

7-1-2015

Introduction: CONVERGE! Reimagining the Movement to End Gender Violence

Donna Coker
dcoker@law.miami.edu

Leigh Goodmark

Marcia Olivo

Follow this and additional works at: <http://repository.law.miami.edu/umrsjlr>

 Part of the [Civil Rights and Discrimination Commons](#), and the [Law and Gender Commons](#)

Recommended Citation

Donna Coker et al., *Introduction: CONVERGE! Reimagining the Movement to End Gender Violence*, 5 U. Miami Race & Soc. Just. L. Rev. 249 (2015)
Available at: <http://repository.law.miami.edu/umrsjlr/vol5/iss2/5>

This Foreword is brought to you for free and open access by University of Miami School of Law Institutional Repository. It has been accepted for inclusion in University of Miami Race & Social Justice Law Review by an authorized editor of University of Miami School of Law Institutional Repository. For more information, please contact library@law.miami.edu.

Introduction: CONVERGE! Reimagining the Movement to End Gender Violence

Donna Coker, Leigh Goodmark, & Marcia Olivo^{*†}

| | |
|--|-----|
| I. THE VISION OF CONVERGE! | 249 |
| II. REIMAGINING GENDER VIOLENCE | 250 |
| III. MIGRATION, LANGUAGE JUSTICE AND GENDER VIOLENCE | 251 |
| IV. CHALLENGES TO THE CRIME-CENTERED MODEL | 253 |
| V. GOING FORWARD..... | 255 |

I. THE VISION OF CONVERGE!

In February 2014, more than 200 academics, activists, survivors, students, and service providers convened in Miami. They came in response to a call to reimagine the work to end gender violence:

We seek to refocus United States priorities in funding, activism, legal responses, and social services in ways that better address the intersecting inequalities that create and maintain gender violence.

* Donna Coker was the initial catalyst for the CONVERGE! conference. Leigh Goodmark and Marcia Olivo soon joined her as co-chairs for the conference. Our efforts were aided by the support and thoughtful analysis of an ad hoc group that evolved into an Advisory Board: Caroline Bettinger-López, Julie Goldscheid, Mimi Kim, Anne Menard, Kelly Miller, Leta Pittman, James Ptacek, Maria Rodriguez, Deborah Weissman. For a complete list of our many supporters, see UNIVERSITY OF MIAMI RACE & SOCIAL JUSTICE LAW REVIEW, *Volume 5: Issue 2*, <http://race-and-social-justice-review.law.miami.edu/> (follow “Acknowledgements” hyperlink).

† Donna Coker contributed the following article: Donna Coker & Ahjane D. Macquoid, *Why Opposing Hyper-Incarceration Should Be Central to the Work of The Anti-Domestic Violence Movement*, 5 U. MIAMI RACE & SOC. JUST. L. REV. 585 (2015). Leigh Goodmark contributed the following article: Leigh Goodmark, *CONVERGEing Around the Study of Gender Violence: The Gender Violence Clinic at the University of Maryland Carey School of Law*, 5 U. MIAMI RACE & SOC. JUST. L. REV. 661 (2015). Marcia Olivo participated in the following panel: Marcia Olivo et al., *Panel on New Possibilities for Reframing Work to End Gender Based Violence*, 5 U. MIAMI RACE & SOC. JUST. L. REV. 521 (2015).

Recommended Citation: Donna Coker, Leigh Goodmark & Marcia Olivo, *Introduction: CONVERGE! Reimagining the Movement to End Gender Violence*, 5 U. MIAMI RACE & SOC. JUST. L. REV. 249 (2015).

The call was informed by our experiences with gender violence on both the national and local fronts. Women and girls face significant barriers to participating in the democratic process, controlling their lives and bodies, and governing their communities and families. These barriers are created and reinforced by the intersecting factors of race, gender, power, and privilege. Domestic violence, systemic violence, sexual assault, the state's taking custody of low-income (disproportionately African American and Native American) children, attacks on reproductive health and rights, detention and deportation, lack of labor protection for domestic workers, and continued income inequality stand in the way of women, particularly women of color, seeking to determine their futures. CONVERGE! was intended to bring together all of those strands of gender violence work, both in Florida and nationally, to broaden and deepen our understanding of and responses to gender violence.

