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UNIVERSITY OF CALIFORNIA
RIVERSIDE

Advocacy as Punishment: Domestic Violence Victim Services, Anti-Black Punitivity, and
the Production of Meaning

A Dissertation submitted in partial satisfaction
of the requirements for the degree of

Doctor of Philosophy

in

Ethnic Studies

by

Romina Garcia

June 2023

Dissertation Committee:

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2023

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To

my moon and my sun, I love you from here to infinity

ABSTRACT OF THE DISSERTATION

Advocacy as Punishment: Domestic Violence Victim Services, Anti-Black Punitivity, and
the Production of Meaning

by

Romina Garcia

Doctor of Philosophy, Graduate Program in Ethnic Studies

University of California, Riverside, June 2023

Dr. Alisa Bierria, Co-Chairperson

Dr. Dylan Rodriguez, Co-Chairperson

With a focus on Black women who identify as victims and/or survivors of domestic violence (DV) and who have experience navigating DV non-profit systems, my dissertation considers how DV services replicate structures of punitivity and carcerality. As argued by a growing number of scholars, the experiences of women of color in the U.S. exist at the intersections of race, class, and gender, intersections which have enabled pathways between intimate partner violence to jails, prisons, and detention centers. However, very little research about DV victim advocacy services as *itself* a function of the carceral state exists. In my dissertation, I argue that the DV non-profit maze of advocacy services reproduce a carceral relationship between women of color – particularly Black women--and those same DV services, creating what I argue is a *DV non-profit carceral system*. My work seeks to account for how class, race, and gender have shaped, formed, and continue to feed what I argue is a DV non-profit carceral system. I investigate the demands that Black victims and/or survivors of DV are subjected to by DV non-profit programs that organize services around the concepts of "good" behavior, surveillance, and mothering classes, and I contend that these elements

of advocacy ultimately constitute a form of carceral "sentencing" of victims and/or survivors. My research also engages with ideas and practices of community and advocacy in order to expand this analysis by accounting for criminalizing practices within the services themselves, an area that has been largely neglected within the field of feminist studies of gender- based violence as well as critical scholarship on systems of criminalization.

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Introduction

With a focus on Black women and Black mothers who identify as victim/survivors of domestic violence and who have experience navigating DV non-profit systems, my doctoral research considers how domestic violence victim services replicate structures of punitivity and carcerality while simultaneously consolidating the larger antiblack logics that found and naturalize violence against women of color as a whole. As argued by a growing number of scholars, the experiences of women of color in the U.S. exist at the intersection of race, class, and gender. In my dissertation, I demonstrate how these complex and violent intersections manifest within what I term the DV non-profit labyrinth¹ of advocacy services and resources, and examining the antiblack carceral relationship that emerges between women of color – particularly Black women -- and those same DV non-profit services. My work seeks to account for how class, race, and gender have shaped, formed, and continue to feed what I argue is a DV non-profit antiblack carceral system. In my attempt to account for the violences of the antiblack carceral system my dissertation is also equally interested in exploring how the creation of anti-domestic violence laws created but also naturalized the surveillance and regulation women of color, specifically for Black women who are forced to experience and accept as a form of protection.

¹ Rather than using “non-profit industrial complex” which is a term used to describe how social services have become entwined with profit-making, I instead use labyrinth as a way to more accurately describe the web or entanglement intentionally created by the non-profit system in order to categorize those they deem as deserving (non-Black) and underserving (Black) of advocacy and care.

This dissertation also explores the laws and language that have been tethered to violence against women - language such as 'violence against women,' victimhood, protection, good citizen, and motherhood. Critically engaging with the experiences of violence of Black women within anti-violence advocacy explains how the anti-violence movement has culminated in a way that no longer services victims and survivors of violence but in fact continues to make space for the settler state through its carceral treatment of Black women and Black mothers and the requirement of surveillance and containment in their lives and in the lives of their children.

Theorists and activists have argued that, rather than reformed, the carceral State must be abolished. However, if the abolition of carceral governance and violence against women will ever be realized, a critical analysis of DV advocacy is paramount to the approach.

While there have been some important interventions in which scholars trace the pathways to jails, prisons, and detention centers for victims/survivors,² I engage with ideas and practices of advocacy in order to expand this analysis by accounting for criminalizing practices within the services themselves, an area that has been largely neglected. The anti-violence movement has been restructured to heavily depend on myriad forms of policing and surveillance to the extent that the law, prisons, and policing

² Kim, "Dancing the Carceral Creep"; Bierria, "Missing in Action"; Rojas Durazo, "Reimagining Community Accountability"; Koyama, "Disloyal to Feminism"; Richie, *Arrested Justice*; Smith, *Conquest*; INCITE! "Critical Resistance."

are now conceptualized as capable of solving the problem of domestic violence and or violence against women.³ The anti-violence movement continues to center the carceral state in its attempt to remedy violence against women. My dissertation demonstrates how domestic violence advocacy is not the benign solution to violence against women, but is actually a perpetuation of the antiblack carceral state. I argue that understanding how these systems are structured by antiblackness and incapable of being reformed — examining the notions of ‘advocacy’ and ‘protection’ pushes us to think toward a better beyond that is still capable and willing to account for the violence of the present moment.

Key Research Questions

This research is guided by the following research questions; Why is the category of “Black women victims of violence” vexed? Given the impossibility of “Black women victims,” what impact does the lack of resolution of this problem have on emerging and developing efforts to “support victims” and “end violence”? Considering the way that anti-violence work is premised on the impossibility of Black women victims, how has that shaped anti-violence advocacy? And lastly, what would advocacy look like if we did center the problem of the impossibility of Black women victims?

³ Kristin Bumiller, *In an Abusive State: How Neoliberalism Appropriated the Feminist Movement against Sexual Violence* (Durham, NC: Duke University Press, 2008); Richie, *Arrested Justice*; Robin McDuff et al., “Open Letter to the Anti-Rape Movement, 1977,” ed. Mariame Kaba, Project Nia, 2020, <https://issuu.com/projectnia/docs/letter-to-the-antirape-movement>; Mimi E. Kim, “The Carceral Creep: Gender-Based Violence, Race and the Expansion of the Punitive State, 1973–1983,” *Social Problems* (2019).

