

Reimagining Public Safety, Rebuilding Anti-Carceral Alternatives

Traveling Between US and Spanish Gender Violence Theories and Practices

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ABSTRACT

Ruth Wilson Gilmore said, ‘Abolition is a theory of change, it’s a theory of social life. It’s about making things’ (2018). Fred Moten and Stefano Harney echoed Gilmore when they wrote, ‘not abolition as the elimination of anything but the founding of a new society’ (2013, 101). Many people view abolition as a reckless ideal that tears down tired social infrastructure without offering tangible alternatives to rebuilding public safety. However, prison abolitionist activists have long proposed defunding the criminal justice system as a means to reinvesting in social supports that assess, respond and prevent gender violence. At its core, abolition involves reckoning with widespread disparities and embracing long-term structural policy and slow transformation. This article embraces an anti-carceral stance to trouble the hegemonic notion that punishment is the de-facto solution to resolving social issues and, particularly, gender violence. It examines how carceral discourses and logics have traveled with the globalization of neoliberal ideology and sparked resistances since the late 1970s. Punitivism has increasingly taken center stage in feminist gender violence agendas in the US and Spain, despite early feminist skepticism of the criminal justice system and numerous studies that indicate that criminalization does not make marginalized survivors safer or make perpetrators less likely to abuse again (Gruber 2020, 90). While punitivism manifests distinctly according to localized US and Spanish gendered and racialized subjectivities, its gender violence approaches share many similar characteristics and punishment technologies. Methodologically, the article uses traveling concepts to ethically weave transnational anti-carceral scholars and activists together from different geopolitical locations. The goal of this article is to counter the dominant claim that punishment equals accountability and highlight transnational anti-carceral alternatives that radically rebuild public institutions to better serve trans survivors and survivors of color.

KEYWORDS

abolition, (anti-)carceral feminism, gender violence, neoliberalism

INTRODUCTION

Many people experience a knee-jerk reaction when they hear the word prison abolition in the United States. They imagine total anarchy. A world where criminals run free, and there is no one to call when you are in trouble. Trump cultivated this imagination during the November election when many people saw nightly television advertisements of a masked robber assaulting an elderly, white woman in her own home. Black Lives Matter protesters became known as rioters who destroyed businesses and monuments, burned down police precincts and jeopardized public

safety infrastructure. 1980s war on crime nostalgia ran rampant throughout the right's talking points which promised to restore law and order and protect [white] women from monstrous criminals who often assumed images of men of color. Many Black Lives Matters activists fired back at this assumption of police as protectors: 'I think white people talked more as if the courts belonged to us and therefore should work for us, where we always saw it as belonging to someone else and talked more about how to keep it from hurting us' (Gruber 2020, 62-63). Simply calling the police for help while having a mental health crisis (Water Wallace Jr.; George Floyd), carrying a replica toy gun (Tamir Rice) or sleeping in one's own bed (Breonna Taylor) can be a death sentence. The prison abolition movement gained a lot of political traction thanks to the sweeping summer 2020 Black Lives Matter protests that drew attention to historical patterns of police brutality and overreach. However, fervor for prison abolition typically comes to a screeching halt at the mention of gender violence. Even the most leftist politicians like Bernie Sanders harshly criticize the criminal justice system but do not dare to challenge gender violence bills that contribute to mass incarceration.

In her book, *Feminist War on Crime*, Aya Gruber suggests that the main task of millennial feminism is to balance its disdain for both punishment and gender violence. This contradiction haunts many activists, including myself, working at the intersections of racial justice and gender violence in the United States. As I marched masked up in the blistering heat and amidst a pandemic during a BLM protest, I pleaded with the criminal justice system for help: 'Lock up the cops who killed Breonna Taylor!' Then the next minute, I rallied for its destruction: '2-4-6-8 Smash the police state!' I understood that prison abolition meant divesting from the criminal justice system in order to invest in education, healthcare, housing and food programs. It made sense to me that sending a few bad cops to prison would not solve policing's systemic issues nor heal communities' wounds. However, I still harbored doubts about how we would hold 'the real bad guys'—such as the Harvey Weinstens—accountable without a criminal justice system. In other words, I wanted to abolish prisons *and* lock up the cops who killed Breonna Taylor. I believed I could simultaneously toughen the criminal justice system against the 'worst of the worst' and rehabilitate it for those it fails, namely, women, people of color and queer/trans people. Otherwise, how would we show people that racist, transphobic and patriarchal violence is not acceptable?

