

A New Era for Justice:

Transformative, Restorative, and Carceral Solutions in Modern Anarchist Organizations



problems that get thrown our way. If we don't prepare, we risk falling victim to hierarchical social relations, legitimizing the state, and alienating vulnerable people from our movements. Learning how to address harm must be a priority now, or it will tear us apart from the inside later.

Further recommended reading on transformative approaches:

The Revolution Starts at Home: Confronting Partner Abuse in Activist Communities

thequeerproject.files.wordpress.com/2016/01/revolution-starts-at-home.pdf

Peacemaking Circles: From Conflict to Community by Kay Pranis, Barry Stewart, and Mark Wedge

livingjusticepress.org/product/peacemaking-circles-from-conflict-to-community/

“Beautiful, Difficult, Powerful: Ending Sexual Assault Through Transformative Justice

f12network.files.wordpress.com/2017/06/beautiful-difficult-powerful_ending-sexual-assault-through-transformative-justice1.pdf

“As If They Were Human: A Different Take on Perpetrator Accountability” by Tod Augusta-Scott

transformativejustice.eu/wp-content/uploads/2010/02/augusta-scott-comp-zine-imposed.pdf

As noted in the previous section, many of these works have their own extended bibliographies that any reader would benefit from exploring.

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fas161.noblogs.org/post/2022/11/08/23

Introduction

New revolutionary and anarchist organizations have proliferated around the globe in the past few years. As conditions become more and more desperate for working class people everywhere, more and more people organize themselves into affinity groups, labor unions, crews, cells, aid networks, and so much more. With this increase in organization, education, and radicalization, comes a new wave of challenges for the anarchist movement to grapple with.

One of the most present and difficult challenges we face as a movement is how to deal with harm, both within our communities and inside of our organizational structures. The criminal justice system can seem omnipresent, omnipotent, all-encompassing. “Killing the cop inside your head” can be a life-long practice of unraveling the insidious internalized messaging impressed upon us by the prison industrial complex from birth. Carceral logic is embedded in us from childhood. Cops and robbers. Superheroes and supervillains. Time-out. Corporal punishment. Detention, suspension, expulsion, school “resource” officers.

All these things and more ingrain the logic of the prison industrial complex into our minds over time, affecting the way we think, the way we see the world, the way we interact with each other and with institutions.

As we consider how we want to begin building a better world, it is important to make sure that our new communities reflect our values as consistently and completely as possible, and to avoid recreating harmful, hierarchical institutions.

This can be difficult, as some hierarchies and systems are so deeply embedded in our lives that we don't even see them; we assume that they are necessary or natural instead of interrogating the ways they may be harming us or holding our communities back. It is also crucial that our new communities and organizations have the structures they need to uphold our values, especially as scale increases the complexity of our operations.

In the following text, we will first deliver a critique of carceral models, as well as providing resources for further reading on prison-industrial complex (PIC) abolitionism for those looking for a more comprehensive idea of the ineffectiveness and harm that comes from punitive justice. Then, we will consider two different, but related, models: transformative and restorative justice. We will discuss their potential for application in anarchistic organizing, outline goals for the future, and consider potential roadblocks.

- we should make a concerted effort to recruit and train people who have the capacity, ability, and knowledge to help navigate harm for both survivors and perpetrators, such as trauma-informed counselors, trained mediators, and more
- people and their needs should be centered in any community justice effort, but promises made should be realistic and concrete
- safety and avoiding trauma for everyone should be a top priority
- create solutions and processes which feel trusted and legitimate - vaguery, mistrust, unclear purpose, etc., can all lead the process to failure, especially if a decision is made that the community does not see as legitimate or does not trust

For a great critical analysis of typical pitfalls in restorative/transformative justice, potential solutions and questions to ask as a movement, see CrimethInc.'s "Accounting for Ourselves." <https://theanarchistlibrary.org/library/crimethinc-pfm-accounting-for-ourselves>

We don't claim to have a perfect solution. However, there are steps we can take in real time to learn from the past, and prepare for our future. No community or individual should assume that they are immune to legitimate accusations of harm. We all must be prepared for when real issues come home to roost, and our mantra that we will "keep each other safe" is put to the test. Creating real community, educating each other and ourselves, and engaging in a culture of honesty and care can all help us handle some of the toughest

abuse, as it gives the abuser extended access to the survivor and many opportunities to manipulate the situation in their favor.