Foundations & Interventions

“Afropessimism is premised on a comprehensive and iconoclastic claim: that Blackness is coterminous with Slaveness: Blackness is social death: this is to say that there was never a prior meta-moment of plentitude, never equilibrium: never a moment of social life.”⁴

Frank B. Wilderson III,
Afropessimism

The notion of **antiblackness** that I employ throughout this dissertation is framed by the work of various authors including within the Afro-pessimist school of thought and scholars who center antiblackness as a pillar of Black beingness. In 2017 Frank Wilderson spoke at Pomona College on irreconcilable antiblackness, Wilderson contends “antiblackness is the DNA of civil society.”⁵ Wilderson proposes that the “worldwide semantic field gains coherence through antiblackness” an argument premised on the claim that Blackness is coterminous with Slaveness. More simply, Wilderson suggests that blackness as structured by antiblackness is fundamentally necessary for non-black to make sense, to exist and to “be.” Wilderson contends that Black life is an incommunicable positionality which sits in an endless antagonism to the rest of the world - because of this, Blackness *is* a continuous experience of violence that is structural and gratuitous; Blackness is social death. “Black” as never having a prior “moment of

⁴ Frank B. Wilderson, *Afropessimism*. First ed. Liveright Publishing Corporation 2020.

⁵ Ask The Theory Question, *Irreconcilable Anti-Blackness*

plentitude,” sits outside of humanity and coherence; an object among subjects. João Costa Vargas explains this violent unfolding as, “One *is* because one *is not* Black.”⁶

With a focus on Black women and Black mothers who attempt to identify as victims and survivors of domestic violence, this dissertation is interested in how antiblackness materializes specifically in the lives of Black women and how antiblackness constructs and impacts their experiences of violence, motherhood, protection, and advocacy. In this dissertation, I think alongside scholars who use a Black feminist analytical framework who define gendered antiblackness as a sort of nucleus that creates meaning. Saidiya Hartman’s interpretation of antiblackness as a gendered gratuitous violence — a violence that is already always going to happen — is illustrated in her analysis of the 1855 case *State of Missouri v. Celia, a slave*,⁷ a Black enslaved woman who defended herself during her rape by her white master. Antiblackness as a violence that is already always there constructs Celia as an object unable to possess consent, therefore making her rape a non-violation, this state of beingness is later adjudicated. Hartman argues, “the rape of black women existed as an unspoken but normative condition full within the purview of everyday sexual practices, whether within the implied arrangements of the slave enclave or within the plantation household.” Antiblackness as gratuitous violence reaches beyond the material violence of rape.

⁶ João Helion Costa Vargas, *The Denial of Antiblackness: Multiracial Redemption and Black Suffering* (Minneapolis; London: University of Minnesota Press, 2018).

⁷ Saidiya Hartman, *Scenes of Subjection: Terror, Slavery and Self-Making in Nineteenth-Century America* (Oxford: Oxford University Press, 1997)

Tiffany Lethabo King contends that the violence of rape is only made possible by the initial symbolic violence that encompasses the “black female body.” Gratuitous violence as symbolic violence can be understood as the “black female body” functioning as a site where we can observe the power of slavery and settler colonialism simultaneously - the slave master’s need for bodies and the settler’s need for space requires the production of the “black female slave body” as a unit of unending property.⁸ The “black female slave body” as fungible property that also signifies an unending violence, is essential to the violent space making practices of settler colonialism/colonial imaginaries. Antiracism as gratuitous violence is the material and the symbolic, it is also the wake, the womb, and the weather⁹ according to Christina Sharpe. Sharpe’s intervention, in particular the production of and the producing of “the black womb” is another example of how antiracism is a continuous experience of violence for Black women and Black mothers. The Middle Passage, the coffin, and the birth canal as Sharpe explains should be read together, “we can see how each has functioned separately and collectively over time to dis/figure Black maternity, to turn the womb into a factory producing blackness as abjection much like the slave ship’s hold and the prison, and turning the birth canal into another domestic Middle Passage with Black mothers, after the end of legal hypodescent, still ushering their children into their condition; their non/status, their non/being-ness.”

⁸ Tiffany Lethabo King “In the Clearing: Black Female Bodies, Space and Settler Colonial Landscapes.” PhD diss., University of Maryland, 2013.

⁹ Christina Sharpe, *In The Wake: On Blackness and Being* (Duke University Press, 2016)

Sharpe's analysis of yet another gendered antiblack enclosure in the lives of Black women speaks to the unpreceivable surveilling of Black life that has coded it as criminal.

“Gratuitous” while at times seems to feel overly utilized, is employed in this context as a way to describe the particular unrelenting violence experienced by Black victims of violence. Gratuitous is defined by Google as, 1. uncalled for; lacking good reason; unwarranted, 2. given or done free of charge. I too define ‘gratuitous’ as unwarranted or uncalled for, however gratuitous within antiblackness and this research is also defined as; called for, warranted, always having a good reason, never needing a reason, required, already always going to happen, excused, legally justified, normalized, assumed, and expected. ‘Gratuitous’ *is* the only way to holistically describe the varied conditions of violence experienced by Black victims and survivors of violence.

These texts guide my understanding of antiblackness as a framework used to unpack Black women and Black mother's experiences of violence within anti-violence work. Not only does the framework of antiblackness guide my analysis of Black women's experiences with violence, in particular domestic violence, it also is the framework I utilize when examining anti-violence advocacy practices, it is the foundation of this project. Acknowledging the antiblackness that structures anti-violence advocacy assists in demystifying the surveillance, containment, and regulation that Black women experience within the law and the mainstream anti-violence movement.