My punitive impulse was, and sometimes is, still intact. Many people suffer from a deeply ingrained carceral logic that tells us punishment equates to accountability, safety and healing. My professional domestic violence training taught me that the police and courts failed survivors, and our goal was to make those institutions safer for them. Only a year prior to BLM summer protests,

I worked in the City of Philadelphia's Office of Domestic Violence Strategies and helped coordinate trainings to better educate the police on how to best respond to domestic violence emergencies. I left every training feeling defeated as my colleagues and I tried to teach years of social work training in a two-hour annual session. I felt uneasy about the role of the police in gender violence but assumed it was an inevitable reality that could just be 'tamed'.

I first really engaged with anti-carceral thought through the US prison abolition lens in the summer of 2020. I was drawn to the hope it instilled in me during the politically tumultuous time. I learned how women of color and trans feminists have long reimagined viable alternatives to reconciling violence that do not expand the criminal justice system and perpetuate harm. Their front-line work opened up an urgent line of critique and activism that I wanted to continue connecting with in my new home in Granada, Spain. I quickly found many of the same US punitive strategies re-purposed in a very distinct socio-political context in Spain. Feminists in Spain, Argentina, and Italy were re-iterating the same clear case as US prison abolitionists: locking up and isolating perpetrators, without educating them and helping them amend the harm they created, does not keep survivors or communities safer. This inspired a larger thesis project that traces carceral discourses between feminist political mobilizations and gender violence legislation in Spain.

The article centers around the idea that carceral responses to gender violence are not solely unique to Spain or the US but, rather, are part of a globalizing phenomenon driven by neoliberalism since the late 1970s. Neoliberalism, as a global-capitalist political project, has introduced similar racializing and gendering logics of narrowly conceptualizing and punitively responding to social inequalities. Various transnational scholars discuss the characteristics and effects of carceral feminist constructions of victimhood and justice and underline their curious alliance with right-wing crime-control policies. Meanwhile, marginalized anti-carceral gender violence proposals offer a hopeful, rehabilitative and distributional path forward. The article blurs the lines between theory and activism because anti-carceral theory grew out of concrete organizing against the post-slavery, racist state violence in the US and post-Franco fascist repression in Spain. Demonstrating how theories and practices interact in a 'reciprocal process where one enables the other' (hooks 1991) disentangles the rhetoric that prison abolition is dangerous or a lofty ideal and exemplifies how anti-carceral theory has always been tied to life-saving praxis. Methodologically, the article does not merge US and Spanish carceral geographies, but illustrates, through my own personal border crossing, how carceral discourses and anti-carceral feminisms are globalizing symptoms and reactions to (distinct) oppressive histories and the rise of neoliberalism. As a methodological tool, traveling concepts allows for the exploration of the politics of location embedded in the

terminologies and the difficulties and advantages of linking transnational authors and movements together.

METHODOLOGY

My everyday experiences meeting, clashing and grappling with the terms abolition and gender violence, between the US and Spain, inspired traveling concepts to act as the central methodology for weaving together transnational anti-carceral feminists from varying socio-political contexts. The encounters speak to not only the dilemmas but also the advantages of connecting transnational theories and practices. Cautiously bringing concepts together highlights how carceral logics globalize and resistances emerge from similar (but not identical) motivations to topple hegemonic systems. Learning from and re-purposing one another's terminology and knowledges presents an opportunity to link movements, attend to analytical gaps and generate more creative solutions to resolve gender violence. Above all, reflecting on language allows a researcher to practice self-reflexivity and entangle both theory and political commitments.

Birgit Neumann and Ansgar Nünning (2002) describe traveling concepts as a 'meta-theoretical framework for developing a self-reflexive approach to the study of culture' (3). As a cultural heuristic, traveling concepts draw attention to the 'epistemological, cultural and political implications of the theories and concepts we endorse' (3). Research focused on culture within a globalizing world, often conducted by privileged researchers in the US, too often wholesale applies concepts without considering how their meanings and operational values shift between academic disciplines, socio-political contexts and historical time periods (3). Neumann and Nünning recommend traveling elsewhere as a method for placing different approaches to concepts against one another to lay bare 'selective appropriations, productive misunderstandings and discontinuous translations according to historical and local circumstances' (5). Traveling elsewhere requires explicitly naming differences, tensions and antagonisms to bring together transnational cultural phenomena under the umbrella of a singular concept (7).

Abolition or anti-carceralism? In the US, I am comfortable evoking the term abolition and trusting that those around me understand I am referring to abolishing prisons and police. Yet beyond the US, abolition is often a prickly term because it is an 'irrelevant' political goal, or it can signify allegiance to radical feminist and conservative religious abolitionists. This became glaringly clear when I initially framed my project around abolition which often triggered discomfort and confusion in Spain because: one, racist policing and mass incarceration is overwhelmingly viewed as a 'US problem' and, two, abolition is exclusively associated with

criminalizing sex work. It frustrated me that the former comment elides Spain's own histories of colonialism and contemporary anti-migrant projects. While it is true that the US holds the highest world incarceration rate and quintuples that of Spain, Spain's rate still beats out the rest of Western Europe (World Population Review 2021). The United Nations has also accused Spain of more human rights violations against people of afro-descent than any other nation apart from the US (Rights International Spain 2020).

