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Bethany Gen

**In the Shadow of the Carceral State:
The Evolution of Feminist and Institutional Activism Against
Sexual Violence**

Bethany Gen

Honors Thesis in Politics

Advisor: David Forrest

Readers: Kristina Mani and Cortney Smith

Oberlin College

Spring 2021

“It is not possible to accurately assess the risks of engaging with the state on a specific issue like violence against women without fully appreciating the larger processes that created this particular state and the particular social movements swirling around it. In short, the state and social movements need to be institutionally and historically demystified. Failure to do so means that feminists and others will misjudge what the costs of engaging with the state are for women in particular, and for society more broadly, in the shadow of the carceral state.”

Marie Gottschalk, *The Prison and the Gallows: The Politics of Mass Incarceration in America*, p. 164

~

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Thank you to Leo Ross for providing the initial inspiration and encouragement for me to begin this journey, almost two years ago.

Thank you to my family and friends for daily smiles and laughter and love.

~

Positionality Statement

I am a mixed-race, Chinese American, non-binary and genderqueer person. I come from an upper middle-class background, and I identify as able-bodied. I am a United States citizen. I do not identify as a survivor of sexual violence. I came upon this topic because of my interest in the intersection of gender, sexuality and politics; my passion for trans and queer BIPOC mental and sexual health; and because of my work with the Oberlin Office of Equity, Diversity, and Inclusion as a PRSM (Preventing and Responding to Sexual Misconduct) Student Trainer.

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Content Warning: *This paper contains references, both implicit and explicit, to: sexual assault, sexual harassment, rape, racism, anti-Black racism, homophobia, transphobia, classism, and misogyny.*

Abstract

This paper aims to trace the development of carceral feminist politics within United States institutions and feminist movements. I first define and describe Modern Carceral Feminism. I then argue that the development of Modern Carceral Feminism hinged on two different political moments: the development of a homogenous understanding of women's oppression in the second wave feminist movement, and the rising political salience of racialized crime leading to punitive policies nationwide in the mid-to-late 1970s and 1980s. As a result, carceral feminist logics became pervasive within institutional and feminist activism against sexual violence. By the 1980s, reactionary feminist anti-violence movements, like the anti-rape movement and the battered women's movement, relied on mostly punitive enforcement and policing. This tradition expanded with federal action against the so-called "campus rape epidemic" solidifying the domination of carceral feminist approaches in the 2010s. I end by highlighting a different kind of feminism, abolition feminism, coined by activist and legal scholar Angela Y. Davis. Learning from Black and POC-led abolition feminist organizations, I find that there are three key elements to activism that works to reduce both interpersonal violence as well as the violence caused by the carceral state.

Introduction

“Through examining the combination of our triumphs and errors, we can examine the dangers of an incomplete vision. Not to condemn that vision but to alter it, construct templates for possible futures, and focus our rage for change upon our enemies rather than upon each other.”

~ Audre Lorde, in her speech “Learning from the ‘60s” at Harvard University in 1982 ~

You probably know *at least* one person who has experienced sexual violence, even if they have not disclosed that information to you (or, maybe you are a survivor of sexual violence yourself). This is because every 73 seconds, someone in the United States is sexually assaulted; one in every six women and one in every 33 men have experienced rape or attempted rape (RAINN). Despite centuries of social, political, and institutional activism, rape and sexual assault are still prominent parts of our capitalistic, patriarchal, white supremacist society – and only the most visible components seem to be changing.

Current national discourse around sexual violence is shaped by the ongoing #MeToo movement.¹ After the movement went viral in October 2017, over 19 million individuals tweeted “#metoo” in just the 11 months following (Anderson and Toor 2018). For the most part the #MeToo movement has become defined by the individual callouts of famous perpetrators and demands that they and others like them be punished – rather than calls for reforms that might address sexual assault’s cultural and social underpinnings. During #MeToo, reports of sexual harassment and assault have implicated at least 262 celebrities, politicians, CEOs, and other prominent men in almost every occupation (North and others 2019). At least 200 of them have lost their jobs or prominent roles due to public allegations of sexual harassment (North and others 2019).² As demonstrated by the numerous high-profile cases that rocked the media, punishing perpetrators for their crimes has become the most salient aspect of the movement.

This is not to say that the #MeToo movement is *only* made of individual callouts. For example, #MeToo has the potential to change harassment and labor law³ as well as workplace culture (through workplace trainings, company policies, etc.). It has, so far, mildly accomplished

¹ Studies have shown that the #MeToo movement has changed Americans’ relationships with sexual assault and sexual harassment. According to a 2018 NPR survey, 47 percent of Republicans and 26 percent of Democrats worry that a man they care about will be unfairly accused of sexual assault. In that same study, more than 40% of those surveyed say that the #MeToo movement has gone too far. See: Smith 2018.

² Including: U.S. senator for Minnesota Al Franken, actor Kevin Spacey, actor Andy Dick, head of NPR news Michael Oreskes, comedian and producer Louis C.K., editor at DC Comics Eddie Berganza, television host Charlie Rose, television anchor Matt Lauer, chef Johnny Iuzzini, opera conductor James Levine, NFL team owner Jerry Richardson, and chief executive of the Humane Society Wayne Pacelle (Carlsen and others 2018; Glamour 2019). The list - literally - goes on and on.

³ Interpretations of what constitutes “severe or pervasive” harassment could be updated in light of modern norms, instead of relying on culturally outdated precedent. Courts could apply the *Faragher Defense* more stringently so that the threshold of what is deemed a “reasonable” effort by an employer to prevent and address discrimination is raised. Laws surrounding non-disclosure agreements could be changed to increase protections for survivors of sexual harassment and assault. Finally, labor laws could be changed to increase workplace protections and employer disciplinary practices, and make employer harassment and discrimination policies more transparent See: Tippet, 2018.

these things.⁴ These achievements are *very* limited in their impact, and they are far overshadowed by the stories in the headlines.

However, as the statistics I cited above illustrate, movements like #MeToo – and the policy reforms they inspire – have made minimal gains in reducing rape and sexual assault. The reason is that they have overall, been grounded in carceral feminist thinking. Carceral feminism is a term used by many different activists and academics. It is not a label under which anyone self-identifies; rather, it is a term used to refer to and criticize feminist support for punitive policies against sexual violence that have contributed to mass incarceration (Terwiel 2019). As exemplified by the recent #MeToo movement, carceral feminist approaches to sexual violence are twofold: first, they use the threat of criminal law and policing to deter future sexual harm; second, they employ state and federal incarceration systems as enforcement apparatus to punish those who cause harm. As I will explain later, carceral feminist frameworks fail to stop sexual assault and rape because not only are they ineffective at both goals – deterring and responding to harm – but they also contribute to the material and societal conditions that allow harm to occur.

#MeToo's carceral bias is not an isolated incident. Rather, as I explain over the course of this thesis, it is one of many instances where opponents of sexual violence have leaned primarily on punishment as the method of preventing and responding to sexual violence. Before #MeToo emerged, this trend was already present.

How did carceral feminism come to dominate grassroots feminist and institutional efforts to curb sexual violence in the United States? The rest of my thesis seeks to answer this question.

⁴A few states have banned non-disclosure agreements covering sexual harassment and introduced more protections for workers (especially independent contractors, and domestic and farm workers). Congress has passed legislation shortening the sexual harassment or assault report process and banning the use of taxpayer money in harassment settlements. The Time's Up Legal Defense Fund has helped thousands of lower-income survivors get legal representation See: North 2019.

To do so, I analyze the historical and political roots of contemporary anti-sexual violence activism and reforms, starting with feminist and institutional action in the 1960s. Along the way, I look at a range of movements, such as the anti-rape movement and the battered women's movement in the 1970s and 1980s. I also examine different federal policies in higher education – including Title IX and the Violence Against Women Act – which have become reinterpreted to implicate colleges and universities in the fight against sexual violence. In each case, I examine how important actors contributed to or reinforced the carceral bias found in campaigns like #MeToo.

Through my analysis, I argue that the carceral slant of contemporary anti-sexual violence efforts (by both non-profits, grassroots organizations, and institutions) stems from the conjunction of two developments. The first is the development of a homogenizing understanding of “women's oppression” which centered the experiences of privileged white women. The second development was the bipartisan adoption of conservative “tough on crime” policies and strategies beginning in the 1980s. These developments fostered the embrace of pro-carceral efforts to stop sexual violence by movements like the anti-rape movement and the battered women's movement, as well as later federal action against sexual harm in institutions of higher education.

As I delved into this research, I began to learn about different models of accountability and anti-violence action that activists and organizations have been using for decades. Their achievements are a testament to the potential of transformative justice and abolition-oriented work that operates outside of traditional carceral frameworks. Looking forward, I hope that feminist and institutional actors can learn from these liberatory models and evaluate past and current praxis to move toward a future of liberation for all.

My thesis progresses chronologically. Each chapter covers a political moment that changed the course of feminist movements and institutional actions against sexual violence or illuminates the effects of that changing course. **Chapter I** begins by defining modern carceral feminism. It finds that carceral feminism is problematic because it fails at its own goal of punishing all perpetrators, it does not allow for long-term societal transformation, and it actually supports the conditions that cause violence to happen in the first place. **Chapter II** argues that second wave feminism (beginning in the 1960s) promoted a limited understanding of “women’s oppression” that focused on white, well-off women’s issues and, at times, intentionally dismissed the concerns of poor, BIPOC⁵, and LGBTQIA2-S⁶ women and gender-diverse individuals.

Chapter III covers the conservative shift in the United States’ governance leading to popularization of policing and incarceration-based strategies for fighting violence against women. Also contributing to the increasingly punitive political atmosphere, anti-feminist backlash and an increase in violent crime triggered massive funding campaigns and activism for crime victims. **Chapter IV** demonstrates how – in the context of this limited understanding of “women’s oppression” and the popularity of punitive criminal policy – grassroots activists fighting gender and sexual violence embraced carceral feminism. **Chapter V** shows how policymakers and officials were influenced by the carceral nature of previous anti-violence activism. Punitive laws like Title IX and the Violence Against Women Act reflect this carceral mindset and have direct negative impacts on students who have or are at risk of experiencing and/or causing sexual harm.

⁵ BIPOC stands for Black, Indigenous, and People of Color. BIPOC is a contemporary term and has gained recent popularity over another similar term, POC or People of Color, because of its emphasis on the experiences of the uniquely oppressed Black and Indigenous communities. See: Garcia 2020.

⁶ LGBTQIA2-S is the term I will be using to refer to the queer community. It stands for: Lesbian, Gay, Bisexual, Trans, Queer and Questioning, Intersex, Asexual and Aromantic, and Two-Spirit.

Finally, **Chapter VI** highlights the incredible and radical abolitionist work of numerous contemporary organizations. These individuals and groups provide liberatory models of anti-violence work led by and aimed toward those communities mainstream feminists have rejected for decades. Learning from these organizations, I argue that future anti-violence⁷ activists must intentionally center the experiences of multiply marginalized individuals⁸ in their feminist theory. They must also be aware of the ways in which the carceral state contributes to the perpetration of sexual violence. Finally, they must invest in and promote transformative justice alternatives to punishment.

⁷ I intentionally use the term anti-violence to refer to activism that aims to prevent interpersonal, sexual violence, *as well as* the violence perpetrated and supported by prison systems, policing, and the carceral state.

⁸ In using words like “marginalized” and “oppressed,” I am merely referring to the societal, cultural, political, and economic challenges that these communities face. I want to emphasize that these BIPOC, queer, and/or low-income communities are **not defined by, or constrained by, the oppression and marginalization they experience.**

I. The Problem of Modern Carceral Feminism

My goal for this research is to explain how the carceral rhetoric of the late 20th and early 21st centuries became so prominent within feminist movements and institutional activism. I also hope to uncover to what extent this carceral perspective on gender equality has been solidified in U.S. law. Before diving in, it is important to define modern carceral feminism and explain why it is such a problematic framework for curbing sexual violence. Most people have not heard the term ‘carceral feminism’ before. Yet, as I will explain, since the 1960s onward modern carceral feminism has defined the most prominent efforts to stop sexual assault and rape. Furthermore, it has seriously limited those efforts, rendering them complicit with the cultural and material conditions that lead to sexual violence in the first place.

Defining Modern Carceral Feminism

The term carceral feminism was first coined by legal scholar Elizabeth Bernstein⁹ and has since evolved to define decades-long feminist reliance on the carceral system of policing and the punishment of crime. While there have been and continue to be many active anti-carceral strains of feminism, this modern carceral orientation has drowned out alternate perspectives on the national stage and become ensconced in U.S. law. This influential strategy utilizes and weaponizes carceral state actors and institutions such as prosecutors, courts, parole, probation, jails, and prisons to protect women and femmes (Bernstein 2010; Bernstein 2012; Kim 2019). In

⁹ Elizabeth Bernstein, a feminist sociologist, first coined the term “carceral feminism” in her 2010 article describing contemporary feminist antitrafficking efforts to abolish prostitution via aggressive law enforcement. She argues that, since the late 1990s, feminists, Evangelical Christians, and state agents coalesced around a battery of harsh antitrafficking laws that equate all prostitution with the crime of human trafficking. Further, Bernstein states that this represents a paradigm shift towards carceral understandings of gender justice, and an adoption of the carceral state as the enforcement apparatus for feminist goals. See: Bernstein 2010; Bernstein 2012; Terwiel 2019.

this study, I aim to uncover the historical and political paths that led to our current reliance on and support of the criminal punishment system¹⁰ as the main pathway towards gender equality.

I use the work of scholars Elizabeth Bernstein and Mimi Kim to define carceral feminism as the theory and actions that use the criminal punishment system to deter, respond to, and punish acts of sexual violence, sexual harassment, and misogyny (Kim 2020, 251-269; Bernstein 2010; Bernstein 2012). I argue that carceral feminist strategies are, ultimately, pro-criminalization strategies. This is because carceral feminist methods include calling for longer minimum sentences, advocating for higher level offenses for sexual assault and harassment, increasing funding for police and other law enforcement bodies to spearhead the fight to end sexual violence, and working with lawmakers to write and pass laws punishing sexual violence (Kim 2020, 251-269). Carceral feminist logics argue that punishing perpetrators of sexual harm will not only keep the “bad apples” from further endangering the nation’s women, but also it will deter future perpetration.

Today, the majority of activism spearheading recent feminist movements has been carceral in nature. I consequently use the term ‘modern carceral feminism’ to describe the uniquely punitive-oriented ideologies and traditions that developed in the United States in the past 60 years. As I explore in this paper, modern carceral feminism is a severely limited strategy that largely ignores the possibilities of taking preventive steps through cultural, societal, and community transformation. However, there are a variety of other feminist movements and

¹⁰ I use the term “criminal punishment system,” like activists and advocates Alec Karakatsanis and Mariame Kaba, with intention. I use this term (instead of the more common ‘criminal justice system’) to not mislead readers with the intention of the criminal legal system. The intention of this system is to punish those it deems has broken the law. Hiding its true purpose and effect would be contrary to the purpose of my thesis.

organizations that challenge this carceral hegemony and offer a hope for a *truly anti-violence* approach to gender justice.

Why is Modern Carceral Feminism Problematic?

Throughout the decades, carceral feminist policies have attempted to address the sexual violence prevalent in U.S. society, culture, and institutions. These policies define accountability by punishment served. In the eyes of carceral feminists, if someone who caused harm is not sentenced to an appropriate punishment, justice has not been served and that individual has not been held accountable for their actions. This notion of accountability turns on our sense of *retribution*; it is a glorified eye-for-an-eye philosophy. However, this retributive version is not the only way to envision accountability. In Chapter VI, I will highlight the various ways that individuals and groups have re-envisioned accountability frameworks and successfully supported individual and community healing when harm has occurred.

Far-reaching carceral feminist laws – such as Title IX and the Violence Against Women Act – have been hailed as huge successes by mainstream feminists in the United States. However, they fall short in three key aspects. First, carceral feminism fails on its own terms: it is unsuccessful at prosecuting most perpetrators of sexual misconduct (while anywhere from 90 - 98% of reports of sexual assault are true¹¹, only a fraction of these reports result in legal action) (National Sexual Violence Resource Center 2012). Second, by promoting an individualistic view of perpetration it fails to address the underlying economic and cultural causes of sexual harassment and assault. While these first two issues are important to point out, *I emphatically*

¹¹ The rate of false reports of sexual assault is between 2-10%. See: National Sexual Violence Resource Center 2012.

state that I do not advocate for “fixing” the criminal punishment system. That is because, most importantly, these carceral policies are complicit in fostering social and material inequality. They reinforce the conditions that allow the carceral state to harm communities at the margins, especially Black, low-income, and LGBTQIA2-S communities, and communities of color.

A Failure of Prosecuting Sexual Violence

Carceral feminist laws have not accomplished what they set out to do: holding perpetrators “accountable” via successful prosecutions. Despite widespread gender violence, criminal laws governing sex crimes frequently do not punish people who commit harm. Of the sexual assaults reported, only one fifth lead to an arrest, and of those with arrests, only one fifth are referred to prosecutors (RAINN). Of the few sexual violence cases that go to trial, only 50% of those cases will result in a felony conviction or in incarceration. Ultimately, out of every 1000 sexual assaults, 995 perpetrators will not go to jail or prison (RAINN).¹² Adopting carceral feminism’s definition of accountability as punishment, this would mean that 995 perpetrators would not be held accountable for their actions.

For those advocating for punitive consequences, even cases resulting in convictions can feel like a loss. This is because sentences for sexual assault and harassment can often be shockingly light for a system dedicated to punishment. For example, in the famous Stanford case student athlete Brock Turner was convicted of three counts of sexual assault – yet received a sentence of 10 years and ended up spending a mere 6 months in jail (People v. Turner, 2018; Phillips and Chagnon 2020, 47-69). There was a lot of outcry after the length of the sentence was announced; those who believed that punishment equals accountability found no solace in such a

¹² In fact, I will argue later that carceral mechanisms are more conducive to deepening power imbalances than challenging them. Those who belong to racially stereotyped communities, poor communities, or who hold other margin identities are disproportionately convicted for their crimes, while members of privileged communities are more likely to escape conviction.

light sentence. In fact, over 55,000 people signed a Change.org petition to expel Santa Clara County Superior Court Judge Aaron Persky, who had handed down the sentence (Phillips and Chagnon 2020, 56). Therefore, of those cases that have gone to trial and successfully ended with a conviction, many end up with astonishingly light sentences.

There are many factors causing this failure to prosecute sexual violence. Notably, the criminal justice process itself often dissuades survivors from coming forward. Based on 2017 data, only one fifth of all sexual violence assaults are reported (RAINN). Survivors often do not report their assaults because they fear retaliation from the perpetrator and from society at large, they do not believe that the police would or could do anything to help, they don't think the rape or assault was important enough to report, and/or they feel ashamed and may even blame themselves for the trauma (RAINN; Kimble 2018). In addition, survivors are also often re-traumatized as they go through legal processes. Sometimes the legal process is just as damaging and painful as the original crime¹³ (Katirai 2020). In courts, survivors also endure intense questioning and cross-examination by a lawyer – or sometimes by the perpetrator themselves – meant to shatter their credibility (Katirai 2020). Another factor holding up rape case prosecutions is the massive backlog of rape kits which have not been DNA-tested. It is estimated that hundreds of thousands of untested rape kits sit in storage in police and crime lab storage facilities (Merkley 2020). Finally, due to its nature the legal system is a very blunt tool. It must use a binary approach, which often proves inadequate for dealing with such nuanced and personal

¹³ During legal processes, survivors often experience and can be re-traumatized by: victim-blaming, explicitly or implicitly accusing someone of failing to prevent the trauma, and a multitude of other negative attitudes and behaviors such as: dismissive or unresponsive actions, and comments that minimize the survivor's experiences. See: Katirai, 2020.

issues like sexual assault and harassment.¹⁴ Overall, criminal law continues to be unsuccessful at its own goal of punishing those found guilty of sexual assault and sexual harassment.