Critical Anti-Violence Studies

By centering racialized marginalization and the question of whether or not the experience of battering is different, various gaps begin to emerge within anti-violence work and literature. Similar to the marginalization in narratives on violence and violence against women, Black women continue to experience racialized marginalization through anti-violence advocacy services. In this case, racialized marginalization no longer invisibilizes but instead becomes carceral in the form of surveillance, containment, and regulation. In the recent years, much of the critique that anti-violence literature has focused on when it comes to advocacy has been in regards to the non-profit industrial complex (NPIC) cog, mainly looking at the insidious co-optation by the state through funding and subsequent structuring.¹⁰ The non-profit, which has been conceptualized by neoliberal frameworks as the solution to the difficulties people face within society has typically only been critiqued from the position of state influence.¹¹ As seen in INCITE!'s anthology *The Revolution Will Not Be Funded*, the primary concern for theorists is the way in which “capitalist interests and the state use non-profits” in order to track and control social justice movements and to manage dissent in order to sustain and perpetuate capitalist structures.¹² In centering the state, specifically its need for capitalism and the

¹⁰ INCITE! *The Revolution Will Not Be Funded Beyond the Non-Profit Industrial Complex* (Duke University Press, 2017)

¹¹ Activist-scholar Mimi Kim has recently troubled this notion of insidious co-optation in her article *Dancing the Carceral Creep: The Anti-Domestic Violence Movement and the Paradoxical Pursuit of Criminalization*, by arguing that feminist intentions within the anti-violence movement were never to collude with the state but rather *control* state power.

¹² *Ibid.*, 3

management of dissent, race in the context of the non-profit is conceptualized as trivial or even invisibilized entirely, when in fact is it innate to the nation state and the violent structures it produces. This dissertation asks: where is race in our analysis of the non-profit industrial complex? Centering modes of racialization as well as gender within NPIC critiques, demonstrate that in addition to management and control, non-profits and anti-violence advocacy practices, not only function as racialized sites of control but also operate with racialized objectives. If non-profits have felt the hand of the state so profoundly, then why do their services continue to be seen as viable forms of aid and healing. Anti-violence advocacy mirrors the racialized logics of the state, specifically I argue, logics that are founded in antiblackness. What would generate if antiblackness was centered in our critiques of the non-profit industrial complex and the advocacy services it produces?

The materiality of carceral advocacy continues to be undertaken in vital ways by Black feminist authors and intellectuals. They fundamentally challenge the criminalization and incarceration of Black women victim/survivors within the context of domestic violence and violence more broadly. What has dominantly defined the connection between Black women and violence/anti-violence work is primarily the site of a literal cage and or the extended network of the law and law enforcement - more broadly; the essential role of Black women to the expansion of what Beth Richie calls the

prison nation¹³. Black feminist authors doing work on violence/anti-violence have continuously shed light on how Black women not only experience violence within their intimate relationships and beyond but go on to be revictimized by the criminal justice system. Illegible victimhood and domestic violence is at the core of Beth Richie's 1996 book *Compelled to Crime: the Gender Entrapment of Battered Black Women*. Taking the notion of entrapment, Richie exposes the entanglement of gender - Richie's analysis of Black battered women who have been incarcerated attempts to illuminate the contradictions and complications of the lives of Black battered women.¹⁴ Gender entrapment is the "set-up" in which the violence that Black battered women experience is obscured by the crimes they commit. Richie contends "I use gender entrapment to describe the socially constructed process whereby African American women who are vulnerable to men's violence in their intimate relationship are penalized for behaviors they engage in even when the behaviors are logical extensions of their racialized gender identities, their culturally expected gender roles, and the violence in their intimate relationships." Richie's analysis exposes the compounded positionality as well as racialized marginalization Black battered women encounter - in particular, low-income/non-conforming Black women. Black battered women's survival efforts are labeled as

¹³ Beth Richie describes the "prison nation" in her book *Arrested Justice: Black Women, Violence, and Americas Prison Nation* as the set of conditions that surround the abuse; externally imposed state policies that control marginalized communities and limit access to services, resources, and power... additionally, Richie contends that women of color from marginalized communities who experience violence are made more vulnerable by the operation of a prison nation.

¹⁴ Beth Richie, *Compelled to Crime: the Gender Entrapment of Battered Black Women*. (Routledge, 1996)

criminalized movements that demand carceral solutions - or as Alisa Bierria and Colby Lenz contend, “survival action is often criminalized action.”¹⁵

In similar contexts, Julia Chinyere Oparah and Sharon Angella Allard rethink strategies adopted by the mainstream anti-violence movement and highlight the problem of illegibility — in this instance, Black women who kill their abusers are unable to be seen as true victims of violence and are therefore given prison sentences that are drastically different when compared to non-Black women in almost identical situations.¹⁶ For Allard, victimhood materializes through the denial of Battered Woman Syndrome as a legal defense, as well as the stereotyping/demonizing images produced and distributed regarding Black women. Allard challenges the usage of “Battered Woman Syndrome” arguing that “woman” is an investment in white womanhood and by extension, white supremacy - therefore to apply battered women syndrome to cases involving Black women, an intersectional approach must be present, an intersectional analysis that acknowledges the particular histories of Black women. Allard asserts “while theories such as battered woman syndrome explain why a battered woman’s behavior is reasonable, the definition of “woman” that guides such theories is based upon limited

¹⁵ Alisa Bierria and Lenz, Colby. “Battering Court Syndrome: A Structural Critique of “Failure to Protect.”” In *The Politicization of Safety Critical Perspectives on Domestic Violence Responses*, 91-118. (New York: New York University Press, 2019)

¹⁶ Asking us to “rethink,” Julia Chinyere Oparah’s essay *Rethinking Antiviolence Strategies: Lessons from the Black Women’s Movement in Britain* and Sharon Angella Allard’s essay *Rethinking Battered Woman Syndrome: A Black Feminist Perspective* provide an analysis of domestic violence cases in which the abuser was ultimately killed by his victim. Oparah and Allard read the cases of Black DV victims alongside non-Black victims in order to highlight the racialized marginalization Black women victims experience. While Oparah’s analysis is based in a transnational feminism, Allard approaches the cases through a legal framework.

societal constructs of appropriate behavior for white women. This mythological standard, however, does not apply to the historical experiences of women of color, particularly Black women.” The unvisibilizing of historical experience, particularly for Black women has led and continues to lead to material consequences that are structured by carceral logics. The requirement of carcerality when Black women are involved is inherent to the larger project. Black women’s modes of survival and beingness are transformed in ways that perpetuate the prison nation and its expansion. Beth Richie will later argue in *Arrested Justice: Black Women, Violence, and Americas Prison Nation*, “the political dynamics of a prison nation interact with racial and other stigmas in such a way that women of color are more likely to be treated as criminals than as victims when they are abused. Indeed, the victimization of some Black women seems to invoke a set of institutional reactions that lead to further vilification, rather than protection and support.”¹⁷ Richie’s intervention nuances the notion of illegible victimhood. Illegibility as a victim for Black women within the context of violence is outlined and defined by carcerality. Richie’s analysis illuminates the fact that Black women are not only illegible as victims but simultaneously only legible as victims who require and signify carceral care.