II. REIMAGINING GENDER VIOLENCE

We wanted to highlight the connections between what is often described as “gender violence” or “violence against women”—interpersonal violence, particularly intimate partner violence and sexual assault—and the structural inequalities of colonization, sexism, heterosexism, racism, anti-immigrant bias, and economic injustice. Building on the groundbreaking work of INCITE!,¹ we wanted to expand the traditional interpersonal violence frame to encompass *state* violence directed at women—violence that is embodied in racist, homophobic, classist, and anti-immigrant policies and practices, whether in prisons, on the streets, at the borders, in the workplace, or in homes.

Highlighting those intersections makes apparent the state policies that foster and maintain interpersonal violence. Highlighting those intersections brings into view women whose “experience[s] of male violence are inconsistent with the oversimplified classifications”² that

¹ See *About INCITE!*, INCITE!, <http://www.incite-national.org/page/about-incite> (last visited Jan. 31, 2015) (“INCITE! Women, Gender Non-Conforming, and Trans people of Color Against Violence is a national activist organization of radical feminists of color advancing a movement to end violence against women of color and their communities through direct action, critical dialogue and grassroots organizing.”).

² BETH E. RICHIE, *ARRESTED JUSTICE: BLACK WOMEN, VIOLENCE, AND AMERICA'S PRISON NATION* 101 (2012). As Richie elaborated in her keynote address, “our movement subscribes to a very narrow understanding of who is entitled to protection, to services, resources, grants, etc. The more you fit in, the more pro-marriage you are, the more heterosexual you are, the more American you are, the more legal you can prove yourself to be, the more *temporarily* poor you can prove yourself to be, the fewer felony convictions you have, the more you are going to be entitled to the attention, resources,

mark the dominant ways of thinking about violence against women. Highlighting those intersections makes visible women who face *both* increased risks of intimate partner violence and control and increased risk of state violence and control.³

We wanted to expand the frame in another direction as well: to reimagine the meaning of *gender* violence to include violence that is a tool to police and define the boundaries of masculinities and enforce gender normativity, bringing into view homophobic and anti-trans violence in prisons, on the streets, and in homes.⁴

We met to share our experiences across boundaries of activism and research: organizing campaigns with domestic workers, sex workers, and farm workers; mobilizing to stop police harassment of LGBT youth; advocating for immigrant rights; calling for prison abolition; establishing international human rights norms in domestic settings; exposing and demanding accountability for campus sexual assault; training and encouraging men to oppose violence against women; and working on behalf of those subjected to domestic violence/intimate partner violence and sexual assault. All of these efforts are central to the work of reimagining the movement to end gender violence; conversely, gender violence should be part of the agenda for every progressive movement.

III. MIGRATION, LANGUAGE JUSTICE AND GENDER VIOLENCE

Creating a space where advocates, activists, academics, service providers and survivors all felt empowered to share their ideas was essential to the success of CONVERGE!. Our commitment to ensuring that such a space existed was informed by the geographic context for our conversations—the multicultural, multilingual city of Miami, which serves as a microcosm for understanding the relationship between migration, language justice, and gender violence.

Migration is largely the result of global neoliberal policies. These policies have resulted in the removal of people from agricultural rural

and support of this movement.” Beth E. Richie, *Keynote—Reimagining the Movement to End Gender Violence: Anti-racism, Prison Abolition, Women of Color Feminisms, and Other Radical Visions of Justice*, 5 U. MIAMI RACE & SOC. JUST. L. REV. 257 (2015) [hereinafter *Keynote*].

³ See Donna Coker, *Crime Control and Feminist Law Reform in Domestic Violence Law: A Critical Review*, 4 BUFFALO CRIM. L. REV. 801 (2001); Dorothy Roberts, *Prison, Foster Care, and the Systemic Punishment of Black Mothers*, 59 UCLA L. REV. 1474, 1478 (2012).