Dangers of an Individualistic Approach to Sexual Assault

Further, carceral feminist policies do not adequately address the underlying cultural and material causes of sexual assault. Carceral feminism, in its reliance on the criminal punishment system, takes an inherently individualistic approach, characterized by the trial and prosecution of individual cases. This myopic focus on the most visible symptoms of the problem overlooks the societal, cultural, and economic roots of the issue.

Sexual assault law such as SORNA is an example of the way this individualistic and essentialist view of sexual assault is entrenched in the criminal punishment system. SORNA, or the Sex Offender Registration and Notification Act¹⁵, is the federal law that established a uniform, tiered system of registry for sex offenders age 14 and older who are not incarcerated (Sex Offender Registration and Notification Act (SORNA); Ticknor and Warner 2020, 3-21). SORNA registries are publicly available. According to the U.S. Department of Justice, SORNA is, “important for public safety purposes.”¹⁶ This is problematic because it essentializes the difference between ‘rapists’ and everyone else – ‘rapists’ are inherently criminal, and society

¹⁴Part of the criminal punishment system’s issue with prosecuting sexual harassment and assault is that its tools – the laws themselves – are hugely flawed. For example, for the past 50 years rape has generally been defined as sexual penetration *by force* AND *without consent* (Schulhofer 1998; Smith, P. 2004, 152). To determine that someone is guilty of rape, both requirements (force and nonconsent) must be met. Force is usually interpreted to mean literal physical compulsion. However, there is no universal legal definition of consent. Each state sets its own definition of consent through laws and court cases. Half of all states (Ohio included) do not formally define consent in their law (Noveck 2017). That said, most states have historically interpreted nonconsent as requiring *both* verbal (eg. saying no) and physical (eg. fighting back) resistance (Schulhofer 1998). The effect of these stringent requirements for a rape charge is that, if a survivor did not physically resist their attacker to the point of physical injury, it is often very difficult to reach a conviction. While some legal definitions of consent are currently changing, it is a very slow process, occurring state-by-state.

¹⁵ SORNA is established in Title 1 of the Adam Walsh Child Protection and Safety Act of 2006.

¹⁶ The U.S. DOJ report continues: “Sex offender registration is a system for monitoring and tracking sex offenders following their release into the community. The registration provides important information about convicted sex offenders to local and federal authorities and the public, such as offender's name, current location and past offenses. Currently, the means of public notification includes sex offender websites in all states, the District of Columbia, and some territories.” See: Sex Offender Registration and Notification Act (SORNA).

must be protected from them. SORNA policies effectively punish people convicted of sex crimes for the rest of their lives. All in all, SORNA creates a complex web of policies, enforcement, and institutions; it pours resources into the punishment of sex offenders instead of allocating them toward cultural, economic, or societal change.¹⁷

As SORNA shows, carceral feminist policies fall short in addressing the underlying rape culture¹⁸ that maintains power inequalities and perpetuates a cycle of violence. Instead, with every guilty verdict, this approach gives a false sense of security and accomplishment and makes rape culture even more invisible. It is easy to say that the problem is with certain men – rapists. However, the reality is that interpersonal forms of violence like sexual violence are especially, “rooted in or are not separable from the structural violence of ableism, classism, racism, sexism, heterosexism, transphobia, xenophobia, ageism, Christian supremacy, and [other] multiple permutations of oppression,” (Kim 2019). Therefore, a more nuanced understanding of the influence of cultural and societal factors is necessary to address the roots of sexual violence.

Focusing only on punishing individual perpetrators also ignores the material conditions that enable rape to occur. Economic and class structures that cause material inequality are just as important as culture when thinking about the distribution of power within society. For example, one study on sexual harassment in housing found that sexual coercion is the most common form of harassment for women in housing (Tester 2008, 349). It also found that intersections of race, gender, and class oppressions shape this harassment. Utilizing their authority as well as racialized gender stereotypes, landlords exploit their tenants’ economic vulnerabilities and

¹⁷ This is articulated eloquently by Marie Gottschalk: "In the United States there has been a greater tendency to conceive of social problems in terms of individual traits and personalities in need of therapy rather than as a consequence of deeper social and economic problems." See: Gottschalk 2006, 87.

¹⁸ Rape culture is the amalgam of societal, cultural, and institutional phenomena that normalize and perpetuate sexual violence, gender inequality, and rape. Our society—founded upon gender inequality—has abolished many overt forms of gender inequality, but there is much work yet to be done to eradicate gender inequality and sexual violence in its many overt and covert forms.

sexually coerce them (Tester 2008, 351). They also use these same strategies and factors – as well as knowledge of tenants’ economic status – to intentionally manipulate tenants and defend themselves against reports of harassment.¹⁹ Oftentimes, landlords mask their behavior as “helping” (playing upon gendered ideologies of male economic independence to further establish authority and power) (Tester 2008, 356).

Landlords are not the only individuals who have been found to intentionally manipulate those who are already economically, politically, and/or socially marginalized. Another study on “police sexual misconduct” (a term referring to anything from sexual harassment, to extortion, to rape) found that most police sexual misconduct incidents involved motorists, young people in job-shadowing programs, students, victims of violence, and informants (Ritchie 2018). A second nationwide study found that over half of officer arrests for sexual misconduct involved incidents with minors (Ritchie 2018). In all these situations, the police officer enjoys an immense sense of power and authority over civilians.

Police who commit sexual misconduct *target people they do not think would be believed* if they filed complaints (thus, taking advantage of racial, gendered, homophobic stereotypes and oppressions). This often includes women of color, trans women, women who use drugs or alcohol, and women involved in the sex trade (Ritchie 2018). Even if a survivor of police sexual violence *does* come forward, most likely they must go to *the police themselves* to report the incident.

By focusing on the most visible prosecutions, modern carceral feminism espouses a misleading view of the causes of rape and sexual assault. While individual men are part of the

¹⁹ One complaint filed to the Ohio Commission on Civil Rights reads: “On or around September 30, 2002, Linda told Mark, her landlord, that she would be unable to pay the full amount of her rent. Mark responded by telling her that she could take care of the unpaid balance by having sex with him. When she told him ‘no’, she was evicted.” See: Tester 2008, 356.

problem, the material conditions and cultures of our society are a part of the issue. Landlords and police are just some of the people in positions of power who can take advantage of existing inequalities to abuse others. This demonstrates that structural factors must also be addressed if sexual violence is to be reduced. Ultimately, holding individuals accountable for their actions is an important step, yet it is an insufficient approach by itself.

The Dominance and Violence of the Feminist-supported Carceral State

Finally, carceral feminist policies do not just ignore existing social, cultural, and material inequality – they also reproduce the conditions that cause sexual violence in the first place. Carceral feminist activism has played a significant role in the expansion of the criminal punishment system and the mass incarceration of Black and brown people today (Gottschalk 2006). Legal scholar Mimi E. Kim describes the relationship between feminism and the carceral state succinctly: “Feminist reform strategies that demanded response from law enforcement were often initiated from an adversarial position [to the carceral state] but devolved into mandates contributing to the policies of mass incarceration,” (Kim 2019). Mass incarceration helps reproduce basic material scarcity in ways that often fall along racial lines (Alexander 2020). Mass incarceration overwhelmingly affects communities already economically marginalized, often communities of color (due to systemic racism) and other oppressed communities. Thus, in maintaining or even deepening material inequalities, mass incarceration can uphold material inequalities that contribute to sexual violence.

In the campaign for gender equality, carceral feminism has ignored intersectional dynamics and even actively oppressed other marginalized groups. Kim described these agendas as “accompanied by persisting gender, race, and class tropes used to justify pro-criminalization strategies and obfuscate impacts on marginalized communities” (Kim 2020, 251-269). Neglectful at best and actively harmful at worst, these color-blind activist frameworks – while overtly

renouncing racist myths of sexual violence – further white middle and upper-class priorities at the expense of others' bodily autonomy (Kim 2020, 251-269). White, well-off women led the campaign for carceral solutions to sexual violence; and BIPOC, queer, and low-income communities have suffered because of it.

The reliance on policing, prosecution, imprisonment, and post-imprisonment surveillance puts BIPOC communities and other minorities at disproportionate risk. In all interactions with the criminal punishment system, Black individuals and those of other marginalized identities experience more devastating outcomes than their white, privileged counterparts. This includes when police officers interact with Black individuals, when prosecutors decide what charges to bring and what sentences to recommend, when judges decide sentencing lengths, and when parole boards consider who can be released (Ticknor and Warner 2020, 3-21). Black defendants are 5x more likely to be sent to prison than their white counterparts, and they receive longer sentences in state prisons (NAACP). In addition, nearly half of all U.S. states have a mandatory arrest law that requires that all police responses to domestic violence calls lead to an arrest (Hirschel 2008). This was motivated partially by efforts to challenge the disproportionate number of men of color arrested for domestic violence while white men were largely given impunity. It has yet to do so (Kim 2019).

One famous example of this discrepancy is the drastic difference in sentencing outcomes of two very famous, similar rape cases. In 2013, Cory Batey, a Black college football player, was sentenced to 15 years in prison for raping an unconscious Vanderbilt University student. As I noted earlier, three years later white college swimmer Brock Turner was sentenced to only six months in jail for his similar rape of an unconscious woman on the Stanford campus (Shapiro 2016). The only notable differences between these two cases that could account for the drastic

gap in outcomes is that Turner is a wealthy white man, while Batey is not. This example shows how race and class disparities permeate the criminal punishment system.

For convicted Black perpetrators, these racist outcomes follow them even after release from jail or prison. Black individuals are two and a half times more likely than whites to be over-classified in the tiered SORNA system (Ticknor and Warner 2020, 3-21). Classification rests on the evaluation of “criminal history variables” and severity of the crime, which are affected by racial biases (Ticknor and Warner 2020, 3-21). It is well established that for Black individuals who are over-classified in SORNA, this can change the course of the rest of their lives. Being classified in a higher tier means required registration for 10 additional years to life, and more frequent requirements to contact local law enforcement (Ticknor and Warner 2020, 3-21).

Furthermore, many individuals experience violence while in the arms of the criminal punishment system. Feminist pro-criminalization strategies fail to address these harms experienced by survivors of sexual violence in jails and prisons. There are an estimated 200,000 people in U.S. prisons who are raped every year (Press 2018). A whopping 60% of all sexual violence against inmates is perpetrated by jail or prison staff; more than half of the sexual contact between inmates and staff members (all of which is illegal) is nonconsensual (RAINN). Incarcerating more people increases the number of individuals at risk of sexual assault and harassment. By participating in the excesses and harm of criminalization, carceral feminist strategies promote violence. They are not inherently anti-violence strategies.

In this chapter, I showed how carceral feminism not only fails to do what it aims to do (namely, preventing harm from occurring and punishing perpetrators when it does), but it also contributes directly to economic, racial, and racialized gender oppression. Although feminist goals are overall emancipatory, by using the power of policing and incarceration carceral

feminism inherently relies on repression and violence. In the following chapter, I will discuss how these harmful feminist methods and strategies have evolved through the years.

II. Radical Yet Palatable: Second Wave Activism Whitewashes Female Oppression

"The institution of marriage has the same effect the institution of slavery had... The masses of slaves didn't recognize their condition, either. To say that a woman is really 'happy' with her home and kids is as irrelevant as saying that the Blacks were 'happy' being taken care of by [their master]²⁰."

~ *Ti-Grace Atkinson, white feminist activist*²¹ ~

The roots of white feminism in the United States run deep. Beginning as far back as the 1800s, white women's priorities have defined U.S. feminist movements. For centuries, white feminists have coopted and built off the accomplishments of feminists of color while ignoring or even actively pushing these same BIPOC women and individuals out (Grady 2018).²² I will argue that the oppressive emphasis on white women's priorities, at the cost of excluding intersectional issues, took root during the 1960s and 70s and laid the foundation for Modern Carceral Feminism.

Born out of the tumultuous civil rights era, the second wave of feminism won a broad base of support through its focus on the issues that were purportedly important to all women.

²⁰ Racist and outdated terminology has been replaced.

²¹ See *Lear, 1968*.

²² The first wave of feminism, defined by the struggle for women's suffrage, exemplifies this strategy well. In the mid-nineteenth century, the movement for women's suffrage and the abolitionist movement were closely tied (Grady 2018). However, despite the immeasurable contributions of women of color to the suffrage movement, it quickly became defined by *white* female priorities. The 1870 passage of the 15th Amendment, giving Black men the right to vote, spurred a wave of angry white female activism that exacerbated pre-existing racial prejudices. These white women were angry that they were still denied the right to vote, when Black and formerly enslaved men could do so (Grady 2018). Black women were segregated from the white women during some demonstrations and barred from participation in others. In one edition of the *Revolution*, the newspaper created by Elizabeth Cady Stanton and Susan B. Anthony, a white woman wrote: "If educated women are not as fit to decide who shall be the rulers of this country as, as 'field hands,' then where's the use of culture, or any brain at all?" (Grady 2018). This discarding of Black and other marginalized voices for the convenience of white feminists has continued since.

These issues included working rights, male chauvinism, and general social equality. Led by the National Organization of Woman (NOW), the mainstream feminist movement did achieve many radical and revolutionary goals. However, in the process it also excluded women of color, queer women, and women of lower economic status. Thus, the issues prioritized by the organization were, in reality, white, heterosexist, and middle- and upper-class priorities. The laws and precedents that came from this era of feminism laid the legal groundwork for Modern Carceral Feminism dominating feminist and institutional action against sexual violence today. The effects of this era were ideological as well as legal, leaving behind a wealth of precedents and equal rights laws that continue to guide our government today. Ultimately, second wave feminist efforts laid down the legal and discursive framework for Modern Carceral Feminism by defining the movement against sexual violence around the concept of the typical ‘female victim’ who is primarily oppressed by her gender.

The “Women’s Liberation” Movement is Born

In the early sixties, feminists had a problem: the movement was practically dead. Feminist and sociologist Alice Rossi wrote that, “There is no overt anti-feminism in our society in 1964 not because sex equality has been achieved, but because there is practically no feminist spark left among American women” (Zinn 2015). Instead, throughout the 60s and into the 70s, a handful of other social movements engulfed United States’ society.

One of the most famous movements of this era was the Civil Rights movement. The goal of this activism was to gain basic civil rights, eliminate the system of Jim Crow segregation, and counteract some of the worst aspects of racism experienced by Black Americans daily (Janke). Some of the greatest achievements of this movement were the Supreme Court 1954 *Brown v. Board of Education* decision, Civil Rights Act of 1964 and the Voting Rights Act of 1965

(Janken). The anti-war movement, provoked by U.S. involvement in the war in Vietnam, also gained significant traction during the late sixties. This anti-war movement was in response to the atrocities performed by U.S. forces in Southeast Asia, by the vast number of casualties of the war, and by the draft, among other things (Zinn 2015). There were several other smaller movements active during the same time frame. The American Indian movement began in the early 1960s, where Native American activists protested systemic issues of racism, poverty, police violence, and governmental discrimination; at the same time, the prison abolition movement advocated for improving conditions in the country's jails and prisons (Zinn 2015).

The second wave of feminism, concentrated primarily in cities and on college campuses, was galvanized by this era of social change and especially by the recent legal successes of the civil rights movement (Davidson 1969, 67-78). In fact, feminist activists often came *from* backgrounds of activism for other causes (Zinn 2015). For example, female activists from civil rights groups²³, anti-war groups, and Students for a Democratic Society, began meeting and organizing as women. The second wave feminist movement was heavily influenced by these other popular social movements. There was debate among feminist activists about whether to focus on specifically women's issues, or to continue to participate in general movements against racism, war, and capitalism (Lear 1968). Mainstream feminists chose the former, arguing that women's issues were interrelated to and transcended other issues of the time. According to them, simply being a woman became the uniting force that brought many disparate groups together. These feminists coined the one-size-fits-all term "Women's Liberation" accordingly (Lear 1968).

²³ For example, one early feminist activist was Ruby Doris Smith, a Spelman College student of the Student Nonviolent Coordinating Committee. She was jailed during the 1960 Greensboro lunch counter sit-ins, yet when she voiced concerns about the treatment of women in the SNCC, along with two other female activists, their voices went unheard. As another example, in early 1968 at a women's antiwar meeting in Washington, hundreds of women carrying torches paraded to the Arlington National Cemetery and staged, "The Burial of Traditional Womanhood." See: Zinn, 2015.

This foundational assumption of the universal female experiences, however, was formed primarily by activists whose *only* oppression was in their womanhood. Other activists of color and of the working class (among other intersectional identities) were then forced to choose.²⁴ In the face of these multiple oppressions, for many women male chauvinism simply was not a high priority as it did not bring food to the table, change social conditions or daily discrimination, or alleviate police brutality.

The second wave feminist movement gained traction in mainstream culture as more privileged classes of women – white, middle-class professional women – began speaking out as well. This shift in priorities is illustrated by the popular books of the time. Best-seller books like Betty Friedan’s 1963 *The Feminist Mystique*, which sold 3 million copies nationwide, and Simone de Beauvoir’s 1949 *The Second Sex*, bemoaned the plight of the middle-class housewife, while ignoring the many other issues that less privileged women face (Zinn 2015).

In response to this groundswell of white, middle-class feminist activism, the National Organization of Women (NOW) was formed 1966. NOW differed from other feminist organizations of the time in both its scale and its reach. The first national organization for women’s rights, NOW was formed to end sex discrimination and, according to its statement of purpose, to work “toward true equality for all women in America, and toward a fully equal partnership of the sexes” (Wolfe 2015). Even from the beginning, NOW prioritized unity over tackling other, more complicated forms of oppression that required a more critical view of the state and society. According to a 1968 New York Times article, “Within NOW, the feminists are

²⁴ Lesbian feminists were one example of individuals who faced this conundrum of organizing around their womanhood or other intersectional identities. Radicalesbians (originally called the Lavender Menace) was a group formed in 1970 due to the lack of intersectionality within feminist and gay rights organizations. Its members joined due to sexism in gay rights organizations like the Gay Liberation Front (GLF) and the Gay Activists Alliance, as well as homophobia in the National Organization for Women (NOW). One year later, the group dissolved as some members went back to the GLF. See: Myers 2013.

not anxious to alienate anyone (on both the left and the right),” (parentheses in original text) (Lear 1968).

Second wave mainstream feminists began their fight for equality for all women by focusing on transgressions against the archetypical female body. Many important feminist issues (such as parental leave, abortion, discrimination at work due to potential pregnancy, and contraception) centered around perceived “violations” of female bodily autonomy. Rallying behind this idea of shared biology, mainstream feminists were able to focus on issues that affected “all women.”²⁵ The association of biology with womanhood was also exemplified in the theory of “biological difference”²⁶ – the belief of the equality but also the fundamental difference between men and women – that supported the creation of women’s groups nationwide (Zinn 2015). This emphasis on the common biology of women compared to men rhetorically attempted to include “all” women.²⁷ The idea was that all women are biologically different than men in the same ways, and so this overarching similarity would surpass superficial differences like race, class, etc.²⁸

Building off of this understanding of the universality qualities of “women’s oppression,” major issues of the second wave feminist movement involved violations of bodily freedom, specifically regarding sexuality and reproductive rights. Beginning in the 1970s, people began talking openly for the first time about the problem of rape. For the first time, they named the

²⁵ It is important to note, however, that second wave feminist rhetoric erroneously focused on *women’s* bodies as if all women are capable of reproduction and as if all people capable of reproduction are women.

