women of colour, poor women, disabled women, etc).


45. Becker, however, does not address the ways that privilege(s) intersect(s) with master statuses. Brown argues that “some people are afforded identities that aren’t totalized and others are not.” She discusses the ways that race and nationhood are mobilized to totalize some people while casting others as simply having made mistakes. This is an important contribution as it can be used to better understand how some people who have committed assault in my community are able to mobilize social capital in order to avoid accountability/justice and the ways that race and white supremacy are engaged within anti-violence discourses. Brown, Wendy, Regulating Aversion: Tolerance in the Age of Identity and Empire (Princeton: Princeton University Press, 2009, 159.


52. So, to be clear; I think Honneth is a bit of a nob. He is incredibly individualistic (even if it is a radically different understanding of the individual), he puts a lot on moms and says there should be redistribution but not what that is. I think this sliver of his theory, however, is useful with respect to this group.

53. Fraser and Honneth, 142.


55. Fraser and Honneth, 142.

56. Fraser and Honneth, 138.

57. Fraser and Honneth, 142.

58. Fraser and Honneth, 142.


61. Ibid.


63. Kershnar et al.

64. Kelly 2008, 48-49.


68. Coleman, Kelly and Squires.


71. Coleman; INCITE!; Pusey and mehrotra; Winter. 2006), 250-266.
70. Burk.
71. Smith, quoted in Coleman.
72. Biggs.
74. Don't Lean In
75. Morris 2000; Oparah; Kelly; Critical Resistance Toolkit Workgroup.
76. Monture-Okanee; Kershnan et al.
77. Bierra, Kim and Rojas, 4.
78. Kim, 8.
79. Although, in my experience, it is not only women (including trans women) who are subject to this but also trans identified men, genderqueer and gender variant people.
80. In The Revolution Starts at Home, 85.
81. Burk.
82. Burk. 269.
83. Fujikawa et al., 17.
86. Squires, n.p.
88. Profitt, 30.
89. Profitt, 30.
90. Profitt, 34.
91. Bierra et al., 250. To briefly unpack this important point using a radical disability lens, pathologization is often, if not always, a site of oppression and ‘repair,’ or cure, is not necessarily the desired route for those who are pathologized.
94. Kreshnan et al.
95. see INCITE! 2003.
96. Coleman; Jashnani, Maccani and Greig; Pusey and mehrotra.
98. I am using the word complete for lack of a better word but, while a formal process will and should end at some point, these processes may well never be complete.
100. Pusey and mehrotra 255.
101. In Fujikawa et al., 18.
102. Spivak and Harasym, 21.
103. Burk; Perez-Darby in Fujikawa et al.
104. in Lilsnoopy Fujikawa et al., 5.
105. Perez-Darby 111.
106. in Fujikawa et al.
107. Lilsnoopy Fujikawa et al., 8
109. INCITE!, 2003; Bierra et al.
111. Bums, Alexis Pauline. “I Am because we are: Believing Survivors & Facing Down the Barrel of the Gun.” In The Revolution Starts at Home, 85.
113. Burk, 269. Although, in my experience, it is not only women (including trans women) who are subject to this but also trans identified men, genderqueer and gender variant people.