⁴ See JOEY L. MOGUL, ANDREA J. RITCHIE, & KAY WHITLOCK, *QUEER (IN)JUSTICE: THE CRIMINALIZATION OF LGBT PEOPLE IN THE UNITED STATES* (2011); Leigh Goodmark, *Transgender People, Intimate Partner Abuse, and the Legal System*, 48 HARV. C.R.-C.L. L. REV. 51 (2013).

land and produced increased poverty in urban areas. Without import protections or social welfare policies, life becomes impossible for those affected. People are then forced to flee to the United States for economic survival.⁵ This dynamic is dramatically changing the racial, cultural, and political makeup of the United States. The 2010 U.S. Census Bureau's American Community Survey (ACS) estimated the number of immigrants in the United States to be close to 40 million, 13% of the total population.⁶ Of those 40 million people, 38.3 million foreign born have limited English proficiency, and 50.2% are female.⁷

This massive influx of people has a tremendous impact on the culture, traditions, history, moral values, and the overall functioning of both the United States and the countries from which people are coming. In the United States context, new immigrants are largely segregated by low wages, poor housing, and the lack of services.⁸ Their immigration status is criminalized. They are denied citizenship and basic democratic rights. Immigrant women suffer significant rates of domestic violence, sexual harassment, and sexual assault at home and in the workplace.

Immigrants, particularly immigrant women, are having a tremendous impact on American politics, policy, democracy and the economy. At the core of this impact is language. In almost every major urban center, there is not only a new multi-cultural reality, but also a new multi-lingual reality. America must learn how to be a multi-lingual society. Embracing a multi-lingual reality makes for more than an expanded skill set; it fundamentally opens the culture to the possibility of true diversity. This is not just a question of inclusion and interpretation. Practices that both elevate the voices of immigrants and also create space for the entire

⁵ See Vincent Q. Pham, *The NAFTA Flu: How Neoliberalism Impacted and Impacts Mexico*, INJECTING RACIST HYSTERIA 6, <http://scalar.usc.edu/works/injecting-racist-hysteria-how-media-coverage-of-the-2009-h1n1-swine-flu-virus-raises-questions-about-border-security-nafta-and-mexican-representation-in-us-culture-/the-nafta-flu-how-neoliberalism-impacted-and-impacts-mexico> (last visited Mar. 15, 2015) (“The increased migration of the Mexican people to the United States is derived from the impact of Mexico’s neoliberal reform under President Carlos Salinas de Gortari, who adapted this model of development advocated for by the United States.”).

⁶ ELIZABETH M. GRIECO ET AL., AMERICAN COMMUNITY SURVEY REPORTS, THE FOREIGN-BORN POPULATION IN THE UNITED STATES: 2010 (2012), <http://www.census.gov/prod/2012pubs/acs-19.pdf>.

⁷ *Id.*

⁸ See Paul A. Jargowsky, *Immigrants and Neighborhoods of Concentrated Poverty: Assimilation or Stagnation?* (Nat’l Poverty Ctr., Working Paper Series #06-44, 2006), available at http://www.npc.umich.edu/publications/u/working_paper06-44.pdf (discussing high concentration of poverty in immigrant communities); Jennifer Y. Seo, *Justice Not For All: Challenges To Obtaining Equal Access To Health Care for Non-Citizen Immigrants in the United States*, 3 GEO. J. L. & MOD. CRITICAL RACE PERSP. 143 (2011) (discussing the difficulties non-citizen immigrants face in receiving healthcare).

nation to learn outside the traditional English language and American cultural paradigm will lead to the cultural and political transformations that we envision.

Language is a symbol of social and cultural identity, a form of representation. Languages have a deep connection to the thoughts, emotions, strengths, weaknesses, dreams, visions, and culture of a people. Like the rest of society, social justice movements must re-evaluate their social, racial, economic, and gender analysis and practice through the lens of migration. Social justice work has to be done in the language and culture of the people being organized. It requires meetings that are simultaneously interpreted. It requires an approach to embracing learning and interaction from a multi-lingual reality. Analysis, conferences, demands, and strategies must be developed incorporating the experiences, values, traditions, and culture of the people directly impacted by oppressive structures, and the most immediate vehicle for achieving this is through the language of those people.