Perhaps another important element is the Spanish left's relationship with the law. Many feminist reformists were skeptical of the criminal justice system, but they prioritized the law as a vehicle for social change—an ethic that has persisted today because of institutional feminists' rise to power. Even the most prominent Spanish academic critics of criminalization (Larrauri, Laurenzo-Copello, Maqueda-Abreu, Juliano, Bodelón González) do not call for total abolition of the criminal justice system, as is sometimes seen in the US, but instead call for a severe divestment from its role in social policy. The law is viewed as patriarchal but not as an appendage of white supremacy and slavery as it is viewed in the US, and the latter framing engenders abolishment rather than divestment.

This article primarily adopts anti-carceralism to avoid confusion about ties to anti-sex work abolitionism. However, at times it draws on the term abolition to reference *prison* abolition feminisms that offer important insights from anti-racist feminists on how prisons and policing function as historic racializing and colonial technologies (an analysis that is largely missing from Spanish feminist critiques of criminalization). Overall, anti-carceralism represents a political commitment to dismantling carceral responses to social issues and that treats criminalization as a tool for enforcing the gender binary and whiteness.

Gender violence, domestic violence, or violence against women: The United Nations first institutionalized the term violence against women and girls at the 1993 World Conference on Human Rights. At first glance, the wide international recognition of violence against women and girls may insinuate a certain stability and agreement of meaning. Yet scholars, activists and institutions have long contested the terminologies violence against women, gender violence and domestic violence on world, national and local stages. Gender violence does not assume the same meaning nor receive the same response across its border trips.

In my previous job working at a local domestic violence governmental office in Philadelphia, I witnessed many activists reject the term gender violence because it is often default for violence against cis women and “does not create a welcoming space” for male, queer and trans survivors. I distinctly remember using the term gender violence in a meeting with another non-profit

professional when she quickly responded, ‘Are we still using that term? Don't we all agree that violence happens to *all* genders?’ I did not necessarily disagree, but there was a certain neoliberal-ness to how gender-neutral language, in this case, was employed to obscure how different gendered, racialized and other intersecting identities shape one’s proximity to violence.

In other places like Spain, feminists have widely rejected the term domestic violence since the 1990s. Feminists in Spain tend to argue that domestic violence does not recognize the inequality between men and women that drives gender-specific violence nor the violence that occurs outside of the nuclear family home (Larrauri 2007, 92). For that reason, feminists largely opt for the term gender violence to highlight the structural inequalities between men and women. Still, some Spanish feminists have critiqued gender violence for obscuring the fact that victims are disproportionately women (47). Mainstream feminists recognize that this diagnosis enforces a binary victim-victimizer equation, which excludes queer relationships and trans identities. However, (cis) women-specific language is often treated as unfortunate but ‘acceptable’ collateral damage given the absolute necessity to underline violence against women exercised by men (92).

Between these two examples in the U.S. and Spain, there are two zero-sum language arguments. On one side, there is gender-neutral language, which, in the spirit of inclusivity, flattens inequalities around who is more likely to experience violence. On the other side, is cis woman-specific language that recognizes gender inequality in a narrow, cis-heteronormative vacuum. Both narratives blur how gendered structures of power, derived from enforcing and transgressing gender norms and the gender binary, and other intersecting identities such as race, immigration status, ability, and class, inform higher rates of violence. My conversations traveling from terminologies and discontentment with their scopes made me ruminate about what term I would center in this project and how I would define it.

In the end, the article views gender violence as encompassing the violence, harassment, discrimination, or bullying driven by gender inequality and the norm-enforcing gender binary. Many queer people face more adverse health, employment, poverty, and homelessness outcomes due to social exclusion. These oppressions carry unique structural traumas that create the conditions for abuse (Waters et al. 2015). Queer and trans people disproportionately suffer from intimate partner violence, sexual violence and murder.¹ Additionally, the article does not treat gender as the sole cause of gender violence given that plural identities shape one’s specific experience with violence. Gender violence exists in a dialectical relationship with the individual and structural where governmental policy and societal norms interact to position racialized and trans people's vulnerability to harm and overall life chances.

Overall, traveling concepts exhibit how anti-carceralism and gender violence are flux categories that vary in meaning from place to place. As a method, it amends for the complications of translating terminologies and considers how my positionality and political goals affect the language employed to define the globalization of punitive discourses and co-existing resistances. Shifting between US and Spanish contexts requires a situated approach to explaining gender violence phenomena and to proposing viable anti-carceral alternatives.