The connection between Black women and carceral care/carceral advocacy is unmistakable - however, the correlation between Black women and carcerality is

¹⁷ Beth Richie, *Arrested Justice: Black Women, Violence, and Americas Prison Nation* (New York: New York University Press, 2012)

currently located at the moment where Black women have been “officially” declared criminal. By this I mean, the analyses provided here concern Black women who have been arrested, incarcerated, contained, and surveilled through traditional forms of carcerality and law enforcement - the “care/protection” they receive before, during, and after the fact all fall within carceral frameworks. Through the unpacking of various Black experiences, the combination of Black women and violence continues to result in forms of carcerality and even carceral care. While much of anti-violence literature and critique has focused on the criminalizing of Black women victim/survivors once entangled with conventional forms of law and law enforcement - what has gone under theorized however is a critique of the anti-violence advocacy services that declare and recognize Black women as “non-criminal” victim/survivors without the traditional forms of incarceration - for example, Black women who stay at shelters, who attempt to file orders of protection, and who are looking for assistance at crisis centers. How is victimhood and carcerality transformed when the services Black women receive within these spaces are just as lethal. I argue that anti-violence advocacy services are not only antiblack¹⁸ but also function so discreetly that they remain invisible to anti-violence proponents and critique. Anti-violence advocacy, primarily shelters, crisis centers, and court advocacy are all recognized and sustained as neutral sites of redress. The critical work that has shaped anti-violence literature has demonstrated that for Black women,

¹⁸ Antiracism as a framework that structures anti-violence advocacy services indicates that services are intentionally aimed at Black women in a way that is equally intentionally carceral and dehumanizing but that also frame women of color against the backdrop of Blackness.

carcerality is a continuous process, and victimhood at many levels is unattainable, so what makes the shelter and crisis center any different. The role and function of anti-violence advocacy has received limited attention, what has become a topic of critique is the approach of anti-violence advocacy, specifically the application of a multicultural lens. A lens that denies the presence and influence of what Angela Davis calls the racist and sexist tradition, Sharon Allard's reference to historical experiences, or what Beth Richie sees as the contradictions and complications within the lives of many women of color, specifically, Black women.

Andrea Smith's work also identifies the gaps in anti-violence advocacy approaches. The hiring of bilingual staff, the offering of kosher meals, and the mere presence of women of color within organizations are just some of the aspects of anti-violence work that serve as artificial indicators for cultural competency in the anti-violence advocacy model. In "Looking to the Future: Domestic Violence, Women of Color, the State, and Social Change," Andrea Smith expands on the issue of multicultural approaches/cultural competency and the denial of violent structures in anti-violence services Smith furthers the conversation on the inadequacy of the multicultural approach when she centers the experiences of Native women within the context of violence and anti-violence advocacy models. Smith argues that "The problem is not simply an issue of providing multicultural services to survivors of violence. Rather the analysis and strategies around addressing gender violence have failed to address the manner in which gender violence is not simply a tool of patriarchal control but also serves as a tool of

racism, economic oppression, and colonialism.” Smith contends that bilingual staff and kosher meals just isn’t enough, that accounting for particular histories and current conditions of violence must be centered in anti-violence work in order to address gender violence without the conditions of colonial logics, racialized marginalization and carceral forms of care,¹⁹ “Our strategies to combat violence within communities (sexual/domestic violence) must be informed by approaches that also combat violence directed against communities, including state violence - police brutality, prisons, militarism, racism, colonialism, and economic exploitation.” Smith’s intervention illuminates the inadequacy of current forms of anti-violence advocacy, specifically for Native women but additionally, for women of color by and large. Smith asserts that traditional methods of “justice” such as the required presence of the criminal justice system, incarceration, and the colonial logics that structure shelters and crisis centers - continue to preserve violence against Native women.²⁰ Smith is clear, the point is to *not* streamline and or create a universal/homogenizing advocacy model - but to instead allow space for change and adaptability within forms of care and advocacy while still being able to account for particular histories and current conditions. Moreover, Smith argues that it is the victim/survivors that should dictate and guide advocacy services, saying “What if we do not make any assumptions about what a domestic violence program should look like, but

¹⁹ Andrea Smith, *Conquest: Sexual Violence and American Indian Genocide* (South End Press, 2005)

²⁰ Similar to the work of Andrea Smith, Native scholar Sarah Deer examines not only the inadequacy of anti-violence services available to Native women but also legal redress. Deer’s work such as *The Beginning and End of Rape: Confronting Sexual Violence in Native America* and *Decolonizing Rape Law: A Native Feminist Synthesis of Safety and Sovereignty* center the rape of Native women as a fundamental result of colonialism and the law’s inability to respond.