²⁶ There is more biological difference *within* female and male sexes than *between* them. This excludes intersex people, unfortunately. See *Eliot, 2019*.

²⁷ Interestingly, another example of the ways that assumptions about “female” biology influenced feminism is the offshoot of the movement that was called ecofeminism (Grady 2018). This strain of feminism believed that women were uniquely empowered to advocate for the environment because of their distinct biological connection with the earth and the lunar cycles through their menstrual cycles (Grady 2018).

²⁸ Nowadays this biology-focused feminist perspective is reflected by TERFs, or Trans-Exclusionary Radical Feminists. This group of people actively excludes trans women and anyone else they deem “not a biological woman” from the feminist movement and from “women-only” spaces. It seems clear that these transphobic ideas can be traced back through to the second wave methodology. See Hines 2019.

social underpinnings of sexual violence, calling rape a “social problem.” This is now referred to as rape culture (Bumiller 2008; Grady 2018). Activists organized to spread awareness of sexual assault, rape, and domestic violence as societal ills that required systemic solutions. This is embodied by the popularity of *Against Our Will*, a book by Susan Brownmiller, which talked about the systemic problem of rape and encouraged women to “fight back” individually and collectively against their social and bodily oppression (Zinn 2015). This perspective on rape and sexual assault generally continues today. The right to abortion was also a major, yet controversial, issue centering the female body (Grady 2018). Feminists were successful in legalizing abortion nationally with *Roe v. Wade*, which passed specifically because of the *privacy* argument – that illegalizing abortion infringed on people’s right (constitutionally implied by the Bill of Rights) to self-determination in the privacy of their own home or body (Esckridge, Hunter, and Joslin 1997). Overall, second wave feminist focus on rape and abortion underscored the desire to coalesce support around seemingly universal women’s issues.

Another universal issue that garnered hordes of feminist support was the Equal Rights Amendment, or the ERA. For decades, feminists ardently campaigned for the passage of the ERA, which aimed to guarantee social equality regardless of sex (Rampton 1999). It would expand upon the rights established in the “because of sex” clause, which only applied to employment settings and to organizations with more than fifteen employees – excluding half of the workforce (Thomas 2016). However, due to many factors including widespread conservative opposition, this goal was never achieved, and passing the ERA remains an issue to this day.

The overarching goal of the second wave women’s movement was to gain social equality through legislation. It focused on the more obvious, physical oppression of women through the universalization of the female body and female issues. This gender essentialism fostered the

conditions for the women's movement to focus on purportedly universal issues that, in reality, mattered mostly for privileged white women. In the sections that followed, I will describe how the push for purportedly universal women's rights superseded any nuanced discussion of the ways that women were oppressed and constrained in ways outside of the mere physical. With this uncomplicated view of women's oppression, the mainstream feminist movement utilized falsely inclusionary and ultimately exclusionary discourse.

Defining Womanhood: Sowing the Seeds of Modern Carceral Feminism

What made the second wave feminist movement so unique and far-reaching was, in large part, its methodology. Led and popularized by NOW,²⁹ consciousness-raising was one of the primary strategies utilized by the feminist movement (Thomas 2016; Grady 2018). This was where women's groups would meet in local homes or community spaces and talk about their experiences of oppression (Grady 2018). Consciousness-raising was a truly grassroots effort to bring awareness to people of all walks of life about their similar oppressions. It aimed to give them a space to share in their experiences and recognize the ways that sexism and misogyny affect their everyday lives.

Part of the uniqueness of consciousness-raising groups was that they were "women-only" spaces (Thomas 2016). NOW and many prominent feminists of that era believed that women-only spaces created a special dynamic free of the patriarchal power structures often recreated in mixed gender groups (Grady 2018). The movement utilized rhetoric that women were *distinctly different* than and just as good as, if not better, than men (women solved problems differently and had different strengths, among other things) (Zinn 2015). However, I argue that this philosophy has had long-standing reverberating effects on feminist activism since. The effect of

²⁹ NOW was one of the first groups that was devoted specifically to women's rights and spearheaded much of the feminist activism, especially feminist legal activism, of the time. See: Zinn 2015.

rhetorically and physically separating women from other genders allowed feminists to claim to speak on behalf of women universally – when, in reality, they represented relatively exclusive communities. Among groups of women already self-selected for prioritizing gender issues over other intersectional oppressions, this continued the process of narrowing the voices contributing to NOW’s work. Dean Spade reflects on these ironically exclusionary effects in his article entitled “Intersectional Resistance and Law Reform” (Spade 2013):

“The purportedly universal subject of rights is actually a very specific and narrow category of persons. The ability to avail oneself of supposedly universal rights in fact often requires whiteness, wealth, citizenship, the status of being a settler rather than indigenous, and/or conformity to body, health, gender, sexuality, and family norms.”

Thus, womanhood increasingly meant white, middle- or upper-class, straight and cisgender women. **However, not all exclusion was so indirect.** This separation of the “other” from woman-only spaces was also accomplished through *active exclusion* and *using intentionally identity-flattening rhetoric*. As bell hooks describes, “feminist emphasis on “common oppression” in the United States was less a strategy for politicization than an appropriation by conservative and liberal women of a radical political vocabulary that masked the extent to which they shaped the movement so that it addressed and promoted their class interests,” (hooks 2015, 6). This universalizing rhetoric allowed the main thrust of the feminist movement to ignore the needs of BIPOC, working class, and LGBTQIA2-S women and individuals, and instead center the feminist struggle around white privileged gender oppression. Despite touting this “inclusive” and “revolutionary” rhetoric which appeared to cater to intersectional populations, I will demonstrate that the women’s movement increasingly pushed Black, lower class, and queer women and individuals to the outskirts for what they deemed the sake of the movement. The mainstream movement accomplished this by ignoring issues important to these communities and, sometimes, by overtly discriminating against them. By excluding feminists of other marginalized

identities from their ranks, the second wave feminist movement was able to define their priorities and actions early on by primarily white, middle- and upper-class interests. This meant that these intersectional voices would be left out of later activism and legal decisions as the movement turned its attention to sexual violence in the following years.

Betty Friedan's 'Lavender Herring: Heterosexism Within the Movement'

Lesbian women not only faced the sexism and misogyny that all women experienced, but they also endured rampant homophobia – especially from other feminist activists. Since the birth of NOW, they had been fighting for visibility within the organization and the feminist movement as a whole (Goodman 2019). However, anxious to disassociate themselves from the “lesbian man-haters” stereotype, the mainstream second wave women’s movement quickly brushed aside LGBTQIA2-S feminists.

Homophobic and heterosexist discrimination pervaded the leadership of NOW. Betty Friedan viewed the lesbians in NOW as tangential to the organization’s purpose. She called them the “lavender herring” and believed that they corroded the image of NOW and even diverted the organization from working towards its ultimate goal of equality for women (Myers 2013). These sentiments permeated NOW from the top down, leading to what many have called “purges” of lesbian members (Myers 2013; Gilmore and Kaminski 2007). During these lesbian purges, lesbian leaders of NOW chapters³⁰ were systematically voted out of office or banished from participating in the organization’s functions (Gilmore and Kaminski 2007). In response, several prominent lesbian feminists left the organization and formed The Lavender Menace (a transmutation of the Friedan’s derogatory term), later renamed the Radicalesbians (Pomerleau 2010, 842-61; Myers 2013). In response to rejection by the leadership of NOW, the Lavender

³⁰ For example, within the influential New York City chapter of NOW, lesbian leaders Rita Mae Brown and Ti-Grace Atkinson were forced out. See: Gilmore and Kaminski 2007.

Menace took over NOW's second Congress to Unite Women³¹ in New York City on May 1, 1971. They demanded that lesbian issues be included in NOW's platform (Myers 2013; Pomerleau 2010, 842-61). Karla Jay writes, of that time, "It was time to tell the women's movement we would not be ignored any longer," (Goodman 2019). This conflict over the inclusion of LGBTQIA2-S issues in NOW's platform reflects queer feminists' fight visibility within the movement. Although NOW eventually accommodated lesbian and queer issues to some extent³² – due to the tenacity of lesbian and queer feminists – the main priorities of the second wave movement did not change course.

The Movement Establishes Class Priorities

The second wave women's movement also focused primarily on privileged women, while ignoring issues important to lower- and working-class feminists. It first did this through class-flattening rhetoric. For example, second-wave feminists liked to refer to women as a monolithic social class. This was utilized through comparisons to the working class in Marxist theory and through comparisons to the civil rights movement against anti-Black racism (MacKinnon 1982, 515-544; MacKinnon 1989). In MacKinnon's influential work drawing from that era, she directly compares the feminist movement to socialist uprising in Marxist theory and writes that women's struggle is synonymous with class struggle (MacKinnon 1982). In her eyes, women constituted a lower social class – from this perspective, "race, class, and gender oppressions are all related," (MacKinnon 1982). Other activists quoted French philosopher Auguste Comte, who

³¹ NOW's first Congress to Unite Women, held in 1970, had intentionally excluded lesbian organizations like Daughters of Bilitis from their list of sponsors. Founded in 1955, the Daughters of Bilitis was the first lesbian organization in the United States produced the first nationally distributed lesbian periodical, "The Ladder." See *Goodman, 2019* and *Library of Congress*.

³² In 1973, NOW established a task force on sexuality and lesbianism. Six years later, it helped organize the first national March on Washington for Lesbian and Gay Rights. By the 1990s, NOW had organized two national lesbian rights conferences, and had one full time staff person working on lesbian issues and rights. See: Gilmore and Kaminski 2007.

said that "the feminine revolution... must now complete the proletarian revolution..." (Lear 1968). The rhetoric of class/feminist struggle, however, did not lead to the inclusion of working-class issues in the feminist agenda.

Instead, feminists conflated privileged women's issues with universal women's issues. For example, Betty Friedan's *The Feminine Mystique*, the rallying cry for women all over the country, described the "problem that has no name" (Grady 2018). This was the systemic sexism that defined their interpersonal lives and dictated their place as housewives (Grady 2018). The "problem that has no name" was only applicable to middle- or upper-class women. This is because women of lower socioeconomic status often *had to work outside of the home* to support themselves and their families. Earning the right to work outside of the home was not a concern that pertained to them (Grady 2018). Instead, working class women experienced oppression very differently.³³ Many were more concerned about fighting for access to contraception and abortion (Grady 2018). Other working-class women faced discrimination in the workplace that remained unaffected by the passage of Title VII³⁴ (Thomas 2016; Grady 2018). Overall, feminists of the lower and working classes did not find themselves and their needs represented within the center of the mainstream feminist movement.

Implicit and Explicit Anti-Black Racism Within the Movement

The second wave women's movement acted similarly with regards to race. They utilized racialized analogies to build off the successes of the recent civil rights movement – while simultaneously ignoring the needs of BIPOC women and individuals. Martha Weinman Lear

³³ It is important to note that while feminists of lower- and working-classes faced unique challenges, those issues also often intersected with those faced by feminists of color due to structural racism and the racial lines of generational wealth. While issues of race and class are distinct, they do align in important ways.

³⁴ Much of the feminist legal activism surrounding sex discrimination in the workplace was beneficial to working women. However, it mostly benefitted women in higher paying jobs. Other lower-class women, especially farm workers and domestic workers, were not and are still not affected by Title VII because it only applies to businesses of 15 employees or more. See: Thomas 2016.

writes for the New York Times in 1968 that, “For all of [the members of NOW] the central issue is civil rights, as purely defined as in the [Black]³⁵ civil-rights movement” (Lear 1968). She describes further that, ““NOW often makes this analogy between the [Black individual]³⁶ and the woman in society, calling itself, in fact, a sort of N.A.A.C.P. for women,” (Lear 1968). Other activists, such as Ti-Grace Atkinson³⁷ as quoted in the epigraph of this chapter, made alarming comparisons between the oppression of women and the oppression of Black people in the U.S.

Despite frequent references to the recent civil rights movement, the mainstream feminist movement did little for Black feminists and feminists of color. Early anti-rape activism downplayed or even ignored how the charge of rape had been used historically to reinforce white supremacy in the United States (Gottschalk 2006). It ignored issues important to Black feminists and feminists of color; for example, instead many Black women (many of whom were working class) were more concerned with fighting the forced sterilization of BIPOC people and individuals with disabilities (Grady 2018). Many feminists of color experienced racism even within the ranks of feminist organizations (hooks 2015, 13-14).

Because the mainstream feminist movement was not serving them or recognizing their contributions, many Black women decamped from feminism to create womanism (Howard University School of Law; Grady 2018). The term “womanism” was coined by Black radical feminist, activist, and author Alice Walker, in her work *In Search of our Mothers’ Gardens: Womanist Prose* (Howard University School of Law). In 1983 Walker wrote: “Womanist is to feminist as purple is to lavender,” (Grady 2018). Womanist theory celebrates all women but specifically emphasizes the lives of Black women and Black communities (Howard University

³⁵ Racist and outdated terminology has been replaced.

³⁶ Racist and outdated terminology has been replaced.

³⁷ See Lear, 1968.

School of Law). However, the womanism movement never achieved the same influence as the mainstream feminist movement and did not have much influence on the traditional movement's legal advocacy.

So far, I have demonstrated how the second wave of feminism formed by distinguishing universalized "women's issues" from the fray of the other contemporary movements. This rhetoric reduced the priorities of the feminist movement down to just those that were important to white, straight, well-off women. Via exclusion of Black feminists, feminists of color, lesbian and queer feminists, and working-class feminists – the primary actors of the second wave feminist movement defined the female subject of the state as white, middle-class, heterosexual, and cisgender. This archetypical woman was depicted as victimized and oppressed by the biologically distinct male above other societal oppressions.

With "male chauvinism" as their overwhelming main priority – over other concerns of the ways that interpersonal and institutional racism, classism, homophobia, transphobia, and more intersect with women's oppression – white mainstream feminists found allies in the legal system and the criminal punishment system (Davidson 1969, 67-78). Feminist legal and criminal law advocacy evolved from just one strategy among many to *the main thrust of the feminist movement*. This happened over the span of a few decades as national laws and court decisions encouraged feminists to continue along the path and build off of previous legal successes. As I will articulate next, the precedents set by second wave legal activism framed the priorities and methods of the laws that now embody Modern Carceral Feminism.

"Because of Sex:" Early Successes in Legislating for Social Equality

As discussed in the previous chapter, the feminist movement used universalizing discourse to gain traction within U.S. culture. In this section, I will present early feminist legal

activism of the 70s. Riding on the momentum of the burgeoning movement, several early legal victories encouraged activists to pursue a predominantly legal approach. This legal approach reflected the effects of the second wave's exclusionary tactics – specifically its focus on male chauvinism as the main problem over systemic, intersectional oppression.

The overarching goal of the mainstream second wave feminist movement was to achieve social equality through the law (Lear 1968). The Civil Rights movement contributed immensely to the feminist movement's first legislative successes. Under pressure from several powerful civil rights organizations and activists, Congress passed the Equal Pay Act of 1963 which outlawed the gender pay gap, in theory (Grady 2018). One year later, the 1964 Civil Rights Amendment was passed (its primary purpose was to rectify the lack of rights for Black individuals) (Thomas 2016). Within this huge law contained two sections that were invaluable for the feminist movement. The first was Title IV which prohibited discrimination “based on sex” in public educational institutions (Thomas 2016). The second, Title VII, prohibited discrimination “because of sex” in employment. Finally, due to these new laws, Congress also created the Equal Employment Opportunity Coalition (EEOC)³⁸ for enforcement (Thomas 2016; United States Department of Justice 2012; United States Courts). Finally, in 1967 President Johnson signed an executive order banning sex discrimination in federally connected employment (Zinn 2015).

³⁸ Despite its mandate, it took many years for the EEOC to start taking Title VII seriously. The EEOC itself was plagued by chauvinism, and many directors and workers believed that Title VII was a “fluke” (Thomas 2016). The idea that all jobs should be open to both men and women was a running joke within the agency (Thomas 2016). Officials and outsiders alike laughed at the EEOC's “bunny problem” – the notion that men would have to be hired to be Playboy bunnies in the name of gender equality in the workplace (Thomas 2016). NOW lobbied and protested furiously to get the EEOC to start taking more aggressive positions against sexual harassment and assault in the workplace. They were ultimately successful. In 1965 the EEOC issued its first of many “Guidelines on Discrimination Because of Sex” (Thomas 2016). While none of these guidelines have enforcement mechanism, they are symbolically important because they clarify how the government views and interprets the “because of sex” clause, and they are taken into consideration in court cases nationwide.

Later feminist successes came quickly after, as feminist organizations began working through the courts and using litigation to *enforce* these new laws demanding gender equality. This first thrust of activism centered around winning equal rights in the workplace. NOW was an important leader in this wave of legal activism. Building from these new laws, it initiated over a thousand suits against U.S. corporations, charging sex discrimination under the 1964 “because of sex” clause of the Civil Rights Amendment (Zinn 2015).³⁹ These lawsuits successfully expanded legal definitions of sex discrimination to include sexual harassment and assault. This is important to understanding Modern Carceral Feminism because, as I will demonstrate in later chapters, feminist successes of litigating sexual harassment and assault later translated into efforts to incorporate sexual harassment and assault into criminal law as well.

Legal Activism Against Sexual Harassment

The term ‘sexual harassment’ was coined for the first time in 1975 by three Cornell University professors named Lin Farley, Susan Meyer, and Karen Sauvigne (Strebeigh 2009; Thomas 2016). Farley lectured about sexual harassment in New York City’s Human Rights Commission Hearings in April 1975. A month later, she and others organized a “speak-out” at Cornell about this injustice (Aron 2017). This speak-out led them to create a new organization, which they called Working Women United (later renamed the Working Women’s Institute). The resulting New York Times article about these events, “Women Begin to Speak Out Against Sexual Harassment at Work” is the first time that the new term “sexual harassment” was published for a national audience (Aron 2017; Thomas 2016; Nemy 1975).

³⁹ This galvanization of legal activism had its desired effects. In 1971, the Supreme Court decision in *Phillips v. Martin Marietta Corporation* established that Title VII of the Civil Rights Amendment required that employers give equal opportunities irrespective of sex and that policies that disadvantage *only women* (but not necessarily *all women*) were sex discrimination and violated Title VII (Thomas 2016). This was a huge foundation that allowed NOW and other feminist organizations to bring many more cases of sex discrimination to the courts.

In the initial stages of the movement, judges were reluctant to ascribe the label “sex discrimination” to behavior they saw as simply bad judgement when hitting on women. However, as the visibility and power of the movement skyrocketed, the tides soon turned. *The Wall Street Journal* published its first article about the movement against sexual harassment, and *Redbook* launched a survey on the topic (Aron 2017). The survey found that out over 90% of respondents claimed to have experienced one or more forms of harassing behavior (N > 9,000) (Thomas 2016). Women across the country sent letters of support and joined the movement against sexual harassment. MacKinnon added to the theoretical foundation of the movement in her landmark work, *Sexual Harassment of Working Women* (Thomas 2016). In this seminal work, she explains that sexual harassment oppresses not just a specific person but also occurs within a larger social and political framework in which men enjoyed unparalleled power and women were second-class citizens (Thomas 2016).