GLOBALIZING CARCERAL LOGICS

Neoliberalism has been the primary global driver of the expansion and hardening of punitive social policies in the US, Western Europe and Latin America. Loïc Wacquant (2009) locates the rise of neoliberalism in the US to the mid-1970s and its spread to Western Europe to the early 2000s (3). He argues that the US has been the ‘theoretical and practical motor for the elaboration and planetary dissemination’ of neoliberalism as a political project (20). Wacquant contends that it is fruitful to trace the emergence of neoliberalism in the US to ‘discover the possible, nay probable, contours of the future landscape of police, justice and prisons in European and Latin American countries’ (20). His positioning of the US as a global exporter of neoliberal ‘theories, slogans and measures’ further endorses the use of the US as an entry point and the shift between US and Spanish theories and practices.

Wacquant’s astute observations on the contextual differences between how neoliberalism diffuses into US and Western European countries further undergirds the necessity for attending to ‘specific national history, social configurations and political traditions’ (23). He notes how the deep roots of the social welfare state, the lack of persuasive influence of individualism, and the absence of severe ethno-racial divides make it less likely that Europe will rapidly adopt punitive strategies (23). Of course, Wacquant hypothesized this before the increase in migration to the European continent from Northern and Sub-Saharan Africa and the rise of right-wing electoral prominence. In any case, his theorizations that neoliberal logics and tactics learn from one another, even if not homogeneously, establish a critical framework for how I approach globalizing neoliberal logics.

What comprises the neoliberal political project that surmounted political divides between the left and right and enraptured much of the world between the mid-1970s and early 2000s? David Harvey (2007) discusses how neoliberalism’s central claim is that the capitalist free market is a legitimate ethic for governing both economic and social issues. Neoliberalism posits that the world is post-equality and identity-based politics will only divide populations, hence it relies on color-blind arguments that flatten inequalities and endorse individualist discourses. Neoliberalism

manifests differently according to specific state structures and histories, but it often shares several key features: it thrives against the backdrop of job precarity and mass unemployment; it strives to unravel social welfare structures; and it works to harden the punitive system (Wacquant 2009, 3). This self-perpetuating triad driving neoliberal governance privatizes social welfare and liberates itself from the responsibility to care for the needs of the population. It replaces rehabilitative social policy with a ‘managerialist approach centered on cost-driven administration of carceral stocks and flows’ that provide the foundation for the privatization of ‘correctional services’ (Wacquant 2009, 2-3). It also suggests that all individuals can access well-being and prosperity if they work hard enough. This political shift displaces social welfare into the private sphere and compartmentalizes social issues. It forces social justice movements to “professionalize” in order to survive and upends intersectional grassroots and direct-action projects (Stanley and Smith 2011, 25).

Neoliberalism embraces a distinctly punitive logic that supposes it can attend to the ‘errors’ of the free market through law and punishment. It individualizes social ills to the moral character of a few bad actors, rather than the effects of social inequalities. Such narratives are tailor-made to villainize ‘the (dark-skinned) figure of the street delinquent, the welfare queens, the homeless, the unemployed, the drug addicts, the street sex workers and (postcolonial) immigrants’ (Wacquant 2009, 2). Marginalized populations become natural vectors of a pandemic of minor offenses that poison daily life and the progenitors of ‘urban violence’ bordering on collective chaos’ (Wacquant 2009, 2). Dolores Juliano (2020) notes how policing symptoms rather than attending to the roots of social inequalities does not decrease crime. In fact, policing only aggravates the very state of emergency that it claims to ameliorate (1). Neoliberal politicians often rely on a state of emergency to cultivate a sense of moral panic that evades the need for evidence and caters to short-term ‘whatever means necessary policy’ (Ávila-Cantos and García-García 2013, 78). Wacquant (2009) suggests that the ‘blurring of crime, poverty and immigration in the media as well as by the constant confusion of insecurity and the “feeling of insecurity”’ have led to unprecedented political consensus and public support across class lines (3). Emergencies prey on bigoted fears by constructing criminals as monstrous and evil, making crime seem inevitable to human nature rather than orchestrated and dependent on government policy (Ávila-Cantos and García-García 2013, 73). By reducing violence and suffering to the fault of a few bad actors, neoliberal governments avoid responding to questions about their own role in perpetrating structural violence. As such, neoliberalism rejects structural influences on behavior, opting for individual culpability rather than collective culpability, and insists that the state can extract ‘bad individuals’ from society like a cancer (Gruber 2020, 66).