The inclusion and the practice of accessibility through language justice is what made CONVERGE! special. CONVERGE! was truly bilingual, with a strong voice of monolingual Spanish speakers, undocumented women survivors of domestic violence and sexual assault, and domestic workers. The playing field was leveled: monolingual Spanish speakers used translation equipment when English was spoken; monolingual English speakers, in turn, put their headphones on as panelists discussed their ideas and experiences in their own language. CONVERGE! helped to raise the visibility of the new demographic reality of the United States and highlighted the need to incorporate language access in all the work we do for social justice, as a way of respecting people's identity, humanity, integrity, and elevating language access as a form of gender justice.

IV. CHALLENGES TO THE CRIME-CENTERED MODEL

Beth Richie's keynote, *Reimagining the Movement to End Gender Violence: Anti-racism, Prison Abolition, Women of Color Feminisms, and Other Radical Visions of Justice*,⁹ was the catalyst, the instigator, for many discussions that followed. Calling for a politics of prison abolition, Richie argued that "prison abolition represents a chance to think about [reframing] the work to end gender violence . . . as work against the patriarchal carceral state, and the architecture of racism and related forms of oppression upon which that patriarchal carceral state is built."¹⁰

⁹ Keynote, *supra* note 2.

¹⁰ *Id.* at 262.

Many of the conference speakers agreed with Richie's challenge to the crime-centered approach to domestic violence that characterizes the United States' response. Most of the federal dollars allocated to intimate partner violence are used for criminal intervention—to train and assist police, prosecutors, and courts.¹¹ An alternative vision would focus funding on long term affordable housing, job creation, childcare, and education; enacting and enforcing meaningful anti-racial discrimination measures in housing, education, and employment; disinvesting in the instruments of mass incarceration; and providing justice in ways that build and strengthen communities, rather than contributing to their decline.

In addition, the last several years have seen a renewed desire among anti-violence advocates to test innovative strategies and community capacity building that are *not* focused on criminal intervention or are focused on a *reimagined* criminal justice response. These alternatives include transformative justice initiatives, restorative justice programs, community organizing strategies, and human rights initiatives. Practitioners and theoreticians of these alternatives shared their ideas and experiences at CONVERGE!.

We envisioned CONVERGE! as not only an opportunity to share criticisms and develop coalitions across social justice claims, but fundamentally as a way to strengthen a broader-based “reimagined” movement to end gender violence. In the aftermath of the conference, we hoped to strengthen and broaden the difficult work of re-focusing our energy and resources to change the structural inequalities and the state policies that create and strengthen gender violence. Fundamental to that change is to replace the criminal justice system as the default response to gender violence. What we did not anticipate was how far ahead of us the participants at CONVERGE! would be. Many of those in attendance had already come to the conclusion that the criminal justice response to domestic violence is not only failing to provide satisfying solutions for many people subjected to abuse, but that it is affirmatively harming those it is meant to protect. Several representatives of community based organizations explained that they no longer used the standard, “If you are in immediate danger, call 911” on their answering machines, knowing that interactions between their clients and law enforcement could be more dangerous than the immediate threat posed by an abusive partner. In Beth Richie's indictment of the criminal justice response to gender violence, participants heard their own frustrations with the results of

¹¹ Caroline Bettinger-López et al., *VAWA Is Not Enough: Academics Speak Out About VAWA*, POVERTY LAW BLOG (Feb. 29, 2012), <https://maximinlaw.wordpress.com/2012/02/29/of-note-vawa-is-not-enough-academics-speak-out-about-vawa/>.

forty years of failed policy on criminal justice and gender violence and their own concerns about the dangers that the criminal justice system posed for both men and women of color, for low income men and women, for immigrant men and women, for LGBT men and women.

V. GOING FORWARD

The unique balance of participants and presenters at CONVERGE! contributed to the willingness to have difficult conversations about the future of gender violence work. We sought diversity in every possible way: race, gender, sexual orientation and gender identity, immigration status, professional role, socioeconomic status, and experiences with intimate partner and other forms of gendered abuse. Local Miami-Dade activists were involved in the planning and execution of the conference and saw the conference as an opportunity to re-energize and cement their base, while connecting more strongly with national work. Members of Miami Workers Center Sisterhood of Survivors, directed by conference co-chair Marcia Olivo, played a central role. CONVERGE! connected with the national FREE MARISSA NOW! campaign, which originated in Florida,¹² and with other local activists and funders.

