

PUNITIVE, RESTORATIVE, and TRANSFORMATIVE JUSTICE

THE BASICS

PUNITIVE JUSTICE...

- intervenes when someone has broken a rule rather than caused harm
- is based in punishments that are pre-determined
- the offended party is the state (cops, courts, prisons)

The effects of punitive justice on people who've caused harm:

- pathologizes people
- defines people by their actions
- assumes punishment and incarceration rehabilitates
- blame is on an individual person and not a systemic problem
- removal of one person solves the problem
- isolates
- sex offender registration

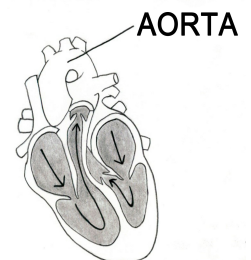
The effects of punitive justice on survivors:

- strips survivors of agency
- places the burden of proof on survivors
- memory ---> retraumatizes
- forces survivors to establish linear narrative
- blaming the survivor
- low success rate of conviction

The effects of punitive justice on the community:

- alienated by process of legal defense
- illusion of safety ---> defined from the outside
- low success rate
- builds the illusion that sexual assault does not exist (very few cases)
- enforcement mechanism that operates on oppression (causing harm)
- disproportionate regulation targets marginalized communities
- media fear mongering
- disempowers communities and forces a reliance on the state
- divides communities
- no accountability
- violence on the community

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RESTORATIVE JUSTICE

Process presented as a choice (limited in reality). Person who created harm needs to “give back/restore.” Alternative to incarceration (at times). Holds individuals (not systems) responsible, does not take into account systems of oppression.

Gives survivors more opportunities to participate in process to a limited level. Incorporates survivors without basing approach on their voice/perspective.

Asks: What was the harm to community? How can a person who created harm give back? Mediation, classes, community service, resources to person(s) harmed.

People are less likely to be removed from community. “Justice” is restored. Breaks judicial systems monopoly on responses and/or extends the state further. Acts as community based but is not.

TRANSFORMATIVE JUSTICE...

Asks **why** the harm was committed and what the **root causes** are.

Looks at the **behavior** → doesn't mean the person is a bad person.
the person who caused harm has **healing** to do
person is not reduced to their actions

Believes that someone can be **both** someone who has caused harm and has been harmed.

Offers choices and many options and moves toward **liberatory values**, understanding status quo is not enough.

Involves a willingness to **deeply question** the status quo, and asks for **imagination** beyond current system.

Tries to secure **safety** and **healing**.

Asks what do you need to have **justice**.

Assumes each process is **organic** and **particular** to each situation/community. What does that community need to make this process accountable?

Works to **address power and privilege**, in community and larger systems.

Transformative justice is **hard!**

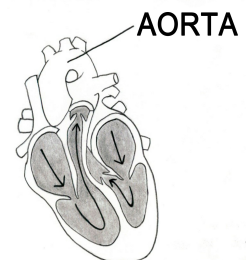
People burn out. It brings up questions of capacity, as individuals and as communities.

It requires skills we don't learn “culturally” and within current institutions (open communities, conflict resolution, etc.)

Mistakes can have a real and huge impact on people's lives.

The story for transformative justice is still being written....

ANTI-OPPRESSION RESOURCE AND TRAINING ALLIANCE
www.aortacollective.org



RESOURCES

ORGANIZATIONS

Creative Interventions: <http://www.creative-interventions.org/>

Embracing the values of social justice and liberation, Creative Interventions is a space to re/envision solutions to domestic or intimate partner, sexual, family and other forms of interpersonal violence. (Check out their amazing toolkit, available for free on their website!)

Communities United Against Violence (CUAV): <http://www.cuav.org/>

Founded in 1979, CUAV works to build the power of LGBTQQ (lesbian, gay, bisexual, transgender, queer, and questioning) communities to transform violence and oppression. We support the healing and leadership of those impacted by abuse and mobilize our broader communities to replace cycles of trauma with cycles of safety and liberation. As part of the larger social justice movement, CUAV works to create truly safe communities where everyone can thrive.