The proliferation of punitive responses to social issues reaches beyond the singular institution of prison. As Foucault (1975) theorizes that prisons are just one aspect of a vast network of carceral technologies, including schools, hospitals, military institutions and factories, that discipline the body. Neoliberal carceralism most explicitly reveals itself in the form of harsher sentences, expedition of carceral procedures and expansion of judicial powers. Yet in an even more troubling and pernicious arena, punitivism creeps into the cracks of social ‘welfare’ systems through policies that monitor and punish the poor who interface with child welfare services, schools, hospitals, and borders, forming what Ruth Wilson Gilmore calls ‘carceral geography’ (Kushner 2019). Carceral geography ‘examines the complex interrelationships among landscape, natural resources, political economy, infrastructure and the policing, jailing, caging and controlling of populations’ (Kushner, 2019). Carceral geographies map the failure of punishment to resolve problems related to the environment, child welfare, native lands, immigration, economic equity and gender violence (Kushner 2019). The following sections discuss the punitive footprint of neoliberalism in the mainstream framings of and interventions into gender violence.

CARCERAL FEMINISMS

In 2007, feminist sociologist, Elizabeth Bernstein coined carceral feminism to explain the growing belief that toughening prison sentences and criminal justice procedures improves gender equality outcomes. In the early 2000s, scholars in Spain began to note the punitive turn in social interventions (Ávila-Cantos and Malo de Molina-Bodelón 2010; García-García 2013). Around the same time, scholars from the US (Bumiller 2008; Coker 2001; Gottschalk 2006; Halley 2008) began to theorize about carceral feminism. However, US and Spanish scholars responded to distinct socio-historical contexts: one, the US adopted neoliberalism a quarter-century sooner and, two, the early faces of carceral activism were different. In the US, the trailblazers of carceral feminism were primarily white legal and prosecutor feminists who first started advocating for harsher penalties and more police involvement in the early 1960s and late 1970s (Gruber 2020, 45). In Spain, the solidification of carceral demands in the mainstream feminist agenda grew from the rise of institutional feminism and neoliberal governance in the 1990s (Uría-Ríos 2009, 122). In any case, both movements shifted from margins to the center thanks to the ability of ‘war on *gender violence* crime’ to unite both leftist and right-wing parties.

Carceral feminism, derived from neoliberal carceral logics, relies on a narrow version of victimhood and justice that panders to racist and patriarchal norms. In crime-control discourse, the ideal victim is an innocent, hysterical and brutalized middle-class, cis, white woman who desires swift paternal rescue by the state and punishment of the monstrous offender (Gruber 2020,

96). The ‘monstruous’ perpetrators, often portrayed as men of color and poor immigrant men, are supposedly more violent and sexist towards women than white men.. The idea of protecting women, especially women of color from men of color, has been used historically to justify US and European carceral and colonial projects (Spade 2013, 1038).

Sara Farris (2017) describes how since the arrival of greater numbers of migrants from the Middle East to the US and Europe right-wing nationalists and neoliberal feminist groups have joined forces to advocate for anti-immigration policy in the name of ‘women’s rights.’ These discourses often involve saving ‘passive’ and ‘oppressed’ Muslim women from ‘backwards’ and ‘perverted’ Muslim men. Farris proposes the term ‘femonationalism’ to describe this contemporary wave of nationalist, xenophobic and paternalistic rhetoric that supposes criminalizing migration will resolve gender violence. Femonationalism represents a distinct brand of carceral feminism used to stigmatize Islamic populations in the US and Europe. Saez Valcarcel (2007) expands on this idea by arguing that criminalizing immigrant men allows white people from the Global North to feel more civilized than the poor people from ‘undeveloped cultures’ who are more ‘chauvinist, violent and brutish,’ all while masking the unequal economic and social conditions that inform behaviors that provoke more violence in marginalized communities (as cited in Laurenzo-Copello, Maqueda-Abreu and Rubio-Castro 2008, 354–355).

Carceral feminism often utilizes ‘every woman’ narratives that proclaim violence happens to all women equally, and hence, ignores evidence that indicates privilege shapes one’s proximity to violence. Kimberlé Crenshaw (1989) warned three decades ago that essentialized depictions of identity only make visible the most powerful within that respective group. In the case of gender violence, ‘every woman’ narratives center a white, middle class cis woman experience. This gendered and racialized portrait of victimhood makes people of color and trans people non-legible as survivors of gender violence. Essentializing victims according to a limited definition of womanhood obscures lifelong structural and intersectional violences experienced by people who deviate from assigned gender norms and cannot access whiteness.