instead ask: What would it take to end violence against women of color?” Smith within her own analysis looks towards the work of Beth Richie, in particular, Richie’s plenary address at the Color of Violence conference, Richie states, “What if we centered our attention on those abused women most marginalized within the category of “women of color?” ultimately, “be accountable not to those in power, but to the powerless.” Smith and Richie’s interventions are direct responses to the gaps in anti-violence services and literature - gaps that have left many women of color marginalized yet again, in particular Black and Native women who not only are effected by structural but also state sanctioned forms of abuse. While Smith’s and Richie’s focus leans towards a more broader unpacking of advocacy services and approach, Emi Koyama’s essay *Disloyal to Feminism: Abuse of Survivors Within the Domestic Violence Shelter System* intends to elucidate the “imbalance of power between the workers who provide services and the survivors who receive them...”²¹ Koyama recounts her time volunteering for a rape crisis center and later for a domestic violence shelter, Koyama as mentioned in her article, was not only a volunteer but also a survivor of domestic violence and ex sex worker. Challenging the feminist anti-violence movement’s investment in what she calls the “shelter system,” Koyama attempts to demystify but also confront the presence of abuse within shelter advocacy services. Describing her stay at the shelter, Koyama reveals “My experience there was horrendous; I constantly felt the policing gaze of

²¹ Emi Koyama “Disloyal to Feminism: Abuse of Survivors within the Domestic Violence Shelter System.” In *Color of Violence: the INCITE! Anthology*, 208-222 (Durham: Duke University Press, 2016)

shelter workers across the half-open door, and feared “warnings” and punishments that seemed to be issued arbitrarily. No, to describe the practice as “arbitrary” would be inaccurate; it was clearly selective in terms of who got them most frequently - the poor Black and Latina women with children, especially if they were in “recovery” from alcohol or drug “abuse.”” Koyama goes on to argue that most shelters ultimately police women similar to the criminal justice system, and rather than reforming power and control within the shelter system, structural changes are needed. Lee Ann S. Wang in her article *Unsettling Innocence: Rewriting The Law’s Invention of Immigrant Woman as Cooperator and Criminal Enforcer* centers the link between anti-violence advocacy and immigration law as a way to illuminate the invention of new legal subjects. Wang, in her analysis of the relationship between Asian undocumented women who experience violence and the U Visa/recent iterations of The Violence Against Women Act (VAWA) argues that, “women are shuttled between positions of innocence and culpability and are invented as new kinds of legal subjects who expand criminal enforcement while being marked as objects of legal protection.” In this case, Asian undocumented women who experience violence receive advocacy and “protection” as long as they are willing to partake in the expanding of the prison nation - advocacy and advocates as Wang argues, are “bound within institutions of punishment and agencies of enforcement.” Building off of the conversations posited by Saidiya Hartman, Beth Richie, and Dorothy Roberts on protection and innocence, Wang attempts to unpack the space immigrant women must occupy if the expectation of “protection” is to be fulfilled - specifically a space that

engulfs them in what Wang describes as a “racist and punitive criminal legal system.” Cooperation with criminal prosecutions is not only a prerequisite but a requirement in these spaces - “proper” victims of violence prove their innocence by affirming the criminality of their abuser through punitive forms of redress. The extension of violence and the carceral hue²² within advocacy is not limited to domestic violence, Craig Willse in his book *The Value of Homelessness: Managing Surplus Life in the United States* looks at what he calls “the production of mass homelessness.” Willse argues that housing services/programs are less of a response to housing needs and more accurately “active forces in shaping the larger political terrain.” Similar to the utilization of Asian immigrant women in Wang’s intervention, Willse contends that homelessness serves a specific purpose, “their larger value is in their mere existence as a population in need of governance.” Homelessness and housing deprivation therefore become tools employed not only for the benefit of the economy but also as a space making project, specifically “produced to make literal room for the speculative urban consumer economies of neoliberal capital.” Willse characterizes homelessness as those who have slip through the nets of incarceration that are now burdened to signify the need for management, calling homelessness “living remainders” who are then transformed into “economically useful matter, matter to be managed, as surplus life reinvested.”

²² As argued by Victoria Law in her article *Against Carceral Feminism*, the carceral hue of domestic violence solutions continues to saturate the practice of advocacy, “casting policing and prisons as the solution to domestic violence.” Law, while continuing the work of exposing the myriad forms of violence faced by women also positions policing and prisons as the opposite of shelters, public housing, and welfare rather than symptoms of the carceral state.

The management of life as carceral care and advocacy correlates with what the movement of Disability Justice has continuously argued - survivors as well as those who identify as disabled have always lived under the violent constraints of the state, Willse describes this carceral care as, “matter to be managed.” According to movement organizers Elliott Fukui and Leah Lakshmi Piepzna-Samarasinha, Disability Justice is a movement that developed as a response to Black and Brown organizing that marginalized disabilities and the white male-centered/single issue field of Disabilities Studies.²³ Disability Justice aims to account for non-normative bodies, Black, brown, queer, trans, disabled, and more - centering those most vulnerable to harm and death - Disability Justice is a movement that centers the demands and desires of variously marginalized disabled peoples. Fukui and Piepzna-Samarasinha argue that advocacy as carceral care/ life management has never been reliable, always isolating and harmful, and at times life threatening for survivors and disabled peoples. Piepzna-Samarasinha in a similar conversation with Cyree Jarelle Johnson,²⁴ both who identify as multi-disabled writers/ activists argue that the white cisgender professionalization of advocacy services has created an ableist mindset that pushes victim/survivors to seek out “neat pretty and quick answers” or what Piepzna-Samarasinha calls the consolidation of the “survival industrial complex.” Piepzna-Samarasinha contends that the professionalization of advocacy

²³ Barnard Center for Research on Women, *Moving at the Speed of Trust: Disability Justice and Transformative Justice*

²⁴ Asian American Writers' Workshop, *AAWWTW: Dreaming Disability Justice with Leah Lakshmi Piepzna-Samarasinha and Cyree Jarelle Johnson*

services has constructed survivorhood as well as disability as “something you’ll eventually get over and get better from.” The ableist push that defines mainstream advocacy conceptualizes trauma and disability as an event victims/survivors will one day overcome. As previous activists have argued, it is clear that anti-violence services, specifically its forms of advocacy are incapable of accounting for the particular histories and current conditions present in the lives of queer/trans/disabled/people of color. Foregrounding the inadequacy and carceral functionality of advocacy highlights a specific continuity - I argue, Black women victim/survivors within multiple contexts continue to be unvisibilized. This dissertation aims to illustrate the relentless presence of carcerality and carceral forms of care that are particular to Black women’s experiences within anti-violence advocacy services. Carceral advocacy is not only present within domestic violence services but *embedded* within many fields in explicit ways. This dissertation endeavors to reveal how anti-violence advocacy continues to be conceptualized as neutral sites of redress rather than technologies that replicate violent structures that are intentionally directed at Black victim/survivors. Most importantly, I argue that the inherent carcerality that is vital to the anti-violence advocacy project is shaped by antiblackness, intentionally aimed at Black women for the purpose of keeping Black women in the state of illegible victimhood.