Solutions such as banning someone from a scene, even though they are rarely the most desired solution, may become necessary in cases where safety is the priority concern and/or the perpetrator refuses engagement from their community. It is also a common problem that the survivor and/or the perpetrator requires extensive therapy or the intervention of a professional trained in trauma, crisis, or abuse. Many if not most communities do not have access to these professionals, especially not for free or cheap. If nobody with the proper training is available to assist with the situation, then it will often be less traumatic for the survivor and a better use of everyone's time to choose a solution alternative to mediation or a long accountability process.

We believe that the movement and organizations as entities should engage in several projects to improve our ability to create justice for everyone:

- as many anarchists as possible should receive an extensive education on rape culture, patriarchy, abuse dynamics, and other primary factors which contribute to abuse in our spaces
- create tight-knit communities and transcend capitalist alienation, which allows us to care for each other better and more easily hold each other to account
- organizations and affinity groups should discuss with one another their desired approach to harm, and be specific about goals, desired outcomes, and situations where certain processes should be applied

A Critique of Carceral Approaches

BIPOC theorists and organizers have written and advocated for PIC abolitionism for as long as the modern prison system has existed. Their work and research has provided a crucial basis for understanding the failures of the prison system and the dangers of punitive measures, especially ones enacted through institutionalized hierarchies such as courts. Throughout this piece, we will cite their work extensively, and we encourage readers (especially those with advanced questions or who are looking for concrete research) to pursue the enormous body of work created by black abolitionists.

It will be important throughout this section to avoid conflating the terms "punishment" and "consequence." When people commit harm, we may rightfully believe that their actions should have consequences. However, punishment is a type of consequence, but it is rarely appropriate. Consequences should be correlated to the actions of the harm-doer directly, carried out by those harmed and/or those in community with the harm-doer, and should contribute to growth and healing for all parties. Some consequences may feel like punishments or be difficult to handle, but this doesn't make them the same. Punishment, especially punishment institutionalized in the prison system, is: retaliatory, harmful, often not directly correlated to the harm-doers actions, and does not center healing.

Some examples of consequences:

- Someone is abusing their partner, and as a result, their partner leaves them and informs the community about the abuse.

- Someone drunkenly punches someone, and as a result, the other person punches them in self-defense and they are both asked to leave the bar.
- A child spills their juice all over a countertop. Their father hands them a paper towel and they clean up the spill together, with the father modeling and teaching.

Some examples of punishments:

- Someone is abusing their partner, and as a result, their partner files a police report. The abuser is convicted of disorderly conduct, fined \$250 and spend 15 nights in jail, after which they are released back into the community where their partner still lives.
- Someone drunkenly punches someone, and as a result, someone calls the police and they are arrested. They are charged with assault and spend a year in prison, during which they also lose their job, and their apartment.
- A child spills their juice all over a countertop. Their father yells at them and puts them in their room, cleaning up the juice while the child is in time-out.

It will also be important to avoid conflating “crime” and “harm.” A crime is an illegal act, prohibited by the law. Harm is the act of hurting someone in some way. There are lots of ways to hurt someone: physically, emotionally, financially, socially, and so on. Crimes may or may not be harmful, and harms may or may not be criminal. Some crimes may not hurt people, but corporations or the state.

Some examples of crimes that are not or are only questionably or situationally harmful:

- Graffiti
- Jaywalking
- Loitering
- Squatting an abandoned building
- Crossing a nation’s border without undergoing immigration processes

to harm other people as well as ourselves. It also names oppressive institutions themselves as sources of harm in our lives, and encourages work towards justice not just in an interpersonal sense, but communally and systemically as well.

Any sort of framework for justice will have its limitations. As anarchists, we understand that there is no “one size fits all” solution for even the simplest of human conflicts. Though we are excited and interested in the potential of transformative justice processes, new forms of accountability, and mediation to help solve our problems, we also have to acknowledge the struggles faced in applying these systems and the situations in which they fall short. The failure of community accountability does not mean that punitive justice and the PIC are our only options. These failures are proof that we need to keep building community power, keep teaching and learning about the sources of harm in our lives, and keep finding resources to help us help each other.

Transformative justice (and restorative justice by extension) are often not appropriate when:

- the community the harm occurred in is not tightly knit; people don’t trust each other and won’t commit to a long term process
- the perpetrator has repeatedly committed the same type of harm despite intervention by the community
- the perpetrator will not admit to having harmed the survivor/victim
- there is no solution or situation in which the survivors can see trusting the perpetrator or wanting to be in community with them again
- the community does not have the resources to adequately meet the needs of the perpetrator and survivor
- specifically mediation is almost never appropriate when the harm being discussed is intimate partner violence or

Transformative Justice and Beyond: A New Framework for Anarchistic Organizing

“I conclude that many of us are motivated to move against domination solely when we feel our self-interest directly threatened. Often, then, the longing is not for a collective transformation of society, an end to politics of dominations, but rather simply for an end to what we feel is hurting us. This is why we desperately need an ethic of love to intervene in our self centered longing for change.”