For Crying Out Loud: <http://forcryingoutloud206.wordpress.com/>

This group's website hasn't been updated since 2011, but may still be a source of inspiration for folks seeking alternatives to mainstream responses to sexual assault. The focus of this group is survivor support and empowerment.

GenerationFIVE: <http://www.generationfive.org/>

The mission of generationFIVE is to end the sexual abuse of children within five generations. We work to interrupt and mend the intergenerational impact of child sexual abuse on individuals, families, and communities.

INCITE! Women of Color Against Violence: <http://www.incite-national.org/>

INCITE! is a national activist organization of radical feminists of color advancing a movement to end violence against women of color and our communities through direct action, critical dialogue, and grassroots organizing.

The Network/La Red: <http://tnlr.org/>

The Network/La Red is a survivor-led, social justice organization that works to end partner abuse in lesbian, gay, bisexual, transgender, BDSM, polyamorous, and queer communities. Rooted in anti-oppression principles, our work aims to create a world where all people are free from oppression. We strengthen our communities through organizing, education, and the provision of support services.

The Northwest Network: <http://nwnetwork.org/>

The NW Network of Bisexual, Trans, Lesbian and Gay Survivors of Abuse works to end violence and abuse by building loving and equitable relationships in our community and across the country.

Philly Stands Up!: <http://phillystandsup.wordpress.com>

Philly Stands Up! hasn't updated their website since 2012, but may still be a source of inspiration for folks seeking for community-focused solutions for holding perpetrators of sexual assault accountable within frameworks of harm reduction, transformative justice and anti-oppression.

Safe OUTside the System: <http://alp.org/community/sos>

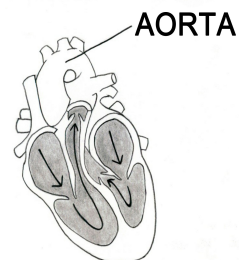
The Safe OUTside the System (SOS) Collective is an anti-violence program led by and for Lesbian, Gay, Bisexual, Two Spirit, Trans, and Gender Non Conforming people of color. We are devoted to challenging hate and police violence by using community based strategies rather than relying on the police.

Students Active for Ending Rape (SAFER): <http://www.safercampus.org/>

All students have the right to a safe campus, free of sexual violence. SAFER empowers students to hold their universities accountable for having strong campus sexual assault policies and programming. We're here to help you organize for change.

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READINGS

Beautiful Difficult Powerful: Ending Sexual Assault through Transformative Justice by the Chrysalis Collective
<http://www.blackandpink.org/wp-content/uploads/Beautiful-Difficult-Powerful.pdf>

Creative Interventions Toolkit: A Practical Guide to Stop Interpersonal Violence
<http://www.creative-interventions.org/tools/toolkit/>

Healing Sex: A Mind-Body Approach to Healing Sexual Trauma by Staci Haines

In an Abusive State: How Neoliberalism Appropriated the Feminist Movement Against Sexual Violence by Kristin Bumiller

My Body, My Limits, My Pleasure, My Choice by Generation FIVE
<http://www.phillyspissed.net/sites/default/files/my%20body%20my%20pleasure%20my%20choice.pdf>

Rape, Racism, and the Myth of the Black Racist by Angela Davis

Toward Transformative Justice – Generation FIVE_
http://www.generationfive.org/wp-content/uploads/2013/07/G5_Toward_Transformative_Justice-Documents.pdf

Transforming a Rape Culture ed. Emilie Buchwald, Pamela Fletcher, and Martha Roth

Yes Means Yes!: Visions of Female Sexual Power and a World Without Rape ed. Jaclyn Freidman & Jessica Valenti <http://yesmeansyesblog.wordpress.com>

MEDIA

Addressing Trauma: Generation FIVE
www.youtube.com/watch?v=6q1ix9VFJLU

Generation FIVE digital stories
<http://www.generationfive.org/resources/digital-stories/>

Secret Survivors: play, documentary, and toolkit
<http://www.pingchong.org/undesirable-elements/production-archive/secret-survivors/>

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