Carcerality and Carceral State

This research engages and centers Beth Richie's definition of carcerality, "At the most basic level, the term *carcerality* refers to all things punishment. The "things" encompassed in this definition are those institutions, policies, and ideological positions that are involved or invoked in response to situations when "laws" have been broken, "crimes" have been committed, or norms have been violated. Technically, carcerality is an abstraction of the word *carceral* and refers to the ways that "things" take features of the criminal legal system, extending the reach beyond the system into other aspects of society. By using the terminology "all things" when I am defining carcerality, I am intentionally signaling that there is a connection between the formal institutions, agencies, policies, and legal processes that provide the scaffolding of punishment and the less formal apparatus that dispense sanctions. In this way, carcerality can be understood to be a condition or set of social arrangements that advances a reliance on punishment or incapacitation. It includes the ideological, political instincts, and public investment in deploying the state's punishment apparatus to control non-normative behaviors from aggressive physical harm to minor nuances that inconvenience people in power. From the perspective of feminist scholarship and activism, *carcerality* is not merely a descriptive or neutral term. Rather, it renders the presence of prisons and policing problematic, challenging the state's normalized role in judging and controlling the behaviors deemed "bad" as well as the "bad" people who engage in them. Carcerality thus

refers to how laws and law enforcement become tools of those with power to legitimately exercise domination of people who have less power by creating rules (laws) that target and sometimes permanently relegate certain groups to criminalized and/or non-citizenship status. In this way, carcerality allows the state to categorize people as dispensable or nonhuman.”²⁵

Abolition

When envisioning abolitionist futures and imaginaries, I center three different translations: Mariame Kaba recognizes abolition as a world in which “we have everything we need: food, shelter, education, health, art, beauty, clean water, and more things that are foundational to our personal and community safety.”²⁶ Angela Davis interprets abolition as a “rebuilding, reenvisioning, reimagining, reconceptualizing.”²⁷ Ruthie Gilmore understands abolition as “less about prisons than it is about presence. It’s about building life-affirming institutions.”²⁸ These interpretations of abolition and the

²⁵ Beth E. Richie, “Carcerality.” *Keywords for Gender and Sexuality Studies*, edited by the Keywords Feminist Editorial Collective et al., vol. 13, NYU Press, 2021, pp. 40–42. *JSTOR*, <http://www.jstor.org/stable/j.ctv2tr51hm.14>. Accessed 5 May 2023.

²⁶ Mariame Kaba, et al. *We Do This 'Til We Free Us : Abolitionist Organizing and Transforming Justice*. Haymarket Books 2021.

²⁷ Hanna Phifer. "For Angela Davis and Gina Dent, Abolition Is the Only Way." *Harper's Bazar*, 14 Jan. 2022.

²⁸ "Geographies of Racial Capitalism with Ruth Wilson Gilmore – An Antipode Foundation Film." *Youtube.Com*, uploaded by Antipodeonline, 1 Jun. 2020, www.youtube.com/watch?v=2CS627aKrJI.

continuous work it demands, serve as a preliminary foundation when conceptualizing speculative advocacy in my conclusion.

Languages/Languaged

The intentional conjugation of the word “language” into a verb, languaged/s, is meant to signify the capability of action and power within language. As a verb, language is revealed to contain transforming abilities, it can make and or unmake something or someone. An illustration of this; the word ‘victim.’ ‘Victim’ as a word, in addition to the subject/object is it describing has been transformed or languaged into a specific gender, race, ability, citizenship status, religion, etc. The subject/object through the process of languaging has been made/unmade. More specific to this research, ‘Black women who experience violence’—through the process of languaging this phrase and the subject/object behind it has been made to signify: non-victim, NHI,²⁹ gratuitous, illegible, criminal, surveillance, containment, regulation, non-mother, etc... language is the site of making and unmaking subjectivity.

Language as a verb is a process, a forever evolving and expanding intentional transformation of a subject and/or object, making it different from discourse a noun, which is a set of understandings produced by language that is understood as static.

²⁹ Sylvia Wynter, ““No Humans Involved”: An Open Letter to My Colleagues,” *Forum N.H.I.: Knowledge for the 21st Century* Vol. 1, No. 1 (1994): pp. 42-71

Violences

While the word “violence” is typically used and understood as a noun, I believe within the context of anti-Blackness, violence more accurately functions as a verb. “Violences” implies that it is continuous, always moving, shifting, transforming, remaking itself perpetually, and most importantly, innate and never ending. An example of this would be the conditions of advocacy imposed on Black victims and survivors of violence; mainstream anti-violence advocacy violences Black women and Black mothers as they attempt to be legible as victims of violence; advocacy practices require Black victims/survivors to submit themselves to constant surveillance and containment, narratives produced by advocacy agencies about Black victims, and the assumptions about Black women and Black mothers who have experienced violence regarding distinct parts of their identity (family, occupation, etc.). These contexts have been transformed or languaged by mainstream anti-violence advocacy into sites of continuous violence; there is movement within these contexts, the violence is in constant reproduction.

Domestic Violence

Intimate partner violence (also referred to as domestic violence, dating abuse, or relationship abuse) is a pattern of behaviors used by one partner to maintain power and control over another partner in an intimate relationship.³⁰

³⁰ National Domestic Violence Hotline. n.d. “Understand Relationship Abuse.” The Hotline. <https://www.thehotline.org/identify-abuse/understand-relationship-abuse/>.