The first federal court to recognize sexual harassment as sex discrimination ruled in 1976 that it created a barrier to employment to specifically women; many others soon followed suit (Thomas 2016). In March 1980, the EEOC updated its Guidelines on Discrimination Because of Sex to specify that sexual harassment *did* violate Title VII (Thomas 2016). And finally, on June 19, 1986, the Supreme Court held in *Meritor Savings Bank, FSB v. Vinson* that, “Without question, when a supervisor harasses a subordinate because of the subordinate’s sex, that supervisor ‘discriminate[s]’ on the basis of sex.”

Why did feminists so doggedly pursue these legal developments⁴⁰ in the first place? Why did they work with the state which many prominent activists, including Catherine MacKinnon,

⁴⁰ In addition to the abovementioned achievements, throughout the 1960s and 70s a series of Supreme Court cases legalized birth control for both married and single women (Grady 2018). Also, in 1973 feminists earned another huge victory with the *Roe v. Wade* (1973) Supreme Court decision making abortion legal in all 50 states.

deemed a form of male control over women? For much of the second-wave feminist movement, legal activism was only one part of a multi-pronged approach that aimed to turn society's conceptions of gender (in binary terms) on its head. In fact, legal activists often used sex discrimination arguments intentionally to "ask decisionmakers to revisit and unsettle deeply rooted or widespread social norms and practices," (Eskridge, Hunter, and Joslin 1997).

Undeniably, earning state recognition of the harms of sexual harassment and sexual violence are all incredible legal achievements. However, in these early successes, the feminist movement also became more invested in state-mediated and legal solutions to gender inequality. This sets up the scene for more dangerous allyships with the carceral arm of the state in later years.

In this chapter, I demonstrated how the second wave feminist movement, born out of the tumultuous 1960s, espoused a homogenizing and whitewashed view of "women's oppression." This exclusionary discourse was both unintentional and intentional, as seen with the exclusion of lesbian and queer feminists, poor, and Black feminists and activists of color. While the mainstream second wave movement succeeded in winning numerous sex discrimination lawsuits, the feminist movement as a whole became more invested in the state and in using its enforcement mechanisms to punish gender inequality. This early momentum – while a success in many respects – paved the road for more carceral policies and activism in the future. In the following chapter, I will demonstrate how the changing political atmosphere beginning in the

Interestingly, the opinion of the Court rested on the right to privacy, instead of sex discrimination; many legal scholars have commented that the abortion right might have been more forcefully grounded in the constitution and in society with a theory based on sex discrimination (Eskridge, Hunter, and Joslin 1997). While many new laws supporting women in the workforce caused a backlash from conservatives concerned with maintaining "traditional family values," none were so controversial as the *Roe v. Wade* decision legalizing abortion. Conservative activists such as Phyllis Schlafly sparked a nationwide right-wing movement against these changes. While the precedent set by this case still stands, the issue of abortion continues to be hotly debated today.

late 1970s caused feminist activists to ally with tough-on-crime politicians and institutions in order to continue to build on their legal successes.

III. Anti-Feminist Backlash and the Rise of the Right

"Ironically, some of the very historical and institutional factors that made the U.S. women's movement relatively more successful in gaining public acceptance and achieving its goals for women were important building blocks for the carceral state that emerged simultaneously in the 1970s."

~ Marie Gottschalk ~

In the previous chapter, I demonstrated how a specific understanding of “women’s oppression” was formed: one that was based on white, middle or upper class, cisgender, and heterosexual priorities. Mainstream feminists used organizing methods, targeted political rhetoric, and pure clout to prioritize the concerns of privileged feminists and push intersectional voices to the fringes of the movement. In the context of these decisions, I will now discuss the major cultural and political shift that took place in the United States. By the 1980s, a conservative wave overtook the political atmosphere, partly in reaction to the feminist achievements of the decade before. Phyllis Schlafly’s STOP-ERA campaign embodies the social and political backlash against feminist successes. Around the same time, there is a documented rise in violent crime, which prompts a massive victims’ movement. In its wake, federal and state funding for criminal policy solutions to crime grew exponentially.

A New Era of Punishment Pushes Feminism Towards the Right

As the 1970s ended, political leanings in the United States swayed heavily to the right. The liberal movements of the 60s and 70s had lost momentum, and people were tired. They faced strident economic inequalities, rising crime, and fears of violence abroad as well as at home (Zinn 2015). The election of Reagan in 1980 illustrates the wave of conservatism that was

sweeping the country. The women's movement was forced to adapt to new political and economic forces in order to survive in the changed political environment.

Anti-Feminism and the STOP-ERA Campaign

The Equal Rights Amendment (ERA) reads, simply, "Equality of rights under the law shall not be denied or abridged by the United States or by any State on account of sex." (Graves 2006). Despite its brevity, the amendment caused political division for decades in the United States. The ERA was first introduced to Congress in 1923, but it was not passed by the House until October 1971 and the Senate until March 1972 (Hamlin 2017). Once it passed Congress, the ratification process began in all fifty states. A three-fourths majority – thirty-eight states – was necessary for the proposed Constitutional amendment to be adopted (Hamlin 2017). The ERA was most hotly fought over during the years of state ratification, from 1972 to 1982 (Graves 2006). It initially boasted strong support, both many states and several powerful lobbying groups. From 1972 to 1977, thirty-five states ratified the amendment, leaving it just three states short (Graves 2006).

However, both despite and because of feminists' numerous achievements in the decade before, the ERA faced strong opposition from anti-feminist conservative groups. The most well-known and influential anti-feminist was a woman herself: Phyllis Schlafly,⁴¹ the leader of the STOP (Stop Taking Our Privileges) - ERA movement and the founder of several conservative interest groups including Eagle Forum (Graves 2006; Maynard).

⁴¹ Both deeply religious and deeply conservative, Schlafly dedicated her life to preventing the adoption of the ERA - with her husband's permission, as she liked to remind her listeners (Graves 2006). She founded Eagle Forum and other non-profit 501(c)(4) organizations in the 1960s and 1970s to promote her "modern conservative ideology," (Brittain 2021).

Schlafly's campaign to STOP - ERA was the national organizing and lobbying body that would unite the Eagle Forum with other groups to form the ultimately successful anti-ERA grassroots movement (Graves 2006). She and other conservative opponents saw the adoption of the ERA as the end of 'traditional family values.' For example, they declared that the ERA was overbroad and would eliminate any government distinctions between men and women – which, they believed, were essential to giving necessary special privileges and protections to women (Thulin 2019). Included in the Eagle Forum's "10 Reasons to Oppose the Equal Rights Amendment," are arguments that the ERA poses a risk to unborn children through its promotion of abortion, that it does not give women more protections than they already have, and that it actually takes away the "special privileges" they enjoy under current law (Eagle Forum). Schlafly and other anti-ERA groups also warned about the dangers of other potential consequences, including: mandatory military service for women, all-gender bathrooms⁴², "abortion on demand," women becoming Roman Catholic priests, and same-sex marriage (Thulin 2019). The accuracy of many of these claims are disputed by legal scholars (Napikoski 2019). However, in 1982, the deadline to ratify the amendment came and went – with the ERA still just three states short of ratification (Graves 2006). Half a century later, the ERA continues to be debated in the halls of federal and state governments.⁴³

While the successful STOP-ERA campaign was thematically focused on preventing the passage of the Equal Rights Amendment, its impressive ability to galvanize a widespread

⁴² It should be noted that Eagle Forum utilizes shockingly transphobic language around this subject. It argues that the privacy and safety of women and girls are compromised by the ERA because, "Institutions serving women... would be forced to allow equal access to men who claim they identify as female" (See: Eagle Forum).

⁴³ This is in no small part due to the efforts of Schlafly and her non-profit organizations like Eagle Forum. Schlafly led the Eagle Forum⁴³ for over forty years and collected what she called a "war chest" of \$4,000,000 (Brittain 2021). The Eagle Forum website currently boasts that it has been, "Leading the pro-family movement since 1972" (Eagle Forum). A continuing conservative presence in politics, Eagle Forum makes lots of noise and generates news whenever the ERA is reintroduced in state or national legislative sessions (Napikoski 2019).

grassroots movement has many political implications. Its popular conservative views are important for understanding the ways that perspectives of feminism had changed since the heyday of the second wave. Schlafly was quoted in the New York Times as saying that feminism was “an anti-family movement that is trying to make perversion acceptable as an alternate lifestyle” (Thulin 2019). Media from the 1970s and 1980s referred to feminism as a social movement of the past and declared the 1980s to be “post-feminist” (Napikoski 2019). In 1991, the book "Backlash: The Undeclared War Against American Women" by Susan Faludi became a best-seller and was awarded the National Books Critics Circle Award (Napikoski 2019). It examined current and past counter-movements that aimed to reverse women’s gains toward equality. Thus the success of the traditional family values and STOP-ERA movements, and the increasingly conservative social and political winds, signaled to many feminists that they needed to adopt their strategy to reach a wider audience once more.

LEAA: Political Actors Mobilize in the Name of Crime Victims

Coupled with growing anti-feminist sentiment was a heavy governmental emphasis on fighting crime. Up until the 1960s, very little money was spent on law-and-order programs. This quickly changed by the 1970s, with the passage of the Omnibus Crime Control and Safe Streets Act and the creation of the Law Enforcement Assistance Administration (LEAA). At that moment, conservatives and liberals were divided on how to address the rising national crime rate. Right wing lawmakers argued that crime could be reduced by increasing the capacity of law enforcement to capture, convict, and punish offenders; liberals declared that the causes of crime were rooted in social structure that needed to be remedied (Gottschalk 2006). The Safe Streets Act was a compromise between the two approaches.

A part of the Omnibus Crime Control and Safe Streets Act of 1968, the Law Enforcement Assistance Administration (LEAA) was founded within the Justice Department (Gottschalk

2006, 85). This bill was called the “master plan for the national war on crime” (Gottschalk 2006, 85). The central mission of LEAA was to fund projects that would improve the criminal punishment system’s handling of victims and witnesses (Gottschalk 2006, 85). It gave enormous chunks of money to state and local law enforcement agencies in the form of block-grants, which allowed them incredible freedom in deciding what they would spend the money on (Gottschalk 2006, 86). Not only did the LEAA allow state and local law enforcement agencies to increase their firepower, but its championing of the victims’ cause was also fundamental to the creation of a victims’ movement (Gottschalk 2006, 86)

The LEAA’s lasting impact vastly outlived its 12-year stint. Its major impacts on contemporary and future feminist movements were threefold (Gottschalk 2006, 125). First, it cast the issue of rights for victims as solved by tougher penalties for offenders. Second, it provided funding – with strings attached – for organizations supporting survivors of sexual violence. This pulled many feminist groups, who were already leaning toward legal solutions, into venturing into criminal law and working with the carceral state. Most importantly, it was able to “recast the feminist definition of rape as a political issue into the problem of an individual victim" needing adequate services in order to successfully win her case (Gottschalk 2006, 125).

Rape and Its Victims, a 1974 LEAA study, provided an important ideological bridge between the criminal punishment system and feminist movements (Gottschalk 2006, 125). The study did two things that pushed feminism towards a more conservative stance. First, it agreed with the main arguments of many activists in stating that the legal processes often re-victimized survivors. Second, it simultaneously criticized the methodology of the radical, independent rape crisis centers, and instead argued for a more conservative approach (Gottschalk 2006, 125).

Ultimately, the LEAA facilitated the marriage between feminist anti-violence movements and the carceral state. It served as an important source of huge amounts of funding, as well as expertise and inspiration, to the slightly later anti-rape and battered women's movements. It also helped promote the powerful, bipartisan victims' rights movement. Altogether, the LEAA marked the birth of the powerful coalition of feminist anti-violence efforts and conservative, law-and-order forces that created Modern Carceral Feminism as we know it.

The Victims' Rights Movement Normalizes Law and Order Approaches

By the early 1980s, with more media attention focusing on violent crime, there was a huge increase in interest in the plight of victims – especially white female victims. Victims' rights organizations tended to be “overwhelmingly white, female, and middle-aged—a group demographic that is hardly representative of crime victims in general” (Gottschalk 2006, 90). They were often funded through state or federal programs. They also forged close alliances with law enforcement bodies (Gottschalk 2006). For example, the National Center for Victims of Crime (NCVC) (then called the Sunny von Bulow National Crime Advocacy Center) was founded in 1985. It used huge amounts of federal funding to become a national umbrella organization that had a strong and widespread presence (Gottschalk 2006). NCVC notably cultivated close relationships with law enforcement groups, including the National District Attorney's Association, National Sheriff's Association, and the National Association of Attorneys General (Gottschalk 2006, 90).

Conservative law-and-order advocates wholeheartedly embraced this movement. With his election in 1980, President Ronald Reagan led the country's response to the issue of crime and its victims. He immediately created National Victims' Rights week, and soon after he created the President's Task Force on Victims of Crime (Gottschalk 2006, 147). Under Reagan's

leadership,⁴⁴ Congress passed two pieces of legislation in 1983 and 1984 that gave victims more rights and established a fund to compensate and assist victims of crime (Gottschalk 2006, 89).⁴⁵ This funding became an important source of money for grassroots victims' programs. At the same time, states were enacting their own reforms surrounding victims of crime. By the end of Reagan's term, legislatures in almost every state had passed a version of a victims' rights statute (Gottschalk 2006, 89).

Presidents George H. W. Bush (R) and Bill Clinton (D) continued this bipartisan crackdown on crime and support of crime victims. Under President Bush, the 1990 Victims Rights and Restitution Act further expanded victims' rights. Four years later, President Clinton signed into law the 1994 enormous Violent Crime Control and Law Enforcement Act, which among many other things, expanded victims' rights once more and funneled more federal money into local victim services (Gottschalk 2006; Sacco 2009). While these new programs and declarations of rights arguably did help certain victims, they were also instrumental in fomenting a political climate fascinated with victimization and pushing it toward a more punitive direction.

Overall, the victims' rights movement set the stage for the later anti-rape and battered women's movements in many ways. First, it utilized a non-representative group of activists to fight in the name of a larger, more diverse population. Second, it was primarily funded by federal and state government agencies, and so it acquiesced in many ways to influence by the carceral state. Finally, it formed key relationships with powerful actors in the criminal punishment system, opting to reform rather than upend the system that victimized so many. As I will show in the next chapter, the later anti-rape movements and battered women's movements did not

⁴⁴ At this time (97th and 98th United States Congress), the Republicans had control of the Senate while the Democrats held the House of Representatives.

⁴⁵ The Victims Witness Protection Act of 1982 and the Victims of Crime Act (VOCA) of 1984.

attempt to divorce themselves from their “victim” status that lent itself to solutions that had worked before. The anti-rape movement – while originating from radical and anti-state feminist traditions – as well as the battered women’s movement both ultimately followed a similar trajectory.

In this chapter, I described how increasingly carceral views about crime, punishment, and victimization created a powerful political atmosphere. The STOP-ERA campaign was one example of the potent conservative backlash that stymied mainstream feminist legislation efforts. Further, starting in the 1980s, Republican and Democratic coalitions incentivized activists, advocates, and public officials to turn to policing and incarceration. The financial power wielded by the LEAA, and the success of the Victim’s Rights movement, provided in-roads for the later anti-rape and anti-domestic violence movements to gain traction in the larger United States. In the next chapter, I will demonstrate how both the anti-rape movement and the battered women’s movement were shaped by this changed political climate and were able adopt carceral strategies to succeed within it.

IV. New Feminist Movements Against Sexual Violence

During the resurgence of the right, two new feminist anti-violence movements took off in U.S. politics and culture: the anti-rape movement and the battered women’s movement. In the context of the political developments laid out in previous chapters, grassroots activists fighting sexual violence embraced carceral feminism and worked in increasingly intimate ways with the criminal punishment system in their campaigns against rape and domestic violence.

The Anti-Rape Movement

The first feminists to decry rape and sexual assault hailed from the most radical, militant segments of the women's movement. However, in the 1980s and 1990s rape and sexual assault quickly became a prominent issue adopted by mainstream actors like NOW.

In January 1971, the New York Radical Feminists held a "Speak-Out on Rape" — this was the first time women had gathered publicly to disclose that they had been sexually assaulted (Zinn 2015). Three months later they followed that up with a full day of workshops about rape. The backbone of this original anti-rape movement was grassroots, community-led rape crisis centers. Located in many major cities, they stressed self-help without relying on government funding, support, and/or cooperation (Gottschalk 2006).

Even while the movement consisted primarily of grassroots organizations, it showed tendencies toward collaboration with the criminal punishment system. For example, one local group active in the Midwest, Women's Crusade Against Crime, declared that its main goal was "to support, assist, and augment the criminal punishment system in doing its job" (Gottschalk 2006, 125). This group argued that it was counterproductive to denounce police, prosecutor, and hospital practices, which it believed could discourage survivors to report sexual assaults to the authorities (Gottschalk 2006, 125). In their effort to bolster the criminal punishment system, members of the Women's Crusade Against Crime ended up doing things like campaigning for bond issues to purchase new equipment for police.

Initially, NOW was hesitant to bring the issue of rape to the national political agenda. However, after pressure from leftist groups including WAR (Women Against Rape), it voted at its 1973 annual meeting to establish the National Task Force on Rape (Gottschalk 2006, 124). State and local groups quickly followed suit. In 1974 the Feminist Alliance Against Rape

(FAAR) was created to make the anti-rape movement more visible and to coordinate communications among local activists (Gottschalk 2006, 124).

Two vital examples of the anti-rape movement's gradual philosophical alignment with the criminal punishment system are the bureaucratization of rape crisis centers and the expansion of rape law reform. Rape crisis centers, while initially cornerstones of anti-racist, anti-colonialist, and anti-state mutual aid-type feminism, became eventually co-opted by the state via the LEAA and other sources of funding (Gottschalk 2006). Additionally, a wave of rape law reform, passed as a response to feminist anti-rape activism, swept the country, making it easier to convict and punish more harshly men accused of sexual assault.

Rape Crisis Centers and the Carceral State

Independent rape crisis centers – the backbone of the anti-rape movement – often began with anti-carceral intentions but found themselves coopted by the state as the movement went on. The LEAA's Crime Victim Initiative was an important first mechanism to co-opt the women's movement and enlist it in the war against crime and against the criminal (Gottschalk 2006). It vastly increased opportunities for public funding of rape crisis groups. In essence, through the Crime Victim Initiative the government threw money at rape crisis centers that challenged their power. By accepting LEAA money and working within other public financing programs, many of the independent (more radical) rape crisis centers and services became absorbed into status-quo government operations.⁴⁶ The LEAA, in essence, controlled the purse strings of rape crisis centers and put pressure on these bodies to behave more like apolitical social service agencies. It even terminated agencies that it deemed hostile to this approach (Gottschalk 2006, 127).

Motivated by both necessity and convenience, local feminist organizations that once challenged

⁴⁶ The anti-rape movement in California is a perfect case study. Californian rape crisis centers flourished with the dramatic increase of state funding, but at the expense of increased state regulation. See: Gottschalk 2006, 127.

the power of the carceral state began to work alongside the criminal punishment system. This shift happened both practically and ideologically, in three ways.

First, once-radical volunteer grassroots operations made practical and procedural changes that lent themselves towards working with the state and emphasizing carceral solutions. Financial pressures caused many organizations to adapt more professional, hierarchical, bureaucratic structures to qualify for funding (Gottschalk 2006). To qualify for grants, many centers embraced the “justice for crime victims” goals of state agencies like social service, mental health, and law enforcement agencies (Gottschalk 2006, 128).