-bell hooks

“People can and do make power through, for example, developing capacities in organizations. But that’s not enough, because all an individual organization can do on its own is tweak Armageddon. When the capacities resulting from purposeful action are combined toward ends greater than mission statements or other provisional limits, powerful alignments begin to shake the ground. In other words, movement happens.”

-Ruth Wilson Gilmore

Transformative justice is a framework that improves on what restorative justice theorists started. Transformative justice is survivor and community centered, with a focus on helping all parties recover from harm and trauma. However, unlike restorative justice, transformative justice is explicitly separate from the PIC and engages in systemic analyses of why and how people hurt one another. Transformative justice makes room for understanding how cycles of abuse, racist structures, class status, patriarchy, and more, can all contribute to our likelihood

- Sleeping in a public park

Some examples of harm that are not or are only questionably or situationally criminal:

- School bullying
- Murdering a transgender person
- Emotional abuse in a romantic relationship
- Corporal punishment of children
- Cheating in a relationship

The state determines what is and is not a crime, but we understand as individuals what harms us. This is not an argument for making cheating on your boyfriend illegal; rather, we are attempting to reveal how the criminal legal system is inadequately structured to address harm. Its focus is the enforcement of laws and control of deviant behavior. Pain and trauma are hardly secondary or even tertiary concerns in the courtroom, which is designed to determine whether a particular act fits within the written framing of what is illegal.

Now, we can return to the matter of punishment itself. In the United States, the most common punishment is imprisonment. Some other punishments may include physical injury, financial costs, isolation, surveillance, and the death penalty. While punishments are supposed to be aligned with the amount of harm the perpetrator caused, this is rarely the case. The PIC not only profits from but necessitates a continuous stream of inmates in order to function, encouraging harsher sentences for minor charges. Sentencing guidelines have changed dramatically over the course of history, with prison sentences getting longer and longer, especially with decreased usage of the death penalty. It can be difficult to quantify how much an individual should be punished. Do they feel regret? How does the victim feel? The courts don’t take factors like this into account, because judges follow sentencing

guidelines which mandate certain punishments for certain crimes. Incarceration and punishment is a one-size-fits-all solution to one of the most complex and individualized problems on Earth.

Prison sentences also dramatically change in frequency and length on the basis of race and other demographic factors, with black Americans getting more prison sentences for longer stays than any other racial demographic in the country.

Institutionalized punishment is designed to be a universal solution for criminality and violence, but, just like other hierarchical institutions, it is wielded by oppressive groups and individuals to advance their own interests, such as racism, profit, control of women's bodies, and more.

When considering whether punishment is appropriate, we should also look at the reality of our prison systems. Prison is not simply a facility that limits movement, but is oftentimes an incredibly dangerous, depressing, and expensive endeavor for those trapped inside. Poor conditions, fees, violence, and more, all compound a prison sentence into much more than a "time-out." Imprisonment and other forms of punishment can also lead to social isolation, which actually prevents people from being held accountable because they are removed from their community and cannot see the ramifications of their actions.

Furthermore, there is little evidence that the PIC is more effective at preventing harm than it is at causing harm. For example, the organization Survived & Punished has published an enormous body of work on victims of sexual and domestic violence who defend themselves from their

- prioritize the self-determination of the survivor
- identify a plan for safety and support of survivors and others in the community
- try to anticipate and plan for potential consequences of the strategy
- organize collectively
- make sure everyone in the group shares a political analysis of sexual violence
- be clear and specific about what the group is demanding from the aggressor
- communicate the group's analysis and demands to the aggressor
- consider help from the aggressor's community
- prepare to engage with a long-term process

There are several restorative justice programs from around the world that have found varying levels of success in moderating conflict without the PIC, and anarchists should study these programs when trying to create justice and power in their own communities. Many of them made mistakes which we should learn from, such as state collaboration, and many others have success stories that we can be inspired by.

Many restorative justice programs receive referrals from the criminal legal system, and perpetrators are required to participate them. This can make mediation remarkably difficult, as the process is coerced. Many of these programs begin grounded in their communities, but eventually are forced to form legal ties with the state, receive referrals from courts, and replicate court-like proceedings rather than the people-centered approach that the theory of restorative justice promotes. Restorative justice also may recreate already existing power dynamics within communities, such as oppressive social dynamics.