Pivot

Within the context of violence in the lives of Black women, pivot is, 1. an intentional movement that obscures the violence that Black women are experiencing and have experienced; 2. a move that ratifies the practice of containment and surveillance on the bodies and lives of Black women; and 3. a turn we as readers and or those engaging with different forms of the archive must intentionally make in order to decode that same archive and what it has rendered illegible. Employing the pivot helps account for the violence Black women experience in a more holistic way. The pivot as an analytic is crucial because it actively acknowledges the presence of violence in the lives of Black women and does not require its redaction, and secondly, it helps expand the impact of those experiences of violence for Black women within antiblack culture.

Critical Law & Literature

Rather than approaching the field of Law and Literature through a focus on the ways in which lawyers and the law are represented in literature and the other has focused on the ways in which lawyers and legal scholars can use literary theory to read and interpret legal texts such as court opinions, statutes, and constitutions, I on the other hand engage the field of Law and Literature as a reading praxis. Drawing from James Boyd White's work in *The Legal Imagination* where he argues that the law is a form of language that is not only capable of constructing and containing but also a site where different possibilities can be created, my analysis of legal cases and policy making is structured by

the notion of law being a form of language that is capable of making and unmaking subjectivity. I am particularly interested in how the process of making and unmaking within legal discourse creates material consequences for Black women who experience violence. While White argues that the law is a form of language that contains, it is Hortense Spillers work on grammar that also guides my interpretation of Law and Literature. In “Mama’s Baby, Papa’s Maybe: An American Grammar Book,” Spillers investigates the colonial apparatus; grammar. Having been frustrated with how white academics used Black people’s history as “raw material” for inspiration but never as anything that implicated them or that could be used “to explain something in theoretical terms,”³¹ Spillers argues that the constructed language of Black women serves to contain and regulate Black women as continuous sites of state sanctioned violence and telegraphic coding, this occupancy buries actual subjectivity and is continuously remade “in the service of a collective function.” Spillers claims that Black women have been constructed as only flesh, making Black women outside the social order. Constructed archetypes such as “Peaches, Brown Sugar, Sapphire, Earth Mother, Aunty, Granny, etc.” serve as cages for Black women, “the nicknames by which African-American women have been called, or regarded, or imagined on the New World scene - demonstrate the powers of distortion that the dominant community seizes as its unlawful prerogative....

³¹ Spillers, Hortense, et al. “‘Whatcha Gonna Do?’: Revisiting ‘Mama’s Baby, Papa’s Maybe: An American Grammar Book’: A Conversation with Hortense Spillers, Saidiya Hartman, Farah Jasmine Griffin, Shelly Eversley, & Jennifer L. Morgan.” *Women’s Studies Quarterly*, vol. 35, no. 1/2, 2007, pp. 299–309. *JSTOR*, <http://www.jstor.org/stable/27649677>. Accessed 5 May 2023.

though there is no absolute point of chronological initiation, we might repeat certain familiar impression points that lend shape to the business of dehumanized naming."

Drawing from Spillers and White, I argue that anti-violence work as it functions within an anti-Black world is also a language that is capable of constructing, containing, but more importantly creating different realities. Meaning and understanding are transformed within the context of anti-Blackness and advocacy specifically for Black women, for example, "protection," "victim," and "advocacy," are reconstructed to mean carcerality, criminal, and surveillance. The work of Hartman, Haley, Davis, and King, guides my thinking when I consider the convergence between Black women, violence and legal discourse. I take the concept of languaging to show how legal discourse as well as cultural discourse construct illegible subjectivity and victimhood in the case of the New Jersey 4 and additional legal cases involving Black women and their experiences of violence within sex work, sex trafficking, and domestic violence. In addition to the translating of legal cases as a form of language, I critically engage with what Beth Richie calls, all things punitive as a way of clarifying the law.³² My analysis of all things punitive attempts to account for the many ways in which Black women are impacted by carcerality, in particular, normalized carcerality. Simone Browne's argument on the "ontological surveilling" of Black life,³³ Kristin Bumiller's intervention on the

³² Beth E. Richie, "Carcerality." *Keywords for Gender and Sexuality Studies*, edited by the Keywords Feminist Editorial Collective et al., vol. 13, NYU Press, 2021, pp. 40–42. *JSTOR*, <http://www.jstor.org/stable/j.ctv2tr51hm.14>. Accessed 5 May 2023.

³³ Simone Browne, *Dark Matters: On the Surveillance of Blackness* (Duke University Press, 2015)

medicalization of anti-violence advocacy, specifically how the saturation of neoliberal methods have created carceral capacities,³⁴ Alisa Bierria and Colby Lenz work on the criminalization of survival action amongst vulnerable populations, in particular, Black women,³⁵ advocacy services,³⁶ and the policing of Black women³⁷ are just some of the frameworks that guide my approach to the language of the law and the manifestations of carcerality.

Methodology and Methods

Throughout the years I have been asked why my research centers Black women and their experiences as opposed to Latinx narratives considering I identify as Mexican. Or I am told why I should instead center all women of color who experience DV. My answer: Because something different and intentional is happening when Black women attempt to identify as DV survivors and victims. That something different is found in gratuitous violence leveled against Black women in the the form of dehumanizing care.

³⁴ Kristin Bumiller, *In an abusive state: how neoliberalism appropriated the feminist movement against sexual violence* (Durham: Duke University Press, 2008)

³⁵ Alisa Bierria and Lenz, Colby. "Battering Court Syndrome: A Structural Critique of "Failure to Protect."" In *The Politicization of Safety Critical Perspectives on Domestic Violence Responses*, 91-118. (New York: New York University Press, 2019)

³⁶ Other advocates have also analyzed how racist capitalism structures the boundaries of anti-violence advocacy, including "Pursing a Radical Anti-Violence Agenda Inside/Outside a Non-Profit Structure," by Alisa Bierria and "'we were never meant to survive': Fighting Violence Against Women and the Fourth World War," by Ana Clarissa Rojas Durazo, both published in the INCITE! Anthology, *The Revolution Will Not Be Funded* (2007), as well as "Disloyal to Feminism: Abuse of Survivors Within the Domestic Violence Shelter System" by Emi Koyama, published in the INCITE! Anthology, *Color of Violence* (2006).