Second, state and federal entities were frequently able to prescriptively shape anti-rape organizations and crisis centers. They did this by extending funding with strings attached. For example, many state funding sources came with the requirement to work with the criminal justice system (Gottschalk 2006). In some cases, once-radical rape crisis centers were staffed with employees of the criminal punishment system (Gottschalk 2006, 126).⁴⁷

Third, this allyship created an ideological template to view rape through the criminal justice lens instead of a political one (of systemic unequal power relations). Based on her study of six rape crisis centers in Los Angeles, CA, Nancy Matthews found that the ideological power of the carceral state was overwhelming. She writes, “the feminist political agenda of relating violence against women to women's oppression was marginalized, ridiculed, and suppressed by various means” (Matthews 2005; Gottschalk 2006, 128).

⁴⁷ One particularly salient example of this is the rape crisis center located in Baton Rouge, Louisiana. The LEAA praised it in its publications for increasing reporting and conviction rates. However, what was left unsaid was that the DA *had refused services to survivors* who elected not to file reports with the police. In 1976, the center's entire administrative team resigned in protest. The resultant job openings were filled with employees of the criminal punishment system *See*: Gottschalk 2006, 126.

The LEAA was a key player in this ideological shift as well. Throughout its lifespan, it sponsored several influential studies of the special problems women faced in the criminal punishment system as offenders, victims, and law enforcement employees (Gottschalk 2006). The findings of these studies, not surprisingly, took the stance that the solutions to female oppression within the criminal punishment system was simply through reform of the system. Deeper critiques of the flawed and racist criminal punishment system were notably missing. Also, wielding huge sums of money from LEAA block grants, states were able to financially reward organizations with pro-state ideologies (Gottschalk 2006, 127). State granting agencies preferred to fund “politically-neutral” organizations that provided services for victims. They did not usually fund politically active organizations that challenged the well-established roles of police, prosecutors, judges, and the criminal punishment system in handling rape and sexual assault cases (Gottschalk 2006, 127).

With the face of the movement transformed to primarily service-centered, carceral state-allied activism, the anti-rape agenda became closely associated with law-and-order issues (Gottschalk 2006). It was able to piggyback off the wave of conservatism and the bipartisan crackdown on crime and gain huge traction in society. Overall, rape crisis centers nationwide mimicked key tactics from the victims’ movement in order to secure funding and legislation from state officials. They placed greater emphasis on women as apolitical victims in need of state aid, and supported putting the issue of violence against women into the criminal justice domain.

Rape Law Reform

“Bold, Dramatic, and Sustaining”: These three words were used by an observer to describe the nationwide legislative achievements in rape law reform that occurred in the 1970s and 1980s (Gottschalk 2006, 130). In just six years (1976-1980), nearly every state had reviewed

and edited its sexual assault laws.⁴⁸ These new laws contained clauses that, among other things, redefined the offense of rape and limited admissibility of evidence concerning the character and sexual assault history of the survivor (Gottschalk 2006). The effect of these new laws was that nearly every state made it easier to convict and punish men accused of sexual assault. This legislation had dramatic effects, but it disparately devastated communities of color and low-income communities who were already being victimized by the criminal punishment system. For example, in the cases where the death penalty was imposed as punishment for rape, it was administered overwhelmingly in the specific cases of Black men convicted of raping white women (Gottschalk 2006, 131).

With both rape crisis centers and new rape legislation emphasizing reformist and, ultimately, pro-carceral stances, the main thrust of the anti-rape movement became complicit in the violence and oppression of the criminal punishment system. There *were* some initial concerns with being too closely associated with the growing conservative movement. In fact, in its initial stages LEAA funding was so controversial that many organizations refused to apply for it (Gottschalk 2006, 126). However, even those groups that refused the funding could not escape unscathed. Caught between a rock and a hard place, they were forced to adapt and respond to the quickly shifting political environment. Often, they either fell behind or lost much of their revolutionary roots. While the more radical, feminist organizations split on how to deal with funding needs and how to respond to state and federal influences, the mainstream movement charged forward, flush with cash and bipartisan political support on local, state, and federal levels. Overall, the anti-rape movement became closely allied with the criminal punishment system. This was one of the first – but not the last – overt manifestations of Modern Carceral

⁴⁸ This wave of state reform began with Michigan's comprehensive rape reform legislation, passed in 1976. See: Gottschalk 2006, 117.

Feminism in feminist anti-violence movements. Following on the heels of the anti-rape movement, feminist activism against domestic violence (the battered women's movement) continued to strengthen the relationship between feminists and the carceral state.

The Battered Women's Movement

The battered women's movement traced its origins partly from the victim's movement and partly from the feminist movement. Because of this, from the beginning activists within the movement were divided over whether their primary purpose was to provide services or to further gender equality, or both (Gottschalk 2006, 139). This made it even more vulnerable to influence from the carceral state. Even though it was not explicitly tied to feminist movements of the time, its campaign against gender violence (namely, domestic violence) provides another example of the ways in which feminist activists and organizations collaborated with and bolstered the criminal punishment system.

The battered women's movement overlapped chronologically with the latter parts of the anti-rape movement. It grew in influence in the late 1970s and beyond. The first major effort to address this issue by a national government body occurred in 1978, when the U.S. Commission on Civil Rights sponsored hearings on battered women (Gottschalk 2006, 123). Because of the jurisdictional basis of the U.S. Commission on Civil Rights, the hearings focused heavily on civil rights law and law enforcement. In fact, witnesses were encouraged to focus on the role of law enforcement in their testimony (Gottschalk 2006, 123). Strangely, but perhaps not surprisingly, the focus on law and law enforcement as primary perpetrators of harm did not accompany calls to abolish or end the carceral system as a whole. Instead, activists and government officials focused on ways to *reform* the criminal punishment system. This foreshadowed the trajectory of the rest of the movement.

Like the anti-rape movement, the backbone of the battered women's movement consisted of both organizations pushing for legal reform and domestic violence centers or shelters that supported women and provided resources, housing, and other services (Tierney 1982, 207-220). However, unlike the anti-rape movement, it did not originate from radical feminist tradition that recognized the ways that the criminal punishment system systemically oppressed lower class, queer, and BIPOC populations. For example, one national survey in June 1980 found that less than half of the 175 shelters reviewed had feminist orientation or origins (Gottschalk 2006, 140). In addition, many shelters, hotlines, and related services for battered women preferred to use paid staff (due to the constant demands of their services) (Tierney 1982, 207-220). This also made them more costly to run.

The heavy financial influence of state granting agencies helped to push the character of shelters, and thus the battered women's movement as a whole, towards a punitive reformist perspective. Domestic violence shelters and other organizations faced huge pressures to secure state funding because of the increased costs of providing services, and because the U.S. welfare state was so underdeveloped (Gottschalk 2006). Two major sources of funding were the LEAA and the Comprehensive Employment Training Act (CETA) (Tierney 1982, 207-220; Gottschalk 2006). Both LEAA and CETA money came with significant strings attached. In example, the LEAA required, as a condition of their funding, that projects both improved the functioning of the criminal punishment system, and involved community criminal justice organizations and social service and medical agencies in their work (Gottschalk 2006, 146). In other words, its criteria required shelters to work directly with the police and other actors of the criminal punishment system (Gottschalk 2006, 146). LEAA funding also mandated that shelters diversify their boards of directors to incorporate members of the local criminal punishment system (such

as police officers, court officials, probation officers, DAs, and employees at local jails and prisons). One such organization, the Center for Women's Policy Studies (CWPS), received one of the largest sums of money from the LEAA, amounting to approximately 1 million dollars between 1977 and 1980) (Gottschalk 2006, 146; Tierney 1982, 207-220). A Washington D.C.-based group founded in 1972, it used its LEAA funding to establish itself as a leading national voice on violence against women (Gottschalk 2006, 146).

This allyship and commitment to criminal punishment reform was not celebrated by all feminists or activists within the battered women's movement. Some feminists were dismayed at the clout wielded by the CWPS (Gottschalk 2006, 146). They called out the Center and the battered women's movement in general for aligning completely with the criminal punishment system in pursuit of their interests. They argued that the movement minimized the differences and divides between groups mobilized around the issue of gender violence. And finally, they claimed that the steps taken by the CWPS and domestic violence orgs undermined the achievements of grassroots domestic violence shelters and radical feminist rape crisis centers (Gottschalk 2006, 146). However, the voices of these critics were far outnumbered by the financial power and the vast networks, organizations, and institutions that espoused carceral ideals and worked closely with the carceral state.

In this conservative political atmosphere and a rise in violent crime, the anti-rape and battered women's movements took root and became powerful social and political forces. The anti-rape movement began as a radical, grassroots offshoot of the feminist movement, but became tempered by mainstream interests and political and financial pressures that successfully altered both practical and ideological aspects of their activism. The battered women's movement, which harkened back toward the victims' rights movement of the previous years, was already

less critical of the criminal punishment system and quickly followed suit. Together, the alliances between feminist movements and the criminal punishment system helped institutionalize policies and practices of mass incarceration in the name of fighting sexual violence. Activism and law around sexual violence has never been the same. In the next chapter, I will show how, following the tradition set by the anti-rape and battered women's movements, federal and institutional activism against sexual assault on college campuses adopted carceral and punitive measures.

V. 21st Century Anti-Rape Activism on College Campuses

Several decades after the anti-rape movement and battered women's movement had faded from the public eye, the issue of sexual violence erupted once more. In response to the so-called "campus rape epidemic" of the 2010s, federal and institutional activism fell back on "tried and true" carceral strategies and applied them to the educational context. To reiterate, carceral feminism is the strategy of achieving feminist goals through reliance on and/or collaborating with the oppressive state apparatus, and specifically, its criminal punishment system.

Building off the legacy of decades of traditional feminist action against sexual violence, 21st-century governmental action against sexual violence has largely focused on reforming the educational system in carceral ways. Even in a strictly educational setting, the frameworks created by policies and laws Title IX and the Violence Against Women Act (VAWA) on college campuses represented an extension of, rather than a differentiated apparatus than, the criminal punishment system. When looking at the ways in which carceral feminism has developed in feminist rhetoric, it is essential to analyze the ways in which this evolution has also been reflected in federal Title IX and VAWA legislation through the years.

Entire books can be written about this topic. In this section, I aim to discuss specifically the ways that major federal laws are grounded in carceral feminist logics. I then discuss the

“campus rape epidemic” and how it led to a focus on female victimhood and punishment-based responses (similar to the aforementioned victim’s and anti-violence movements). I then describe the federal and institutional policy actions that focus on increasing accountability via punishment of individual offenders without an emphasis on challenging campus structures and culture. Finally, I briefly cover how this carceral feminist approach is harmful specifically in collegiate settings. I discuss briefly how it relies on punitive definitions of accountability and fosters a punitive atmosphere, it is more accessible to survivors with privilege, it can reduce survivor agency, and finally it relies on and promotes inaccurate stereotypes about sexual harm.

The Carceral Feminist Foundations of Title IX

Title IX is a federal law that aims to address male sexual violence by primarily regulating colleges and universities’ response procedures regarding the sexual assault and harassment of students. Title IX is a part of the Education Amendments of the Civil Rights Act of 1972 (Melnick 2018). Its constitutional basis is the “because of sex” clause of the 14th Amendment (United States Courts). Specifically, the Title IX states that “No person in the United States shall, on the basis of sex, be excluded from the participation in, be denied the benefits of, or be subjected to discrimination under any education program or activity receiving federal financial assistance.” (United States Courts). Title IX has undergone a substantial transformation in the decades since its conception, mostly through Title IX lawsuits, civil court cases, and periodic Title IX guidance released by the U.S. Department of Education (Melnick 2018).

The original intent of Title IX was to ensure equal opportunity for men and women in athletics and educational programs, in both secondary and post-secondary schools. It guaranteed federal funding of colleges and universities who complied with Title IX requirements and threatened to rescind funding to those who did not. As the years progressed, Title IX was re-

interpreted. As a result, its original intent – to eliminate discrimination “because of sex” in educational settings – expanded to including all forms of sexual harassment and assault (Melnick 2018). Through cases like *Cohen v. Brown University* (1996) and new Title IX guidance released by the U.S. Department of Education’s Office for Civil Rights (OCR) in recent years, this law has expanded to include protection against discrimination and harassment based on sexual orientation and gender. It has also created a framework for processing and prosecuting reports of harassment, or discrimination, or sexual violence (Melnick 2018). Title IX has only been recognized as potentially applying to sexual violence since 1992 and to sexual harassment since 1999 (Collins 2015). The OCR currently holds universities and colleges responsible under Title IX for fulfilling three distinct duties regarding sexual violence: responding to individual acts of sexual violence, working to prevent future sexual violence, and remedying the harm of acts of violence on survivors and the broader student community (Collins 2015).

While Title IX is a civil law, it rests firmly on carceral feminist logics because it establishes a process like the criminal punishment system, and it relies on punishment-based responses to incidents of harm (Melnick 2018). The actions of institutions of higher education lean toward more punitive responses because of their desire to minimize and manage potential financial risk.⁴⁹ According to Collins in their article “The Criminalization of Title IX,” “current Title IX practices are coming to resemble an extension of, rather than a diversion from, the criminal justice framework. Under the guidance of Congress and the Office for Civil Rights and the influence of activists, media outlets, and risk management consultants, many universities

⁴⁹ At its core, Title IX aims to make universities and colleges behave better – and not necessarily their students. As a result, it is important to note that much of the actions of institutions of higher education are governed by a desire to minimize and manage potential risk. Colleges face huge financial liability for failing to respond to, prevent, and remedy instances of sexual assault and harassment; thus, their policies are inevitably shaped by the desire to make sure they are not held responsible for shirking their duties (Collins 2015). In other words, they often err on the side of punishing too harshly and too quickly when allegations arise. See: Collins 2015.

have embraced the notion that the primary way to demonstrate that they take sexual assault seriously is to punish individuals accused of such offenses harshly and swiftly” (Collins 2015). Similar to the carceral feminist approaches of the previous anti-violence movements, Title IX policies are based on the idea that sexual harassment and assault can be solved by meeting out punishment on a per case basis. As I discussed in the first chapter of my thesis, this carceral feminist approach is inadequate to addressing the material, structural, and cultural roots of sexual harm.

The Carceral Feminist Foundations of VAWA

The Violence Against Women Act (VAWA) identifies specific educational requirements for consent training on college campuses. Like Title IX, it has also changed through amendment, re-interpretation, and reauthorization through the years. Since its passage in 1992, VAWA has been reauthorized 3 times: in 2000, 2005, and finally in 2013 (Sacco 2009, 168-185). In 2019, the House of Representatives (116th Congress) passed the Violence Against Women Reauthorization Act of 2019 (H.R. 1585) – it has yet to be passed by the Senate (Sacco 2009, 168-185).

Founded in a criminal justice context,⁵⁰ VAWA leads the way in addressing sexual violence with criminal punishment mechanisms. The Violence Against Women Act (VAWA) was sponsored by then-Senator Biden and signed into law by President Bill Clinton (Jessup-Anger, Lopez, and Koss 2018). It was enacted as a part of the 1992 Crime Bill (Whittier 2016, 791-818) that dumped funds into policing and incarceration systems. The passage of the 1992 Crime Bill was a part of the bipartisan embrace of hardline law-and-order approaches which

⁵⁰ VAWA was passed into law just five years after the Central Park jogger case resulted in the conviction of five Black children to prison for a violent rape crime they did not commit. It was evidently influenced by the racist and pervasive fear of Black ‘superpredators’ preying on innocent white women. Thus, the name “Violence Against Women” implicitly referred to violence against *white women*.

attempted to address the recent increase in violent crime. In actuality, these law-and-order approaches targeted Black communities and other communities of color, and contributed heavily to the mass incarceration of Black and brown individuals in our prison systems. As a part of the biggest crime bill ever created, VAWA exemplified the criminal law-based attitude towards male sexual violence. Alone, it allocated \$30 billion to, among other things, establishing longer minimum sentences for rape and sexual assault and hiring 100,000 new police officers nationwide (Whittier 2016, 791-818).

VAWA is the epitome of carceral feminism. It established a powerful precedent of treating sexual assault in a criminal context, even though it intersects with many other contexts (such as educational, social, cultural, economic, and public health contexts). It adopts a criminal justice approach to fighting sexual violence, uniting feminist activism and the carceral state to put sexual perpetrators in jail instead of adopting a more systemic and societal approach to the issue.

Title IX and VAWA are two of the most prominent, wide-reaching, and well-known laws that address sexual violence on college campuses nationwide. However, they are not the only ones. Other laws and federal actions of note that function alongside Title IX and VAWA regulations include the Clery Act of 1990,⁵¹ the Office of Civil Rights' Dear Colleague Letters issuing new Title IX guidance, and the 2013 Campus Sexual Violence Act (SaVE Act)⁵² (Jessup-Anger, Lopez, and Koss 2018). This web of federal laws and policies creates a punitive structure

⁵¹ The Clery Act mandates that all colleges and universities that receive federal aid report annual crime statistics and campus security information. See: Hanley Duncan 2014.

⁵² The 2013 Campus SaVe Act expanded Clery reporting requirements, updated hate crime categories, and addressed required prevention and response information for students. It is criticized for having shaped a quasi-criminal punishment system on campus because of its focus on crime-based definitions and increasing information-sharing between local justice jurisdictions and campus adjudicators. This could potentially response options available to student conduct administrators, even when alternative resolution is desired by complainants. See: Jessup-Anger, Lopez, and Koss 2018.

for governing sexual relations on college campuses.⁵³ In response to the recent “campus rape epidemic,” these already carceral-leaning policies were bolstered to an unprecedented extent.

The “Campus Rape Epidemic”

In the early 2010s, the issue of sexual assault and harassment on college campuses blasted its way onto the front pages of mainstream media and news. While it seemed revolutionary at the time, the campus rape epidemic echoed dynamics of previous calls to fight against rape. Namely, it echoed the focus on female victimhood and called for punishment-based responses in the name of these victims.

While feminists have been raising awareness of the issue of sexual assault on college campuses since the beginning of the second wave of feminism,⁵⁴ it was not until the late 1990s that concern about sexual assault in institutions of higher education made its way into federal legal reform. In 1997 the OCR issued a guidance document, called a “Dear Colleague” letter, that stated explicitly that Title IX also covered the sexual harassment of students under its calling to end sex discrimination (Zimmerman 2016). It also required that postsecondary institutions create grievance procedures through which these schools can address reports of sexual discrimination including sexual harassment (United States Department of Justice 2012). These new standards were reiterated in 2001 (United States Department of Justice 2012). This was a

⁵³ When evaluating the recent “campus rape epidemic” within the context of contemporary feminist anti-rape activism in general, it is important to note the unique position of educational institutions. When a Title IX report is made, colleges have a dual responsibility to the person accused as well as the survivor. In addition, under Title IX colleges have a parallel responsibility (outside of the purview of law enforcement, theoretically) to prevent, investigate, and punish sexual assault and harassment in the context of their institution (Collins 2015). This is because incidents of sexual assault and harassment are a sex discrimination issue according to the most recent Title IX interpretation (United States Department of Justice 2012). Schools usually do not have to send survivors of sexual assault to the police, and even when they do (in the case of potential felonies) they are still able to pursue a parallel investigation and course of action.