Carceral feminists bolster their visions of victimhood and justice through several practices. First, carceral feminists advocate for prosecution rules that restrict the agency of survivors and, sometimes even, criminalize them for non-compliance. In both the US and Spain, carceral feminists have secured many of the same legal changes that restrict a survivor’s agency and increase their own ability to be criminalized. For example, laws such as mandatory arrest, automatic no-contact order, no-drop prosecution, convictions with or without victim participation, deny survivors from independently filing or dropping charges or contacting the offender. In Spain,

a survivor may even face a legal penalty for dropping charges for ‘lack of cooperation’ or ‘falsified testimony’ (Laurenzo-Copello, Maqueda-Abreu and Rubio-Castro 2008, 342). The authors note how this paternalistic and rigid attitude, that reduces women’s legal rights to those of minors or incapacitated, does not align with feminist discourse that demands equality (243). Laws that do not let survivors make decisions for themselves and insist on the need for ‘state protection’ reinforce a victimization narrative characterized by helplessness and passivity (397). As such, these laws act as mechanisms of social control that reproduce gender norms and stereotypes, rather than a means of empowerment and self-realization (376).

Second, carceral feminists urge for harsher sentences. In both Spain and the US sentences for gender violence crimes, across the board, have steadily increased (Larrauri 2007, 60 and Gruber 2020, 44). In some states in the US and the United Kingdom, carceral feminists have also established mandatory minimum sentences that shift non-consensual, non-forcible behaviors from serious misdemeanors to high-degree felonies worthy of substantial jail time (Gruber 2020, 196). This curiously mandates the same sentence for non-consensual experiences, from condom removal during sex to gang rape, equating their gravity and hiding the complexities of sex and consent. Carceral feminists often justify higher sentences by arguing that higher penalties will teach men that they cannot get away with abuse and violation. Despite widespread feminists’ claims that all male perpetrators do not pay for their crimes, there is not any evidence that suggests that Black men in the U.S. (Gruber 2020, 166) nor immigrant men in Spain have the same privilege (Laurenzo-Copello, Maqueda-Abreu and Rubio-Castro 2008, 355). Even though there is an ingrained impulse to punish the worst of the worst, reactive penal policy will always fall most harshly and widely on poor people of color because the penal system is beholden to larger social biases. White and privileged men have the power to evade tougher sentencing laws ‘placing the burden of increased criminalization on the poor minorities who form the policed segment of the population’ (Laurenzo-Copello, Maqueda-Abreu and Rubio-Castro 2008, 207).

Next, carceral feminists aim to strengthen their relationship with police and courts by integrating their responses. This typically looks like policies that require survivors to interface with the criminal justice system in order to gain access to state resources, such as paid time off, medical compensation, and temporary and long-term housing. For example, the Andalusian regional government in Spain passed a law in 2009 which mandated that intimate partner violence survivors must file a criminal complaint in order to enter a long-term shelter. In other words, survivors must register with the criminal justice system in order to receive recognition and support from the state (Valenzuela-Vela and Alcázar-Campos 2019, 7). The integration of the criminal justice system and social services pose many obstacles to queer/trans, people of color, migrants

and the poor who may be reluctant to involve the police in fear of retaliation from their partner or communities, police violence or overlook, child custody battles or deportation. These obstacles discourage marginalized people—who often face disproportionately cruel punishment—from seeking resources and finding safety from violence. Studies (Sherman et al. 1992; McCloskey and Sitaker 2009) also show that police more often identify gender nonconforming people and Black women as primary aggressors rather than victims (as cited in Gruber 2020, 87–89).

Finally, carceral feminisms collaborate with police to share and blend tactics. Ávila-Cantos and García-García (2013) note how police in Spain have embraced activist language common in social interventions such as ‘multidisciplinary response, empathy, companionship’ and tactics such as resource brochures, meetings with schools and associations and talks in community centers (63). This smoke and mirrors tactic assumes that police aim to support and to rehabilitate people in the community. However, neoliberal police ethics practice criminalization rather than rehabilitation to minimize the threat of violence. Social workers in Spain have dually embraced policing tactics. The authors signal how social workers, who are more present in more poor and racially segregated areas, often act as surveillance agents detecting ‘risk’ of those who may potentially disrupt the ‘productivity’ of the population (66). Social workers systematically document whether a child is more likely to commit a crime based on certain demographic characteristics and observed behaviors. The documentation serves less to connect youth with more social support and more to put a magnifying glass over their behavior. Instead of intervening with youth at any early age to prevent abuse, surveillance and criminalization only reinforces inequalities that produce violence.