Another criticism of restorative justice discusses its tendency to prioritize peace and group integrity over actual justice for victims and survivors. Especially within organizations, restorative justice processes can be weaponized, intentionally or unintentionally, to avoid necessary conflict. Although mediation between parties is great when it works, it should not be used to help people avoid taking sides, levying consequences against the perpetrator, or making necessary structural changes to organizations that will help prevent future abuse and harm. Internal harmony of groups should not be prioritized above dealing with harm, nor is the purpose of restorative justice to help everyone “kiss and make up.” Restorative justice at its best will create a process where the survivors can safely share everything they need to and want to, where appropriate consequences can be determined for the perpetrator, and where the group as a whole can decide what they want to do moving forward.

Despite the criticisms, there is a lot to learn and gain from restorative justice. For example, the Seattle group CARA (Communities Against Rape and Abuse) uses a set of guiding principles that could be very helpful for those looking to resolve a dispute outside of the PIC:

attackers and are consequently imprisoned. This is only the tip of the iceberg. Sexual misconduct is the second most common form of police misconduct. Police do not prevent rape. They perpetrate it, eliminating their victims’ ability to seek justice via the criminal legal system. Prison rape is such a common phenomena that Congress passed a specific act attempting to prevent it, however there is little evidence that this act succeeded in preventing prison rape. Notably, although it is a commonly held belief that prison sexual violence is inmate-on-inmate, it is actually more common for these assaults to be committed by staff. Police brutality in the form of assault and murder is also extremely widespread, and shows us just how much physical and psychological harm individuals are at risk of when interacting with any aspect of the criminal legal system.

There is also very little evidence that prison meaningfully prevents crime. Higher rates of incarceration do not correlate with increased safety. The PIC deals with crime after the fact, but does not intervene in factors that may lead people to commit crimes in the first place. This is because the for-profit prison system thrives when there are more inmates serving longer sentences. Preventing crime hurts the profit margins of private prisons as well as (sometimes highly profitable) public prisons.

The factors above can help us begin to understand why punishment is an inadequate, inappropriate, and unjust response to harm. For further reading on what the prison industrial complex and for-profit prison system is, the racist history of policing, and more, see the following resources:

Critical Resistance's "The Abolitionist Toolkit"

criticalresistance.org/resources/the-abolitionist-toolkit

- We recommend starting here!

Prison Culture (blog and essential reading tab)

usprisonculture.com/blog/essential-pic-reading-list

Abolition Journal's "If You're New to Abolition" Study Guide

abolitionjournal.org/studyguide/

"An Indigenous Abolitionist Study Guide" by Toronto Abolition Convergence

yellowheadinstitute.org/2020/08/10/an-indigenous-abolitionist-study-group-guide/

Golden Gulag by Ruth Wilson Gilmore, and her article "Is Prison Necessary?"

nytimes.com/2019/04/17/magazine/prison-abolition-ruth-wilson-gilmore.html

The End of Policing by Alex S. Vitale

Survived & Punished

survivedandpunished.org

All of these works also have their own resources and in-depth bibliographies! Check out their recommendations for more articles, books, videos, and studies on this topic!

Restorative Justice: One Step Forward or Two Steps Back?

Restorative justice refers to a number of different philosophies and practices used as alternatives to or in conjunction with the PIC. Restorative justice is typically: victim centered, community partnered, and accountability driven. It typically follows a process of investigation, formal mediation, and referral to community resources. The process (normally and ideally) focuses on meeting the needs of both the survivor and the perpetrator, as well as making a plan for the future for both parties. Many of its theorists derive their ideas and methodologies from indigenous communities. These principles are not applicable to 100% of restorative justice programs, however, and restorative justice practices have been criticized for ignoring institutional causes for crime and harm, partnering with the state, and engaging in punitive practices when mediation seems to be failing. Many have also criticized the name, questioning if oppressed communities have ever experienced the justice that these programs claim to "restore."

In an example restorative justice program, an individual accused of simple assault may be referred to community mediation by the court system. Their victim can choose whether or not to participate. They work closely with the mediators to create an accurate timeline of events and to describe how both parties feel and why, and what they need. At the end, the perpetrator may be referred to a local anger management program or support group, where they will be required to take classes on emotional regulation. This is just an example; in some programs, both parties will voluntarily choose mediation instead of having it recommended by the court. Outcomes also differ in type and levels of success depending on the program.