⁵⁴ In 1985, one infamous survey found that one in four female college students had an experience that met the legal definition of rape or attempted rape (Zimmerman 2016). A book entitled “I Never Called It Rape” by Robin Warshaw was published nine years later, based on the results of the survey. It made a huge impact on the way in which the public saw sexual assault and rape as an issue on college and university campuses.

pivotal moment, as the later cases concerning Title IX and sexual assault rested on the college's presumed responsibility to fulfill their Title IX duties.

In 2007 the Justice Department released a study detailing the prevalence of sexual assault on college campuses. This study found that one in five women would be sexually assaulted or raped during their years at college (Rich and others 2010, 268-288). The issue of sexual violence at institutions of higher education only got more public and more polemical as the years went by. News stories focused on high profile cases which showcased male chauvinism and female victimhood. In May 2011, the national CBS News Magazine "60 Minutes" program covered the story of a survivor who had been raped in May 2008 by three men at the University of the Pacific in Stockton, California (Zimmerman 2016). That same year, Yale University publicly suspended the Delta Kappa Epsilon fraternity for five years (Zimmerman 2016). The fraternity had made pledges walk through campus the year before and chant "no means yes, yes means anal," and also had a member carry a sign that said, "We love Yale sluts" (Zimmerman 2016).

In 2012, the University of Montana in Missoula came on the country's radar seemingly overnight when it was announced that at least 80 rapes had been reported within the past three years. It quickly became known as "America's Rape Capital" – despite it being average in terms of the numbers of sexual assaults (Gray 2014). Two years later, in April 2014, twenty three Columbia University students filed complaints with the federal government charging that the University had mistreated them and systematically mishandled their sexual assault claims (Zimmerman 2016). The next year, Columbia Emma Sulkowicz graduated and walked the stage – with a mattress in tow (Fieldstadt 2015). She had garnered national and international attention for her senior thesis, a work of performance art called "Carry That Weight." As a part of her thesis, she committed to carrying the mattress around – wherever she went – in protest of the

school's inaction after she reported being raped at the beginning of her sophomore year (Fieldstadt 2015).

More high-profile campus sexual assault and rape cases followed. In 2015, two Vanderbilt University football players were convicted of raping an unconscious woman (Zimmerman 2016). During a retrial, one of the players, Corey Batey, was found guilty again and sentenced to fifteen years in prison (Zimmerman 2016; Shapiro 2016). Also, in 2015, the documentary phenomenon *The Hunting Ground* was released, which documented the situation of rape on college campuses in the United States, as well as student feminist activism in response. Other famous cases during 2015 include that of Erica Kinsman – a former Florida State student who sued her alma mater for clearing her perpetrator – and that of football player Sam Ukwuachu – who was sentenced to jail for the second-degree sexual assault of a student two years earlier (Zimmerman 2016).

In 2016 the football coach and president of Baylor University were both fired after investigations revealed that the university discouraged survivors from filing reports and did not address clear patterns of sexual violence by football players (Zimmerman 2016). Also in 2016, former Stanford University student Brock Turner was convicted of committing sexual assault (Shapiro 2016). Chanel Miller, the survivor of the case and who had been anonymous at the time, wrote a gut-wrenching victim impact statement that was emotionally read in Congress, recited over TV stations, and published by news outlets across the country (Ha 2019).⁵⁵ The media's focus on her story, while gut-wrenching and powerful, also served as fuel to calls for harsher penalties for Brock Turner and others found guilty of similar charges on campuses.

⁵⁵ Chanel Miller has now published a book, called *Know My Name: A Memoir*.

All in all, the “campus rape epidemic” consisted of dozens of high-profile cases of sexual assault that rocked national and local media. Coverage of these instances nearly always focused on punishing the perpetrator of harm through school expulsion, designation of sex offender status, criminal trials, and convictions. Thus, the revelations of the “campus rape epidemic” reflected carceral mindsets and biases that then played out in the ways institutions responded..

A National Legal Response

The cascade of high-profile cases of rape on college and university campuses provoked a sustained reaction by both student activists and the federal government alike *that centered on punishment as accountability*. Know Your IX, a nonprofit founded in 2013 by two survivors of campus sexual assault, was created to contribute to the growing student movement to end gender violence in schools (Know Your IX). It successfully lobbied the U.S. Department of Education to increase their transparency and enforcement of civil rights law. As a result, in 2014 the OCR published – for the first time in U.S. history – a list of 55 colleges and universities that were currently under investigation for sexual violence-related Title IX violations (Steinhauer and Joachim 2014). This list of colleges and universities included large public universities, including Ohio State, as well as many prestigious schools such as Harvard, Princeton, and the University of Pennsylvania (Gray 2014). Most of these schools were on the list for not responding harshly enough to reports of sexual misconduct. Within a year, this number tripled to over 150 institutions of higher education (Gray 2014). By releasing the names of schools under review, the Obama administration signaled to the country that schools needed to improve or take a huge hit to their reputation.

As the public reeled with more revelations of instances of sexual assault or rape occurring on college campuses with little to no response, the government took several noteworthy steps. In

2014, the Obama White House announced the launch of its new initiative to fight sexual assault on college campuses. This campaign, called “It’s On Us,” called on individuals to commit personally to step up and take action against campus sexual assault (The White House). In his address to announce the launch of the program, President Obama called the prevalence of sexual assault on college campuses “an affront to our basic humanity” (The White House). As a part of this new initiative the Obama administration committed to sending guidance to every educational institution receiving federal funding on how to fulfill their legal obligations to prevent and respond to sexual assault, creating the White House task force to protect students from sexual assault, and reviewing existing laws to make sure that they protect survivors of sexual assault (The White House).

The White House campaign centered on two actions: encouraging bystanders to step up and prevent instances of sexual harm and improving the legal response to help survivors of sexual assault and punish those found guilty. Both actions stunk of carceral feminist logic. Focusing on bystanders as the main way to prevent sexual harm puts the onus on individuals and friends to prevent sexual assault. In other words, it promotes an individualistic approach to responding to sexual harm (which is harmful for the reasons I mentioned earlier) as well as to preventing sexual harm (which ignores cultural, societal, and material factors that contribute to the issue). Second, the campaign re-evaluated Title IX regulations and related policies to, essentially, streamline the process to hold students “accountable” for their actions via punishment. This is exemplified by the 2014 Obama White House report that instructed schools on how to best partner with community and local law enforcement in responding to sexual violence (The White House). Aiding in this process are recent “Dear Colleague” letters.

“Dear Colleague” letters are amendments to interpretation of Title IX policy issued periodically by the U.S. Department of Education's Office for Civil Rights (OCR). Over a decade after the landmark “Dear Colleague” letter that established Title IX as covering sexual harassment, in 2011 the OCR released another “Dear Colleague” letter that clarified explicitly that Title IX requirements also address sexual violence, not just sexual harassment (Young 2017, A27). This letter also warned that schools that failed to adequately address sexual assault risked losing federal funding. Another new rule dictated by this letter was the replacement of the higher “clear and convincing evidence” standard for conviction with the much lower “preponderance of the evidence” standard (Young 2017, A27). These developments reflected the adoption of carceral feminist thinking by federal institutions.⁵⁶

The 2013 Dear Colleague Letter from the OCR, which, “specifies that disciplinary hearings must afford the alleged perpetrator with “due process,” but, in unusual language, cautions that these due process rights should not “restrict or unnecessarily delay the Title IX protections for the complainant.” (Collins 2015). These policy clarifications continued to bring Title IX processes closer to mimicking criminal investigations – but without the same protections of due process that the criminal punishment system affords. Altogether, recent federal policy guidelines demonstrate the carceral mindset that increased punishment equates to accountability.

While many colleges and universities are piloting new programs about bystander awareness and consent, most activism in response to the “campus rape epidemic” is punitive in nature. Many victims and advocates supported these policies and called for tougher penalties for offenders. According to Dana Bulger, co-founder of Know Your IX, “when someone who rapes

⁵⁶ Interestingly, but perhaps not surprisingly, in 2017 under the Trump administration the OCR reversed course and issued a new “Dear Colleague” letter that rescinded the 2011 guidance and made changes in Title IX policy that generally made it more difficult to convict offenders.

is suspended for a day, it sends the message to the school community that sexual violence in relationship violence just isn't that big of a deal," (Gray 2014). Altogether, the enthusiastic embrace of carceral feminist logics by activists and institutions alike reflect the extent that carceral feminism has become embedded in feminist anti-violence activism since the 1960s. As I will show in the following section, carceral feminist responses are harmful, especially in campus settings, for many ways.

Unpacking the Dangers of Carceral Feminism Within an Educational Context

In the above sections, I have demonstrated how Title IX and VAWA are based in carceral rhetoric, and how the media firestorm of the "campus rape epidemic" led to institutional responses focusing on legal changes, punishment of offenders, and enforcement of new rules. In this section, I will unpack this carceral response. I argue that carceral feminist responses are dangerous within educational contexts because they continue to cater primarily to white and well-off survivors, they reduce the agency of survivors (and disproportionately affects survivors belonging to marginalized communities), and finally they promote a punitive atmosphere.

First, for reasons already discussed, punishment-based responses to sexual harm inherently prioritize the stories and needs of white, well-off, cisgender women. Notably absent from the headlines of the incidents creating the "campus rape epidemic" are the voices and names of Black and Indigenous women and other women and genderqueer people of color. As I have discussed, relying on institutional intervention is not equally accessible for all communities. People who are already marginalized by carceral systems are likely to trust the government and institutional bodies less, and therefore are less likely to feel comfortable utilizing these systems of accountability.

Second, these punitive responses unintentionally constrain survivor agency. Many survivors do not want to punish the people who harmed them. In these cases, there are not many available options for them within Title IX policy frameworks. Compared to alternative systems of accountability on campuses, Title IX support systems and resources are unmatched in their universality, institutional support, and their access to funding. In contrast, transformative justice and community-accountability approaches to sexual assault on college campuses are few and far-between – and they often don't have the institutional backing or the support that the Title IX office wields. In addition, Title IX-required mandated reporting *forces* professors, staff, and students to become a part of the carceral system. This limits agency of survivors and reinforces patterns of cooperation between the feminist anti-violence efforts and the carceral system.

Third, the practices mandated by the national government promote a punitive environment that is not constructive to engaging in nuanced and complex conversations about sexual harm. This is especially problematic because the populations of students on college campuses are at *increased risk of harming someone else and/or experiencing sexual harm*. According to RAINN, 26% of undergraduate females and 7% of undergraduate males experience rape or sexual assault through physical force, violence, or incapacitation (RAINN). The staggering rates of sexual violence on college campuses are especially alarming given the punitive atmosphere created by carceral feminist policies like Title IX and VAWA. The criminal-like system of accountability discourages open and honest discussions about sexual harm. This is a very alarming prospect, considering college students are such an at-risk population.

In this chapter, I described how recent institutional action against sexual harassment and assault on college campuses made the same mistakes as their anti-violence activist predecessors.

Building off powerful laws like Title IX and VAWA, policymakers and other institutional actors embraced punitive approaches, policing, and criminal punishment-adjacent responses to sexual violence.

Taking all this history into consideration, I look towards the future to envision anti-carceral possibilities of feminist action against sexual violence. The paths that feminist movements have taken are, thus far, mainly carceral; however that is not to say that anti-carceral feminism is an entirely new thing. Black, queer, and poor feminists as well as feminists of color have been mobilizing for the liberation of *all* women and gender-diverse individuals for decades. In my last chapter, I take the lead from these activists, and highlight organizations that have been doing the work, all along, that needs to be done for an anti-carceral future.

VI. Envisioning an Anti-Carceral Feminist Future

“If Black women were free, it would mean that everyone else would have to be free since our freedom would necessitate the destruction of all the systems of oppression.”

– *Combahee River Collective*

bell hooks, in her book *feminist theory: from margin to center*, defines oppression as the “absence of choices” (hooks 2015). The oppression experienced by poor, BIPOC, and LGBTQIA2-S women and gender-diverse individuals is multifaceted in that their choices are restricted by society for multiple reasons, be it their class, gender, sexuality, or more. When viewing traditional feminist theory through this framework, we see that it centers *gender* as the only or overwhelming determinant of life choices for women. This narrow scope inherently brings the unidimensional oppression experienced by white women of class privilege into focus, while pushing the complicated, multilayered, and inseparable oppressions experienced by poor, Black, Indigenous, and non-white women and gender-diverse individuals out-of-focus. As I have discussed previously in this paper, this approach serves to further oppress these already

marginalized peoples and contribute to the material and social inequalities that maintain our rape society.

The feminist movements as a collective must accept responsibility for the harmful consequences of past movements and must re-evaluate long-held traditions of political activism to continue to push the boundaries of patriarchal oppression. I believe that in order to move forward in a meaningful way, contemporary feminist spaces must center the voices and experiences of those who are oppressed in multiple and complex ways, who have previously been pushed to the margins of the movement: namely women and individuals of color (especially Black and Indigenous women), poor women and individuals, and LGBTQIA2-S individuals (especially trans and gender-nonconforming folks). In spite of being relegated to the fringes of the “mainstream” feminist movements, these communities have not been still. They have been forming incredible grassroots, community, state, and national organizations, and performing impactful work in communities across the country – even without the popular support afforded traditional white feminist groups. These organizations provide a model for how to upend patriarchal, white supremacist, and capitalist institutions by fighting for folks who are marginalized by society-at-large in *all* these aspects.

I envision part of my thesis’ contribution as documenting and boosting the voices of individuals and organizations that are doing incredible work.⁵⁷ As an Asian American non-binary person, I look to take the lead from and stand in solidarity with BIPOC-led organizations fighting the prison-industrial complex, resisting mass incarceration and the violence of the criminal punishment system, utilizing transformative justice and community accountability interventions for sexual violence, and advocating for the voices and needs of Black, Indigenous, non-white,

⁵⁷ I have bolded the names of the organizations that I am specifically drawing from when they are first mentioned.

and queer women and gender-diverse individuals whose voices have been actively silenced by the traditional feminist anti-violence movements.

In this final chapter, I will let these groups' actions speak for themselves. In the following sections, I will highlight three major insights gleaned from contemporary activist organizations that are doing anti-violence, abolitionist, and/or anti-racism work. Learning from the expertise of these organizations, I articulate three lessons that I believe should guide feminist activism against sexual violence. These three lessons are: prioritizing voices at the margin to redefine "women's oppression" based on the experiences of those who are multiply oppressed; acknowledging the carceral state as complicit in perpetuating sexual violence; and finally, strengthening transformative justice and community-accountability frameworks. I believe these aspects are fundamental for a feminist anti-violence praxis that promotes the well-being and liberation of *all* women, and trans, non-binary, and gender-diverse people, and especially those who experience race and class oppression.

Prioritizing Voices at the Margins to Reframe "Women's Oppression"

In 1966 when the National Organization of Women was formed, the founders clearly expressed their hope that the organization would act as a nationwide touchstone for feminists of all stripes (Thomas 2016). Looking back, more than fifty years later, we see how this goal of universality simply meant the dismissal of nuanced and complicated understandings of intersectional and structural oppression as well as those who experienced it. This tempered the radicality of the mainstream movement, making it easier for later feminist movements such as the anti-rape movement and the battered women's movement to act in ways that white women of privilege saw fit, but that actually oppressed poor communities and communities of color in particular.

In reaction, bell hooks, articulates a feminist theory rooted in an understanding of gender, race, and class (hooks 2015). In her view, those discarded by the traditional feminist movements are located in the margin. She writes, “To be in the margin is to be part of the whole but outside the main body” (hooks 2015, XVI). She argues for a feminist theory and praxis that emerges from those who are victimized by sexist, racist, and classist oppression: Black women and gender-diverse individuals. According to hooks, only by centering these communities at the forefront of liberation and anti-violence movements can we achieve true liberation without supporting the continued oppression of other groups (hooks 2015). She lays out a path forward in the first chapter of her book (hooks 2015, 16):

“It is essential for continued feminist struggle that Black women recognize the special vantage point our marginality gives us and make use of this perspective to criticize the dominant racist, classist, sexist hegemony as well as to envision and create a counter-hegemony. I am suggesting that we have a central role to play in the making of a feminist theory and a contribution to offer that is unique and valuable.”

This call-to-action was written in 1984 yet is just as important now as it was then. At the same time, Black, Indigenous, and non-white women and gender-diverse people have been organizing at the margins, creating theory and praxis based on class, race, and gender oppression, taking action that benefits those who are multiply oppressed in their identities, creating systems of accountability while rejecting state-sanctioned violence, and working toward community healing and transformation.

There are many organizations, past and current, from which to take inspiration from. **INCITE!** is one example of an organization that embodies hooks’ ideal. It is a national, radical feminist of color organization founded in 2000 that aims to fight violence on both an interpersonal and state level (INCITE!). It describes its work as abolition feminism: “Abolition feminism is a liberatory vision of a world free from all forms of violence including gender

violence and the violence of police and prisons” (INCITE!). On their website, INCITE! outlines the political analysis behind its work, separated into two parts: “Dangerous Intersections” and “Recentering vs. Inclusion.”⁵⁸ In the first section, it declares that women of color live at the “dangerous intersection” of sexism and racism, in addition to other oppressions such as class oppression, and that the unique ways in which violence manifests in their lives need to be addressed (INCITE!). In the latter section, INCITE! writes that, rather aiming to “include” women of color in traditional feminism, which would never serve them or their needs, feminist organizations must “place women, gender-nonconforming and trans people of color at the center. That means letting go of assumptions about what a domestic violence program should look like, and instead asking: what would it take *to end violence against women & trans people of color?*” (INCITE!). Read together, these two driving tenets show us that the necessary ways in which those who experience multiple oppressions must lead liberatory and anti-violence activism.

Similar to INCITE!, **Collective Action For Safe Spaces (CASS)** uses advocacy, education, and political organizing to build community safety and respond to patriarchal and state violence (Collective Action for Safe Spaces). CASS is based in Washington D.C., and its ‘About’ page announces that it is a “Black, trans, queer, and non-binary-led-organization.” Its ideology and actions were founded on six “pillars” or frameworks that inform their activism (Collective Action for Safe Spaces). These pillars focus on the experiences of Black survivors and survivors of color – as demonstrated by their first and second pillars (Pillar One: “WE BELIEVE IN PEOPLE POWER AND CENTER SURVIVORS AT THE MARGINS;” Pillar

⁵⁸ INCITE!’s webpage reads: “Although the anti-sexual/domestic violence movements have been critical in breaking the silence around violence against women, these movements have also become increasingly professionalized and de-politicized, and consequently are often reluctant to address sexual and domestic violence within the larger context of institutionalized violence and oppression. INCITE! recognizes that it is impossible to seriously address sexual/domestic violence within communities of color without addressing these larger structures of violence, such as militarism, attacks on immigrants’ rights and Indian treaty rights, the proliferation of prisons, economic neo-colonialism, and the medical industry.” <https://incite-national.org/analysis/>

Two: “WE APPROACH OUR WORK THROUGH AN INTERSECTIONAL, ABOLITIONIST LENS.”) (Collective Action for Safe Spaces). In addition to its advocacy work, CASS also works on several initiatives including their Safe Bars Collective, their ReThink Masculinity campaign, and their Washington Metropolitan Area Transit Authority (WMATA) Campaign (Collective Action for Safe Spaces). The Safe Bars Collective works to make nightlife in D.C. safer for everyone. The ReThink Masculinity campaign (founded by CASS along with ReThink and the D.C. Rape Crisis Center) provides education to masculine-identifying people about how to foster healthy masculinity. Finally, their WMATA campaign aims to eliminate sexual harassment and assault on public transit (Collective Action for Safe Spaces).⁵⁹

While INCITE! And CASS use a framework rooted mainly in political activism to address structural aspects of the oppression of women and trans individuals of color, that is not necessarily the only way. Other organizations like the **Women of Color Network (WOCN)**, **A Long Walk Home**, and **The National Center on Violence Against Women in the Black Community (Ujima)** focus on empowering, supporting, and centering the perspectives women and trans people of color. WOCN was formed in 1997 in response to the issues that women of color advocates and activists faced within the traditional violence against women movement (WOCN). WOCN’s works toward its anti-violence mission by “centralizing the voices and promoting the leadership of women of color across the Sovereign Nations, the United States and U.S. Territories” (WOCN). WOCN addresses a broad spectrum of violence ranging from domestic violence and sexual assault specifically to human trafficking, police brutality, and over-incarceration more broadly (WOCN).