While they do not excuse violence, anti-carceral feminists are skeptical of attempting to change cultural norms or resolve inequalities through legal means. ‘Message sending’ or ‘symbolic’ laws, like emergency-oriented policy, bestow policymakers with the unchecked ability to create any criminal law regardless of how counterproductive it is to serve survivors and deter abuse (Gruber 2020, 106). In fact, criminal justice intervention often exacerbates the psychological, economic and social conditions that correlate to higher rates of gender violence. For example, in cases of intimate partner violence, survivors may share more economic, familial and emotional dependencies with their partner. Thus, punishing perpetrators can also directly jeopardize the stability of survivors, especially for poor people of color. Studies reveal that criminalizing abusive partners puts survivors at disproportionate risk of losing their home, child support, and citizenship (Gruber 2020, 87). Criminal records can cause a chain-reaction of events that make it difficult to find employment or receive certain benefits. Imprisoned people also suffer physical traumas from attack dogs, strip and cavity searches, sexual assault, inedible food and overcrowding (Goodmark

2021, 91). These measures further destabilize relationships and increase chances perpetrators will harm again.

ANTI-CARCERAL INTERVENTIONS

While femicides have seen steady long-term decreases in both Spain and the US, statistics show that a striking number of women do not report to the police and that immigrant women and women of color are disproportionately affected (Consejo General del Poder Judicial; Cooper and Smith 2011). Those in favor of criminalization have traditionally used these high numbers to insinuate fewer women would have died were there more police involvement. However, anti-carceral feminists insist that we must critically analyze whether victims, especially those on the margins of society, trust the criminal justice system to properly assist them. For instance, Angela Davis and Ruth Wilson Gilmore firmly believe we will not incarcerate our way to non-violence. In the words of Gilmore, ‘the criminal justice system does not have just moral faults but practical ones’ (Kushner 2019). Since the 1960s, Black feminist prison abolitionists have called not just for an abolition of carceral systems but also an investment in public health, housing, education, employment and food programs (Kushner 2019).

Dean Spade (2013) echoes Black feminist prison abolitionists in his calls for tackling intersectional violence throughout population-level legal and administrative systems. The use of criminalization to combat gender violence suggests we can amend harm by teaching race or gender consciousness on an individual, progressive-temporal basis (Spade 2013, 1034). Instead, population control, as a vector of analysis, moves the focus from ‘discrete incidents or individuals’ towards ‘multiple systems that operate simultaneously to produce harms directed not at individuals but at entire populations’ (1035). Dean Spade’s intervention suggests that the criminal justice system cannot be saved with reforms because removing bad laws and bad cops one by one does not attend to the racist, transphobic, patriarchal, ableist and anti-poor structure the prison system is built on and reproduces.

Mimi Kim has been a long-time activist who translates transformative justice theories into tangible practices. Co-founder of the US-based organization INCITE! Women of Color Against Violence (now known as INCITE! Women, Trans and Gender Non-Conforming People of Color Against Violence), Kim advocates for interventions that address the structural conditions that create more violence in marginalized communities of color. To reach such a goal, INCITE! believes in transformative justice gender violence models, rooted in indigenous practices² and abolitionist social movements driven by people of color, that decrease stigma, shift community

norms and center collective, community-based responses rather than state authorities. This may consist of using language like ‘person who caused harm’ rather than ‘perpetrator’, ‘abuser’ or ‘offender’, or ‘supporting accountability’ rather than ‘holding someone accountable.’³ Community-based strategies involve networks of friends, family and community members rather than police, child welfare, immigration control, civil courts or anti-violence organizations that work in collaboration with the latter institutions (Kim 2020, 168).

Leigh Goodmark (2021) makes concrete suggestions for what a non-punitive accountability process may look like. According to Goodmark, the survivor should lead and initiate the process ‘allowing survivors to determine whether, when and how such processes should proceed’ (95). Both parties should also be linked to resources before, during and after the processes. This model stresses accountability by involving mediators, family and community members. Involving the community and treating violence as a broad social issue rather than individual and idiosyncratic can lead to greater changes in cultural norms and provide both parties with support networks to heal (Goodmark 2021, 95). Returning to Kim (2020a), non-punitive accountability models should be wary of restorative justice models⁴ that maintain strong ties with law enforcement: ‘Compared to strongly anti-carceral or prison abolitionist transformative justice, restorative justice has been confined, to a large extent, to its role as an alternative to the criminal legal system that also leaves that system intact’ (169-170). Transformative justice organizations, like INCITE!, question the embeddedness of state-run public and nonprofit organizations, supposedly subscribing to restorative justice, with carceral architecture (Kim 2020b, 314).

Leigh Goodmark (2020) states that distributional and restorative policy⁵ rather than criminalization is the best method to change patriarchal cultures around sex and relationships. Goodmark (2020) identifies various effective pre-, during and post-violence interventions. Increasing the minimum wage, affordable housing, health care access, and free education all reduce stressors on relationships. Education programs around sex, sexuality, relationships and media literacy for teens and youth improve cultural logics around consent and healthy relationships. More regulation around coerced debt and unfair tax liability can hinder opportunities for economic abuse. Emergency funding for rental housing, food and transportation can provide a path to safety without involving the police. A mobile response unit with gender violence advocates can also de-escalate violence by meeting with victims and helping them to safety plan. Post-abuse strategies such as expanding employment opportunities, work readiness training, education grants and therapy can help prevent future violence for survivors and perpetrators (93). The latter material supports can help survivors find safety and healing without

involving the police, which historically have escalated violence (72) and increased survivors' chances of economic ruin (87).