That diversity in perspectives gave our conversations a richness, depth, and honesty that few of us had ever experienced at a conference on these issues. Over the course of the two days of the conference, the participants at CONVERGE! pushed to consider the really difficult questions: If we believe that immigration policies and policies that create mass incarceration and police violence should be understood as “gender violence,” how do we answer Richie’s call to make those central to the work of organizations focused on stopping gender violence? If we believe that the criminal justice response is flawed, then how can we create and implement different ways of handling gender violence cases when the criminal justice system is so firmly entrenched? What are the practical obstacles and possibilities for transformative justice, restorative justice? If we believe that federal funding sources are too focused on crime-centered responses, how do we move the federal agenda? And how do we address the fears that many have that changing focus will mean losing ground?

This desire to move to the difficult questions left us both elated and frustrated. We wished that there had been more space and time to have

¹² See FREE MARISSA NOW, <http://www.freemariissanow.org/> (last visited Jan. 31, 2015) (providing more information regarding activism around Marissa Alexander’s case); see also *Keynote*, *supra* note 2, at n.13 (discussing the Alexander case and providing an update).

the hard conversations that will be necessary to shift law and policy in the United States. But we have been excited by the efforts and collaborations and conversations that have sprung up in the aftermath to CONVERGE!. During CONVERGE!, a group of activists and academics interested in persuading local governments to pass resolutions declaring freedom from domestic violence a fundamental human right met to share ideas and strategies. Since the conference, two such resolutions have been passed in Boston and Jacksonville, bringing the number of communities that have enacted such resolutions to twelve.¹³ Attorneys in New York, energized by what they learned at the conference, have continued to talk about how to change City law and policy. After years of grassroots advocacy, leadership development and lifting the voices of women impacted by state violence, Sisterhood of Survivors and the Free Marissa Now! Campaign celebrated the release of Marissa Alexander from prison on January 27, 2015.¹⁴ A new non-profit, Media for Change,¹⁵ is creating a multi-media project on reimagining the movement to end gender violence, featuring the voices of activists, practitioners, and academics engaged in gender violence reform work. In Baltimore, community advocates and academics have partnered to pilot an intimate partner violence restorative justice program serving couples who plan to continue their relationships, who are co-parenting, or who are living in the same small communities.¹⁶ On every front, activists, survivors, and academics are bringing the ideas that so energized us at CONVERGE! into their communities.

CONVERGE! might be described as a once in a lifetime experience, a providential gathering of people and ideas and energy in the right place at the right time. But we hope this is not true. Instead, we hope that we continue to converge around innovative ideas, sharing what we have learned, celebrating our victories, learning from our failures, and continuing to work to end gender-based violence. CONVERGE! was a beginning, not an ending. We look forward to continuing this work with all of you.

¹³ See COLUMBIA LAW SCHOOL HUMAN RIGHTS INST. & MIAMI LAW HUMAN RIGHTS CLINIC, *RECOGNIZING FREEDOM FROM DOMESTIC VIOLENCE AND VIOLENCE AGAINST WOMEN AS A FUNDAMENTAL HUMAN RIGHT* (2015), <http://www.law.miami.edu/human-rights-clinic/pdf/2014/local-resolutions-2014.pdf>.

¹⁴ Alexander was granted a plea deal for time served (three years), but which included probation requiring her to wear an ankle bracelet for two years. She was released on January 27, 2014. See *FREE MARISSA NOW*, <http://www.freemariissanow.org/> (last visited Jan. 31, 2015) (follow “Read More” hyperlink).

¹⁵ See *About Us*, MEDIA FOR CHANGE, <http://mediaforchange.org/about> (last visited Jan. 31, 2015).

¹⁶ See *COMMUNITY CONFERENCING CENTER*, <http://www.communityconferencing.org/> (last visited Jan. 31, 2015).