⁵⁹ Interestingly, their WMATA campaign includes signs and advertisements that call upon people to report incidents of sexual harassment to the Metro Transit Police. See: <https://www.collectiveactiondc.org/our-work/wmata-anti-sexual-harassment-campaign/>

A Long Walk Home has a similar mission of empowerment as a method of addressing violence against girls and women. It believes that increasing not only resources and opportunities but also creative outlets for society's most vulnerable women, girls, and gender non-conforming individuals is an important step towards centering the survivors' voices and "remov[ing] the obstacles that inhibit them from reaching their full potential" (A Long Walk Home). It hosts the Girl/Friends Leadership Institute that provides participants with a five-week-long training in art and activism, and the Girl/Power afterschool program in which youth conduct social justice campaigns and peer education training (A Long Walk Home). A Long Walk Home also has produced and performed a 90-minute performance called STORY OF A RAPE SURVIVOR (SOARS) that portrays one Black woman's experiences of sexual assault.⁶⁰

In contrast, The National Center on Violence Against Women in the Black Community, also known as Ujima, concentrates its efforts on providing resources and support, as well as education, for Black women and trans folk. It provides extensive trainings and outreach tools aimed at reducing violence against Black women (Ujima). It offers a host of trainings including: Engaging Men and Boys, Addressing DV/SA at Historically Black Colleges and Universities, Addressing DV/SA⁶¹ in the Immigrant Community, Bystander Intervention, Trafficking, and Serving the LGBT community (Ujima). Ujima is unique to the other organizations highlighted because it also is a resource center for Black survivors of violence and their family and friends; it offers programs and services that are specific to the Black community. Finally, Ujima is also a hub of research, with the goal of using research findings to better serve the Black community and to promote community safety and violence reduction more effectively (Ujima).

⁶⁰ This performance was based on the experiences of the two women and sisters who founded A Long Walk Home. See: A Long Walk Home.

⁶¹ DV/SA stands for domestic violence/sexual assault.

While all the organizations highlighted in this section address sexual violence in different ways, they all focus their work on Black communities and communities of color. They do their work at the nexus of both race and gender oppressions (and often class oppressions as well) tackling these sticky issues head-on and providing nuanced and complicated understandings of these multiple forms of marginalization. As these amazing organizations demonstrate, prioritizing the voices of Black women and femmes, women of color, and gender-diverse people of color, is an important step toward a feminist movement that seeks anti-carceral solutions.

Recognizing the Criminal Punishment System Contributes to Sexual Violence

The next step is recognizing that the carceral state contributes to sexual violence. INCITE!, for example, states in large lettering, on its home page: “INCITE! is a network of radical feminists of color organizing *to end state violence* and violence in our homes and communities.” (emphasis added) (INCITE!). It articulates this mission as tangible goals in several of its “principles of unity:” among these principles, INCITE! promises to “[r]ecognize the state as the central organizer of violence which oppresses women, transpeople and gender nonconforming people of color and our communities,” “[r]ecognize these expressions of violence against women, transpeople, and gender non-conforming people of color as including colonialism, police brutality, immigration policies, reproductive control, etc.,” and “[d]iscourage any solicitation of federal or state funding for INCITE! activities” (INCITE!).

CASS further articulates the role of the state in the perpetration of violence in Black communities and communities of color. CASS’s ‘About’ page details their mission to end patriarchal violence. It defines patriarchal violence in this way (italics added) (Collective Action for Safe Spaces):

“Patriarchal violence is an *interconnected system of institutions, practices, policies, beliefs, and behaviors* that harm, undervalues, and terrorize girls, women,

femme, intersex, gender non-conforming, LGBTQ, and other gender oppressed people in our communities. Patriarchal violence is a widespread, normalized epidemic based on the *domination, control, and colonizing of bodies, genders, and sexualities* happening in every community globally. Patriarchal violence is a global power structure and *manifests on the systemic, institutional, interpersonal, and internalized level.*

Examples include normalization of rape culture; the harassment, abuse, and murder of Black women *by police* and by community members, the *criminalization* of sex workers, homophobic and transphobic violence, the leading cause of death of Black trans and cis women being murder by partners, and the *erasure of trans and nonbinary people in local and national policies.*”

This recognition of the carceral state’s role in perpetuating and perpetrating violence against women and gender-diverse people of color is also detailed in a fact sheet about state violence and gender violence (Collective Action for Safe Spaces). In this fact sheet, CASS asserts: “State actors are perpetrators of gender-based violence” (Collective Action for Safe Spaces). It goes on to describe how, in an unofficial study by the National Police Misconduct Reporting Project at the Cato institute, sexual assault is the second most common form of police brutality (behind the excessive use of force). It adds that this number is surely an underestimation, due to the lack of reporting and accountability within law enforcement, and also due to the fact that police violence is disproportionately experienced by marginalized populations (Collective Action for Safe Spaces).

In the **Black Youth Project 100’s (BYP 100)** current She Safe, We Safe campaign, a recognition of the state’s role in the perpetration of violence against Black women and femmes is central to the articulation of the goals of their campaign. The “dual strategy approach” of the campaign includes working to shift culture and increase community safety, as well as fighting against the violence of the state and “particularly the patriarchal violence of the police” (BYP 100). BYP 100’s goals of their campaign are twofold (BYP 100):

- 1) “Increase interventions to gender-based violence available to Black women, girls, gender non-conforming people, and communities that do not rely on contact with the police.

- 2) Reallocate funding from the police to community-determined programs that address gender-based violence in Black communities.”

As part of the She Safe, We Safe campaign, BYP 100 is also running a Story Collection Project (BYP 100). Its goal is to document Black folks’ experiences of gender violence, stories of how Black folks have addressed violence and harm without police intervention, and finally visions of a world without gender and state violence (BYP 100).

Tackling a different aspect of carceral state-sanctioned sexual violence, **Survived and Punished (S&P)**⁶² specifically focuses its efforts on survivors who live at the intersection of sexual violence and criminalization. S&P’s 2020 Annual Review details the ways it has worked to decriminalize efforts to survive domestic and sexual violence, support both free and criminalized survivors, and abolish all forms of gender violence which include policing, prisons, and deportations (Survived & Punished). S&P specifically recognizes the gender violence caused by the state and its institutions (Survived & Punished). Its political analysis reads (Survived & Punished):

“Once incarcerated or detained, many women (including trans women) and trans & gender non-conforming people experience sexual violence from guards and others. Being controlled by police, prosecutors, judges, immigration enforcement, homeland security, detention centers, and prisons is often integrated with the experience of domestic violence and sexual assault. This is especially true for Black, Native, and immigrant survivors.”

Finally, the merging of prison abolition groups and anti-violence groups provides a radical framework through which to envision a future free from carceral state-sanctioned patriarchal violence and sexual violence. In a 2001 joint statement on Gender Violence and the Prison Industrial Complex, **Critical Resistance**⁶³ and INCITE! wrote a powerful critique of both the current feminist anti-violence movements and the prison abolition movements. They state

⁶² S&P is a national non-profit that also houses several state collectives.

⁶³ Critical Resistance is a national grassroots organization dedicated to ending American reliance on prisons and policing to address social problems.

that both movements worked in contradiction to each other, and yet also both ignored the situation and experiences of Black women and women of color in their work (Critical Resistance and INCITE!). Speaking specifically to the feminist anti-violence movement, they called on anti-violence programs to end their reliance on state funding, which has increasingly professionalized the field and sacrificed its connection to community organizing and social justice roots. Finally, they poignantly describe the ways in which simply being put in contact with the criminal punishment system can be a form of patriarchal violence against Black women and gender-diverse individuals, and those of color (Critical Resistance and INCITE!). They write: “The reliance on the criminal justice system has taken power away from women’s ability to organize collectively to stop violence and has invested this power within the state. The result is that women who seek redress in the criminal justice system feel disempowered and alienated” (Critical Resistance and INCITE!). All the organizations highlighted in this section, as well as others I have not mentioned, provide examples of the ways that recognition of the culpability of the carceral state in perpetrating sexual violence can dictate exciting and liberating possibilities of new praxis.

Promoting Community-Centered Frameworks of Accountability and Transformative Justice

Lastly, many of these incredible organizations utilize community-centered understandings of accountability to inform and promote transformative justice responses *instead of* punishment-based responses. This could be in the form of transformative justice organizations, mutual aid, public policy that diverts individuals out of the criminal punishment system, community groups or grassroots networks, or other types accountability systems that focus on transforming harm in the goal of promoting community safety and healing.

The first step is moving away from punishment-based definitions of accountability. Mia Mingus, a transformative justice advocate and grassroots organizer, defines accountability as

such: “True accountability is not only apologizing, understanding the impacts your actions have caused on yourself and others, making amends or reparations to the harmed parties; but most importantly, true accountability is changing your behavior so that the harm, violence, abuse does not happen again” (Mingus 2019). Other organizations such as **Philly Stands Up!** and **generationFIVE** use working definitions of accountability that mirror the wording and parts of Mingus’ definition almost exactly (Dixon and Piepzna-Samarasinha 2020; generationFIVE).

Putting this definition of accountability into practice can be difficult. Achieving all those things can be a long and difficult – yet very rewarding – process for all parties involved. Philly Stands Up! provides one example of how this definition of accountability could be employed to design a process to help the survivor, person who caused harm, and the community to move toward healing. Philly Stands Up! conceptualizes five phases to the accountability process for people who have perpetrated sexual assault (Dixon and Piepzna-Samarasinha 2020). These phases are the Beginning, Designing the Structure, Life Process, Tools We Use, and Closing a Process. Details of each step of the process are articulated in Figure 1 (Dixon and Piepzna-Samarasinha 2020).

Figure 1. *Five Phases of the Accountability Process, as Articulated by Philly Stands Up!*

Phase	Definition	Specific Examples
The Beginning	Recognizing that harm has occurred and wanting to move towards healing. Assessing the situation.	Example: “A few years ago, I was abusive. I wasn’t ready to work through it until now.”
Designing the Structure	Designing a process based on each situation. Driven by demands (actions the survivor needs from the community or the person who caused harm in order to be safe and to heal). Adapted to best engage the person who caused harm.	Examples of demands: “Pay for my STI testing/abortion/doctor’s appointment.” Or “Don’t talk to me or contact me.” Examples of adaptations: Designing methods to suit different learning styles. Incorporating input from the person who caused harm.
Life Process	Making sure that the accountability process fosters balance and creates	If the person who caused harm is in an unstable situation, that must be

	structure in the person’s life. In other words, creating a sustainable way to engage with the accountability process.	addressed first. It may be crucial to help them feel grounded, have stable housing and a job, and/or go to therapy.
Tools We Use	Each process is unique. The goal is to push for new levels of understanding and build lifelong skills of perception and empathy.	Some tools are: Storytelling, Writing, Role-playing, and education via: Reading, Listening, or Watching.
Closing a Process	Closing a process usually happens when the letter and the spirit of the demands have been met, and when the person who caused harm has changed in a lasting way. The process is slowly phased out.	Signs that a process is ready to end include: they are able to navigate through “gray zones;” they have spent a lot of time and effort in understanding their role in the assault; they have a sense of empathy for how the assault affected the survivor(s) and the community; they have sustainable systems of support; they are familiar with resources near them.

Philly Stands Up!’s accountability process is just one example of a transformative justice strategy that has been successfully used to respond to harm and work towards accountability and healing for individuals and the larger community. Other organizations focus on different aspects of this process, utilize slightly different definitions of transformative justice, or focus on supporting individually the survivor or the person who caused harm. Broadly, generationFIVE, another group that centers transformative justice frameworks, defines the goals of transformative justice as: “Safety, healing, and agency for survivors; accountability and transformation for people who harm; community action, healing, and accountability, and transformation of the social conditions that perpetuate violence – systems of oppression and exploitation, domination, and state violence” (generationFIVE). generationFIVE emphasizes three different aspects necessary to enacting community-driven transformative justice. First, survivors must be able to have agency and take space in their paths towards healing. Second, people who harm must be held accountable for the harm they have caused, but they also need to be given the opportunity to

transform. Finally, the entire community must take action in order to change the overarching social conditions that allow violence to happen (generationFIVE).

Survivors must be able to create their own strategies for safety, healing, and survival. Work by the **Philly Survivor Support Collective** is a guiding light for ways in which to center survivor agency in their own individual path in survival. Philly Survivor Support Collective is a group that works to support survivors in directing their own healing, offers alternatives to the legal system, and takes action to transform communities towards ending sexual violence (Philly Survivor Support Collective). Under their Points of Unity, their guiding beliefs include (Philly Survivor Support Collective):

“Survivors are the authority on their own experience in the face of a society that tries to discredit and interrogate them. Sexual assault harms entire communities and it is everyone’s responsibility to take sexual assault seriously and work to change the conditions that allow it to happen. Sexual assault reinforces and is an expression of other sources of violence in our communities. The criminal legal system is violent and harmful, including to survivors.”

Philly Survivor Support Collective also offers a zine entitled “Strategies for Survivors” (Philly Survivor Support Collective). The zine covers strategies for safety planning, reflecting on things you need, letting your emotions out, figuring out what your trauma triggers are and how to deal with them, goal setting, engaging your community in ways that you can receive support, seeking accountability from the person or people who have caused harm, and offers resources for survivors as well as those supporting them (Philly Survivor Support Collective).

The second principle regards perpetrators as people who must take responsibility, but also have the capacity to grow and change. **The Ahimsa Collective** provides an inspiring example of ways in which organizations can involve perpetrators in their work to cultivate healing and transformation for everyone. One of their major programs, Victim Offender Dialogues (VODs) allow for a face-to-face meeting between the person who was harmed and the

person who caused the harm (Ahimsa Collective). In following with the abovementioned fundamental part of transformative justice, this program aims to give survivors the experience of talking directly with the harmed party in a safe setting and allow them agency to voice what they need to say and get answers only the other party can provide. This also is the first step in the person responsible for harm to more fully understand their impact on the other person and take steps towards self-healing (Ahimsa Collective). In addition, the Ahimsa Collective has several healing circle programs it runs in California state prisons, including: Realize (a 16-month program where participants explore their relationship to intimate violence and think about topics like trauma, resiliency, and breaking cycles of harm) and Empathize (a yearlong program where participants focus on the stories, experiences, and impacts of their actions on the people the harmed; they process victim impact statements, do writing exercises to develop empathy, remorse, accountability, and self-healing, and finally participants write an apology letter) (Ahimsa Collective). The Ahimsa Collective also provides re-entry support to formerly incarcerated people, and offer rides home for anyone being released from any California State facility of jail (Ahimsa Collective).⁶⁴

Finally, anti-violence organizations must engage the community in taking action to change the social conditions and structures that allow and perpetuate sexual harm. One way to do this is exemplified by the Oakland-based organization **Creative Interventions**. It was established in 2004 by founder Mimi Kim to offer a space for those most impacted by violence to envision and create ways to end it: via education, skills, and support concentrated in the community, and by placing knowledge and power in the hands of those nearest to violence (Creative Interventions). One important program is their Community-Based Interventions

⁶⁴ This is in collaboration with the Anti-Recidivism Coalition.

Project, a pilot program that aims to create and promote alternatives to the criminal punishment system that communities can implement to prevent violence and intervene when it occurs (Creative Interventions). After building the “Creative Interventions Toolkit: A Practical Guide to Stop Interpersonal Violence,”⁶⁵ Creative Interventions now currently focuses on building community capacity to institute community-based interventions, transformative justice, and community accountability – and make these real options (Creative Interventions). They are working with local partners all over the country, refining their models, tools, stories, and resources from these networks to move to the next stage in their work.

The Ahimsa Collective embodies yet another model for community action that addresses the social inequalities that allow violence to occur. The Ahimsa Collective is currently working with the Mutual Aide & Restorative Justice (MARJ) network to support those impacted by violence and trauma, crime survivors, and formerly incarcerated people and their families (Ahimsa Collective). They offer phone calls to their network, weekly online check-in circles, immediate support for individuals currently experiencing harm, local grocery drop-offs, and even modest financial assistance (Ahimsa Collective).

A different model is creating groups of people who are trained to intervene when harm occurs. **The Bay Area Justice Collective**, an organization founded to build up transformative justice responses to child sexual abuse, does this through its creation of an Interventions Crew (Bay Area Justice Collective). The Crew is staffed by members who have undergone extensive training in different community or collective-action-based practical models of responding to sexual violence and child sexual abuse. This Interventions Crew has even begun consulting on and taking on cases (Bay Area Justice Collective)!

⁶⁵ The webpage to download the pdf version of the toolkit is here: <https://www.creative-interventions.org/tools/toolkit/>.

Economic re-distribution is also an essential part of community transformation. Some organizations address this aspect more explicitly than others. The **Audre Lorde Project**, for example, runs a campaign called Brick by Brick that helps trans and gender non-conforming people of color find safe and affordable housing (The Audre Lorde Project). It also runs a financial literacy workshop specifically for lesbian, gay, bisexual, Two-Spirit, trans, and gender non-Conforming People of Color that provides information about navigating intersecting barriers to financial sustainability (The Audre Lorde Project). **Resist** is another group who has a strong focus on economic justice. They work primarily to “redistribute resources back to frontline communities at the forefront of change while amplifying their stories of building a better world” (Resist). As part of their philosophy of “radical philanthropy,” Resist gives grants to U.S. organizations, led by those most affected by intersecting forms of oppression, actively working against “white and Christian supremacy, capitalism, gender, and sexual oppression, and all forms of patriarchy” (Resist). Among the groups they funded in 2020 alone are **9 to 5 Los Angeles** – a group that aims to build a movement for economic justice by working for equal pay, power, and participation for working women (particularly women of color) – and **A Community Voice** – an organization comprised of working, poor, elderly, women, children, and families that amplifies the voices of its members and fights for social and economic justice for low to moderate income families (9to5; A Community Voice). Finally, in addition to its abolition-focused work, Critical Resistance Oakland also runs a community fund called the Zachary Project (Critical Resistance). This program gives financial aid and economic support directly to Oakland community members in need. It has helped cover housing costs after coming home from prison, medication and healthcare supplies, food, and more (Critical Resistance).

Ultimately, these incredible organizations provide a multiplicity of models for how feminist activists can move forward in anti-violence work. Learning from their achievements, we learn the importance and effectiveness of: prioritizing marginalized voices, recognizing the complicity of the carceral state in promoting sexual violence, and strengthening transformative justice and community-centered accountability systems. I submit that abolition feminism, as displayed by the incredible organizations mentioned above, is the solution to the issues created by carceral feminist hegemony. Only by taking the lead from, and being accountable to, these communities at the front lines of the struggle for liberation can all of us truly be free.