Through the practices suggested above, transformative justice practitioners have operated with barely any financial support or credibility and yet survived thanks to strong political will and networks of care (Kim 2020, 169). In a world where many people face a severe crisis of imagination and long-term visions, Mimi Kim (2020) illuminates an anti-carceral path forward:

Transformative justice offers a liberatory and emergent vision of justice that asks the everyday person to participate as a likely survivor of violence, a potential perpetrator of violence, and someone invested in a world liberated from violence in all of its forms. It renders the intervention of violence and its prevention as an everyday democratic act, one not reserved for authorities of the state but offering a meaningful role for anyone part of a family, a neighborhood, or a community (170).

Kim's inspiring words remind us of the relevance of anti-carceral feminist interventions and provide the motivations and tools for debunking the myth of punishment as justice.

FINAL REMARKS

This article discusses how carceral feminisms have globalized under the guise of neoliberal 'war on crime' policies in both the US and Spain. It explains how crime control discourse shapes how political actors articulate gender violence as a problem and approach its solutions. Using my personal border crossing between US and Spanish academic and activist spaces, the article draws on the work of transnational scholars to explain the characteristics of global carceral feminisms and their adverse effects on marginalized populations. By highlighting the alternative visions of anti-carceral scholars and activists to invest in structural preventative solutions and community-led accountability processes, the article troubles the commonly held claim that the criminal justice system is effective at resolving gender violence and desired by all survivors. Its goal is to provide a broad foundation for the theoretical relevance of anti-carceral feminist debates and the political urgency of debunking the myth of punishment as justice transnationally.

This article makes several key methodological and theoretical interventions unique to existing anti-carceral feminist research. Notably, it entangles activism and theory to honor how carceral feminism is not an objective, self-evident category but rather an observed and constructed phenomena thanks to the political and intellectual work done by queer, trans and racialized activists and scholars. For that reason, I recommend other researchers working with anti-carceral

feminisms to not let theory escape the practical roots of activism. On a similar note, I particularly encourage researchers who explore cross-Atlantic and global dimensions of anti-carceral feminism to pay close attention to the politics of location. Traveling concepts served as a highly illuminative tool to question the limits of US anti-carceral feminisms as a basis for resistance in other geographical spaces and to encourage the use of local ideas and actions.

Neither these findings, nor the theories that sustain them, are meant to be tidy, perfect, new, or complete. This project is an amalgam of ongoing critique and conversations that is designed to push the needle forward for an anti-carceral feminist politics in a manner that speaks to my feminist desire to transform how we think about victimhood and justice. Transformative justice theories and practices, despite their limitations, fill a necessary gap in reimagining long-term, structural policies amongst an ever-present storm of neoliberal individualization, punitivism and paternalism. Through my travels to Spain, I encountered many scholars and activists who have dreams like I do. Their critiques of neoliberal feminism's alliance with patriarchal justice systems resonated with my own doubts about mainstream feminist visions of public safety in the US. By weaving together anti-carceral knowledges and practices, I explored the possibilities for an even bigger dream: a global anti-carceral feminist resistance.

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¹ Data shows that intimate partner violence in lesbian and gay couples is comparable to (Turrell 2000) or higher than that among heterosexual couples (Messinger 2011; Kelley et.al. 2012). The few statistics available about trans violence indicate that trans-murder is a global health crisis. According to a data gathered by Transrespect Versus Transphobia Worldwide (TvT), a research entity of Transgender Europe, more than 350 transgender and gender non-conforming people were murdered between the beginning of October 2019 and the end of September 2020 (Clifton 2021).

² Kim (2020b) explains that indigenous practices of addressing harm and establishing justice have been 'left unwritten, unrecognized, and largely erased by colonial and neocolonial histories' and 'long precede the recent "discoveries" of *transformative justice* or *restorative justice*' (314).

³ This first-person language is typically used in therapeutic settings and accountability-processes. For the purposes of this paper, I use language from legal and professional settings (perpetrator, abusive partner, survivor, victim) given that it is the area I critique.

⁴ Kim (2020b) explains that restorative justice has a complicated history, but a review of nationwide restorative justice programs shows that they are 'white dominated and law enforcement friendly' (316). Whereas, transformative justice has more roots in indigenous practices and people of color abolitionist movements (314).

⁵ Distributional policy refers to structural investments in social welfare such as health care, education, employment, housing, food programs, etc.