Conclusion

In this paper, I hoped to explain why and how carceral feminism became the dominant framework for responding to and preventing sexual violence. I analyzed the actions of both feminist and institutional actors to uncover how U.S. society defined accountability through punishment and embraced criminalization as the main response to sexual violence. Through my analysis, I found that the trajectory of carceral feminism I have outlined was caused by two main factors: first, the whitewashing of “women’s oppression” which focused on experiences of white, well-off women in mainstream feminism, and second, the strong punitive political atmosphere of the 1980s that promoted policing and incarceration as the primary response to sexual violence. Because of these major developments, anti-violence feminist movements adapted to and succeeded within the highly carceral climate, and federal institutions and actors enthusiastically adopted these punitive approaches in the realm of higher education due to the “campus rape epidemic.”

Carceral feminist movements and reforms against sexual violence have achieved many successes in the law, society, and culture of the United States. Specifically, there have been

many historic moments (such as the anti-rape movement, the battered women's movement, and the "campus rape epidemic") where these movements and reform efforts brought rape and sexual assault to the surface of mainstream discourse. The current #MeToo movement is a continuation and a contemporary example. While the #MeToo movement and other white women-led actions have caused cultural uproar, the mere fact that we are still talking about the same issues for hundreds of years is a testament to the fact that little has changed. Why haven't these moments resulted in a safer and more equal society? The answer is that they do not challenge the oppressions that our society was built on; they do not change the balance of power that fosters so much sexual violence. Instead, they only address the most *overt* ways that privileged people experience oppression – while nothing changes for those individuals at the margins.

I believe it is impossible to achieve liberation from sexual violence without also disrupting other massive systems of oppression that serve to keep certain communities at the margins of society. Only by taking the lead from those at the margins, and prioritizing voices holding intersectional identities, feminism can finally begin to chip away at the network of systems restricting the freedom of women and gender-diverse people of all different backgrounds, nationalities, races, and economic classes.

To achieve a better future, the carceral feminist approach underlying anti-sexual violence efforts must be replaced by what Angela Davis and others have called abolition feminism. This alternative is grounded in the phenomenal work of queer and working-class feminists and feminists of color, who often have no choice but to confront the carceral state as a problem rather than a solution. It centers on the marriage of interpersonal, anti-sexual violence work, prison abolition work, and social and economic justice to advocate for a future free of interpersonal and carceral state-sanctioned violence.

Building on this framework and the efforts of the activists who use it, I propose that feminist anti-violence work must do three things, if it has any hope of building a safer and more liberated world. First, it must prioritize the needs and experiences of intersectionally-marginalized communities to get to the root of the social, economic, and cultural injustices. Second, having recognized the experiences of marginalized communities, it must acknowledge the ways that policing and the carceral state promotes sexual violence. This is necessary to address the full spectrum of violence experiences by women and gender non-conforming people. Finally, it must build up the capacity of transformative justice programs that serve survivors and those who have caused harm to provide a variety of affirming options for survivors and to begin the process of de-carceration.

When I evaluate traditional feminist and institution's histories of activism against sexual violence, I clearly see *that they have caused harm*. This thesis is the culmination of a year's worth of research trying to understand the nature and extent of this harm. However, this is not to say that we should cancel or reject mainstream/traditional activism completely. Instead, I believe that holding feminist activism and institutions *accountable* for their actions is an opportunity for learning, growth, and ultimately, societal transformation. I believe that we must take the lead from organizations like Philly Stands Up!, generationFIVE, and The Ahimsa Collective when we begin to think about accountability, healing, and repair.

Recalling the five phases of accountability articulated by Philly Stands Up!, the first step in any accountability process is awareness: assessing the situation, recognizing that harm has occurred, and endeavoring to be accountable for those actions and heal. In this paper, I have attempted to understand how we arrived at predominantly carceral feminist responses to sexual violence, and I began the process of unpacking how these actions have harmed communities of

color (especially Black communities), queer and trans communities, and low-income communities. I envision this paper as contributing to the first stage of an accountability process. We are not yet at the point where the larger feminist and institutional communities understand how their actions have caused reverberating harm among more marginalized communities. However, I hope that my work here will contribute to this growing awareness. In addition, in my paper I hope to model how prioritizing and learning from the voices of those endangered by traditional carceral actions can help the larger feminist community articulate steps toward change. In the same way that the survivor creates a list of demands that they need to feel safe and begin on the path towards healing, these strong and resilient communities have been organizing, maintaining spaces for healing, and articulating their demands for *decades*. Below, I have compiled an appendix of organizations that I believe embody the possibilities and power of abolition feminism. These organizations' mission statements, when read together, are those demands.

I dearly hope that other scholars, activists, and institutional actors build from my work here and continue to move us closer towards accountability, healing, and transformation. The process will be long. Holding feminist movements and institutions accountable is a daunting prospect, to say the least. There is much work to be done. But, by learning from Black communities, other communities of color, queer and trans communities, and poor communities, I know it can be done.

Appendix A

Below is an alphabetized list of organizations/resources that: work to end sexual violence outside of the carceral state, aim to transform sexual harm via community accountability and restorative or transformative justice, promote Black feminism and feminism of BIPOC individuals, and/or work towards prison abolition with an emphasis on the problem of sexual harm. This is by no means an exhaustive list. It is meant to be a starting point and a place to acknowledge the work of dozens of incredible organizations and individuals that, in my opinion, provide inspiring exemplars of the possibilities and power of abolition feminism.

A Long Walk Home

Mission Statement: “A Long Walk Home empowers young artists and activists to end violence against all girls and women. We advocate for racial and gender equity in schools, communities, and our country-at-large.”

Based in: Chicago, IL

Year Founded: 2003

<http://www.alongwalkhome.org>

Asian American Feminist Collective

About: “Asian American feminism is a world-building project. The beauty of the Asian American feminist movement is that we can continue to shape and evolve it. We must constantly reflect upon and refine a political agenda that works for all of us. Our goal is to continue interrogating and defining this movement as well as producing different spaces and resources to build stronger coalitions, connect people in the Asian American community, and produce new ideas.”

Based in: New York City, NY

Year Founded: 2018

<https://www.asianamfeminism.org>

Assata’s Daughters

Mission Statement: “Assata’s Daughters (“AD”) is a Black woman-led, young person-directed organization rooted in the Black Radical Tradition. AD organizes young Black people in Chicago by providing them with political education, leadership development, mentorship, and revolutionary services. Through our programs we aim to Deepen, Escalate, and Sustain the Movement for Black Liberation.”

Based in: Chicago, IL

Year Founded: 2015

<https://www.assatasdaughters.org>

Audre Lorde Project

Mission Statement: “The Audre Lorde Project is a Lesbian, Gay, Bisexual, Two Spirit, Trans and Gender Non Conforming People of Color center for community organizing, focusing on the New York City area. Through mobilization, education and capacity-building, we work for community wellness and progressive social and economic justice. Committed to struggling across differences, we seek to responsibly reflect, represent and serve our various communities.”

Based in: Brooklyn, NY

Year Founded: 1994

(<https://alp.org>)

Bay Area Transformative Justice Collective

Mission statement: “The Bay Area Transformative Justice Collective (BATJC) is a community group based out of Oakland, CA working to build and support transformative justice responses to child sexual abuse. We envision a world where everyday people can intervene in incidences of child sexual abuse in ways that not only meet immediate needs but also prevent future violence and harm.”

Based in: Oakland, CA

<https://batjc.wordpress.com>)

Black Feminist Future

About: “Black Feminist Future is a movement incubator that focuses on the dynamic possibilities of galvanizing the social and political power of Black feminisms as a blueprint for liberation. BFF intends to amplify and support the leadership and power of Black feminist leaders and increase the capacity and impact of Black feminist organizations, and movements.”

<https://www.blackfeministfuture.org>

Black and Pink National

Mission Statement: “Black & Pink National is a prison abolitionist organization dedicated to abolishing the criminal punishment system and liberating LGBTQIA2S+ people and people living with HIV/AIDS who are affected by that system through advocacy, support, and organizing.”

Based in: Omaha, NE (has a grassroots network of 11 independent chapters across the country)

Year Founded: 2005

<https://www.blackandpink.org>

Black Constellation Network

About: “Constellation is a national, member-based, Black reproductive health, rights, and justice network that connects, aligns, and weaves dynamic, Black repro leaders and movements towards collective power, bold leadership, and visionary action.”

<https://blackconstellationnetwork.org>

Black Women Radicals

Mission Statement: “Our mission is to overcome the systemic erasure of Black women and gender expansive peoples’ radical activism by ensuring that their voices, perspectives, grassroots organizing, theoretical frameworks, leadership, and memory are seen, heard, felt, and known. For so long, Black women and gender non-conforming and non-binary people’s political leadership and movement building has been overlooked in academia and society writ-large.”

<https://www.blackwomenradicals.com>

Black Youth Project 100 (BYP 100)

Mission Statement: “BYP100 is National, member-based organization of Black 18-35 year old activists and organizers, dedicated to creating justice and freedom for all Black people. We do this through building a network focused on transformative leadership development, direct action organizing, advocacy, and political education using a Black queer feminist lens.”

Based in: Chicago, IL

Year Founded: 2013

<https://www.byp100.org>

Collective Action for Safe Spaces (CASS)

About: “Collective Action for Safe Spaces is a Black trans, queer, and non-binary-led organization that uses public education, cultural organizing, coalition-building, and advocacy to build community safety. CASS cultivates the greater DC community’s capacity to respond directly to patriarchal and state violence through transformative justice and abolitionist frameworks.”

Based in: Washington D.C.

<https://www.collectiveactiondc.org>

Chicago Freedom School

Mission Statement: “Founded in 2007, CFS creates new generations of critical thinkers who use their unique experiences and power to create a just world. Inspired by the Mississippi Freedom Schools of the Civil Rights Era, CFS takes [an innovative approach](#) to youth activism, leadership development, and movement building.”

Based in: Chicago, IL

Year Founded: 2007

<https://chicagofreedom.school.org>

Circles and Ciphers

About: “Circles & Ciphers is a hip-hop infused restorative justice organization led by and for young people impacted by violence. Through art-based peace circles, education, and direct action we collectively heal and work to bring about the abolition of the prison-industrial complex.”

Based in: Chicago, IL

Year Founded: 2010

<http://www.circlesandciphers.org>

Creative Interventions

About: “Creative Interventions sought to make support and safety more accessible, stop violence at early stages of abuse, and create possibilities for once abusive individuals and communities to evolve towards healthy change and transformation.”

Year Founded: 2004

<https://www.creative-interventions.org>

Critical Resistance

Mission Statement: “Critical Resistance seeks to build an international movement to end the Prison Industrial Complex by challenging the belief that caging and controlling people makes us safe. We believe that basic necessities such as food, shelter, and freedom are what really make our communities secure. As such, our work is part of global struggles against inequality and powerlessness. The success of the movement requires that it reflect communities most affected by the PIC. Because we seek to abolish the PIC, we cannot support any work that extends its life or scope.”

Based in: CR currently has chapters in: Oakland, Los Angeles, New York City, and Portland

Year Founded: 1997

<http://criticalresistance.org>

generationFIVE

About: generationFIVE commits to “building the capacity within intimate networks to respond to and prevent child sexual abuse, and to shift the conditions that allow child sexual abuse to happen.”

Year Founded: 2000

<http://www.generationfive.org>

INCITE!

About: “INCITE! is a network of radical feminists of color organizing to end state violence and violence in our homes and communities.”

Based in: Detroit, MI

<https://incite-national.org>

Just Practice

Mission Statement: “Just Practice Collaborative exists to build our communities’ capacity to effectively and empathically respond to intimate partner violence and sexual assault without

relying primarily on police or other state-based systems. We provide training, resources, and structures of support for facilitators of restorative and transformative processes.”

Based in: Chicago, IL

<https://just-practice.org>

National Coalition of 100 Black Women

Mission Statement: “The Mission of the National Coalition of 100 Black Women, Inc. is to advocate on behalf of black women and girls to promote leadership development and gender equity in the areas of health, education and economic empowerment.”

Based in: Atlanta, GA (they have local chapters in 25 different states across the country)

Year Founded: 1970

<https://ncbw.org>

NDN Collective

Mission Statement: “Build the collective power of Indigenous Peoples, communities, and Nations to exercise our inherent right to self-determination, while fostering a world that is built on a foundation of justice and equity for all people and the planet.”

Based in: Rapid City, SD

<https://ndncollective.org>

Philly’s Pissed

Philly’s Pissed is a now-defunct group, but they have done incredible, influential work in their field, and their website still has lots of zines and resources about sexual assault and community accountability.

About: “Philly’s Pissed believes in supporting survivors of sexual assault and domestic violence in a way that provides options and allows the survivor to make their own decisions. We think it is important for survivors to have choices that do not rely on cops, government or big nonprofits.”

Based in: Philadelphia, PA

<http://phillyspissed.net>

Philly Stands Up

About: “Philly Stands Up is small collective of individuals working in Philadelphia to confront sexual assault in our various communities using a transformative justice framework. We believe in restoring trust and justice within our community by working with both survivors and perpetrators of sexual assault. We believe that sexual assault comes in many forms and we are doing what we can to actively combat it. We work with people who have assaulted others to hold them accountable to the survivor(s) and restore their relationships within their communities. In dealing with perpetrators, we seek to recognize and change behavior, rather than ostracizing and allowing future assaults elsewhere. We support their healing process, and challenge them on

their behavior in order to prevent future assaults. We also work to educate ourselves and others on issues that contribute to sexualized violence. To encourage awareness building, we provide support for other groups and collectives as well as host workshops in Philly and elsewhere. We are a group that survivors can come to for help and support. We will always support survivors and ensure survivor autonomy, where they will always be in control of how a situation is dealt with.”

Based in: Philadelphia, PA

<https://phillystandsup.wordpress.com>

Philly Survivor Support Collective

About: “Our collective supports survivors of sexual assault in directing their own healing.

We offer alternatives to the legal system for survivors seeking justice and safety.

We also work to transform our communities to end sexual violence.”

Based in: Philadelphia, PA

<https://phillysurvivorsupportcollective.wordpress.com/about/>

Strategies for Survivors Zine and Info Sheet:

Zine: <https://phillysurvivorsupportcollective.wordpress.com/2015/02/22/strategies-for-survivors-zine-available/>

Info Sheet:

<https://phillysurvivorsupportcollective.files.wordpress.com/2013/04/strategiesforsurvivors.pdf>

Project NIA

About: “Project NIA — “nia” meaning “with purpose” in Swahili—is a grassroots organization that works to end the arrest, detention, and incarceration of children and young adults by promoting restorative and transformative justice practices.”

Based in: New York City (but worked in Chicago, IL until 2016)

Year Founded: 2009

<https://project-nia.org>

Resist

About: “Resist is a foundation that supports people’s movements for justice and liberation. We redistribute resources back to frontline communities at the forefront of change while amplifying their stories of building a better world.”

Based in: Boston, MA

Year Founded: 1967

<https://resist.org>

Sister Circle Collective

Sister Circle Collective has ended its operations, but its work provides an important model for other organizations, and its website still has a number of helpful resources.

About: Sister Circle Collective was “invested in building a powerful community for our black and brown cis sisters, trans sisters, queer sisters and gender non-conforming people who together believe in the radical act of sisterhood.”

Based in: New York City, NY

Years Active: 2012 - 2017

<https://sistercirclecollective.org>

Spring Up

About: “Spring Up is a multimedia activist collective and social enterprise building an alternative vision of our world rooted in ongoing consent, liberation, community accountability and care. We prevent and respond to gender based violence with consent education and transformative justice. We primarily serve youth and young adults (18-35) directly impacted by violence (eg. QTPOC, survivors of sexual violence, perpetrators of harm) to equip them with tools to heal from trauma and practice healthy relationships. We support mission-driven organizations seeking to transform internal cultural dynamics to respond to and reduce harm as well as increase diversity, equity and inclusion.”

Based in: Miami, FL

Year Founded: 2013

<http://www.timetospringup.org>

S.O.U.L. Sisters Leadership Collective

Mission Statement: “Our mission is to mobilize systems-involved girls, femmes, and TGNC youth of color – Black, Brown, and Indigenous – to interrupt cycles of state violence, poverty, and oppression. Our four pillars are leadership, healing, social justice, and the arts.”

Based in: Miami, FL and New York City, NY

Year Founded: 2013

<https://soulsistersleadership.org>

Survived & Punished

About: “Survived & Punished is a prison abolition organization. We believe that prisons, detention centers, all forms of law enforcement, and punitive prosecution are rooted in systems of violence, including racial, anti-trans/queer, sexual, and domestic violence. Our work specifically focuses on criminalized survivors to raise awareness about the integrated relationship between systems of punishment and the pervasiveness of gender violence. We aim to initiate mass defense projects that will free all survivors, which would require the abolition of prisons and other systems of punishment.”

Survived & Punished is a national collective, and it also has affiliate collectives in California; Chicago, IL; and New York

Year Founded: 2016

<https://survivedandpunished.org>

The Ahimsa Collective

About: “The Ahimsa Collective works to address harm in ways that foster wholeness for everyone. Our north star goals are to replace systems of punishment with paradigms grounded in healing, relationship, and love. To get there, we engage with deep trauma healing and restorative justice approaches while being grounded in anti-oppression. We work in deep community with people who have committed an act of violence, survivors of violence, and families impacted by harm. In all of our work, we center agency, liberation, dignity, and transformation.”

Based in: California

<https://www.ahimsacollective.net>

Transform Harm

About: “TransformHarm.org is a resource hub about ending violence. We are not an organization. This site offers an introduction to transformative justice. Created by Mariame Kaba and designed by Lu Design Studio, the site includes selected articles, audio-visual resources, curricula, and more. You can use what is here, and submit recommendations to be added to the focus areas listed here. We hope you will use these materials to foster your own education and also share them with your communities to build something new. Only together can we transform our relationships to each other and society. We hope that this site helps in this effort.”

<https://transformharm.org>

Ujima Community: The National Center on Violence Against Women in the Black Community

Mission Statement: “The mission of the National Center on Violence Against Women in the Black Community is to mobilize the community to respond to and end domestic, sexual and community violence in the Black community. We actualize this mission through research, public awareness and community engagement, and resource development. Ujima serves as a resource to: survivors of violence, advocates and service providers, and the community at-large.”

Based in: Washington, D.C.

Year Founded: 2016

<https://ujimacommunity.org>

Ubuntu

Mission Statement: “UBUNTU was born in the aftermath of the March 13, 2006 rape of a Durham, NC Black woman by members of the Duke University Lacrosse team. UBUNTU is a Women of Color and Survivor-led coalition of individuals and organizational representatives. We prioritize the voices, analyses, and needs of Women of Color and Survivors of sexual violence in both our internal structure and our external work. We are Women, Men, and people who do not fit into the gender binary. We are non-trans and trans. We are People of Color, Multi-racial, and White. We come from throughout the Triangle area and have roots both within and

outside of the United States. We are sex workers, students and community members. We are workers. We are Lesbian, Gay, Bisexual, Two-Spirit, and Questioning. We are Queer and Straight. We are young, old, and in-between. We come from a broad range of economic, geographic, spiritual and political experiences, backgrounds, and perspectives.”

Based in: Durham, NC

Year Founded: 2006

<https://iambecauseweare.wordpress.com/?fbclid=IwAR35QS5fTt7tMbj4IirijjPJAhCD8LSPERgM9Ij4-BWoiXxqh5D8sAOyAE>

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