³⁷ Andrea J. Ritchie, *Invisible No More : Police Violence against Black Women and Women of Color* (Beacon Press 2017)

Black women are placed, if not made to be, “outside” of our understandings of what it means to be a proper victim of violence. The only survivors being asked and heard within anti-violence advocacy are those farthest away from Blackness. Blackness is not legible as something that deserves or warrants protection under the schema of anti-violence advocacy; instead Blackness ushers in a carceral logic that is understood to be necessary and therefore normalized.

My methodological approach is intentionally interdisciplinary, more specifically, it relies on a Black feminist lens or Black Feminist Thought as a way to critically challenge and expand the ways in which Black women’s experiences of violence within anti-violence work are language and impacted by antiblackness. Black Feminist Thought as critical methodology means that this research values and centers the lived experiences of Black women and is victim/survivor centered, the impacts of power and control are acknowledged, and Black women’s survival actions are not flatten.

In order to account for the complex experiences of violence that Black women live within anti-violence advocacy spaces, my methodology is structured around three main sites of subject making: legal, visual, and cultural. Subjectivity is consolidated within three main sites, — one, the legal level; responses by law enforcement, policy making, state sanction containment, courts and state agents, two, visually; representation in print media, film, and interviews, and three, culturally; constructed narratives, stereotypes, assumptions, and employed language.

My methodological approach aimed to answer the following question, how has anti-violence advocacy been shaped given the impossibility of “Black women victims of violence? In order to gain an understanding and establish the consequences of current anti-violence advocacy practices, I began by doing a historical analysis of Black women’s experiences of violence and how that violence tethered them to the law. Building off of Hartman’s analysis of Celia, Haley’s investigation of Eliza Cobb, and Davis’s work on Joan Little, I expanded my historical analysis by examining additional legal cases, the criteria for the additional cases had to be as follows: any case where a Black woman experienced a form a violence and was later bound to or bound by the law; criminalized. I contribute to this initial body of research by also including and doing an analysis of the cultural discourse that surrounded the additional legal cases; I examine print media, news segments, documentaries, and interviews, with a particular attention to the language employed by different reporting tools. The intent here was to examine how the media contributed to the production of meaning, for Black women and the violence they experienced. This information created a preliminary genealogy of Black women’s experiences of violence and the outcome their positionality produced.

I also collected secondary data via the *Decriminalize Survival Research Initiative*; 210 surveys³⁸ filled out and provided by currently incarcerated women in the state of California who have also had experiences of violence. This initiative in partnership with

³⁸ Survived & Punished. “Surveys Collected from Survivors of Domestic and Sexual Violence Incarcerated in the State of California (2018) [Dataset]”, 2022.

the national advocacy organization, Survived & Punished describe this survivor centered research as a challenge to the “isolation that criminalized survivors often feel” and crucial to the dismantling of violence systemic pattern. This quantitative secondary data represents the experiences of women within different modes of violence (sexual assault, domestic violence, childhood trauma, battering, etc.) and their time if any, with varying degrees of anti-violence advocacy services, both in and out of prison. This research provides an understanding of how certain women are experiencing violence in comparison to other women who are incarcerated, their criminalization for those experiences, and how the criminal justice system responds.

With this information in mind, the second half of my research examines social movement archives and the role of the mainstream anti-violence movement within the context of Black women who experience domestic violence. Centering my own experiences as an anti-violence advocate within the non-profit system, I unpack anti-violence advocacy practices through an auto-ethnographic lens, I do an analysis of two case studies; advocacy services and state funding at a crisis center and a close read of my time working at a domestic violence shelter, both services located in the city of Chicago. Lastly, I conduct an analysis of emerging laws and statutes, Failure to Protect laws and Mandatory Arrest statutes, both which have been previously supported by the mainstream anti-violence movement and legally structured to help reduce and or stop domestic violence. Centering the experiences of Black women, I am particularly focused on the

impacts felt by Black women and or aimed at Black women within these “harm reducing” initiatives.

Chapter Breakdown

Chapter 1: Illegible Victimhood

Chapter one centers how Black women experience violence and what I argue is their illegible victimhood. Looking towards the work of Black Feminist scholars, I center the stories and narratives of the Black women who have shaped what it means to experience violence while being Black and a woman. My historical analysis begins by introducing interventions made by Saidiya Hartman, Sarah Haley, and Angela Davis on the convergence of Black women, violence, and responses from the law. Celia,³⁹ Eliza Cobb,⁴⁰ and JoAnne Little⁴¹ are just some of the women that will provide the foundation of how we conceptualize violence, crime, victimhood, protection, and redress. These interventions are followed by my own analysis of the New Jersey 4 case, Alisha Walker’s conviction, and Cyntoia Brown - Long’s release after 15 years of incarceration. My critical engagement with these three cases is supported by what I call the “pivot.” I employ the pivot as an analytic or reading praxis as a way to holistically decipher the

³⁹ Saidiya Hartman, *Scenes of Subjection: Terror, Slavery and Self-Making in Nineteenth-Century America* (Oxford: Oxford University Press, 1997)

⁴⁰ Sarah Haley, *No Mercy Here: Gender, Punishment, and the Making of Jim Crow Modernity* (University of North Carolina Press, 2016)

⁴¹ Angela Davis, “Joann Little: The Dialectics of Rape,” *National Alliance Against Racist and Political Repression* (1975)

experiences of violence in the lives of Black women without the denial of victimhood. In this chapter I also introduce the notion of “linguaging or languaged.” The action of languaging is a process of making and unmaking subjectivity, a process I argue, Black women who experience violence are continuously impacted by. This chapter unpacks how the illegibility of victimhood and violence specifically for Black women transforms into carceral forms of care.

Chapter 2: The Materializing of Illegible Victimhood

Chapter two engages the narratives via collected surveys of incarcerated women of color who identify as domestic violence victims and survivors in the state of California. Beginning with a breakdown of numerical data, this chapter critically theorizes the meaning of the data in conjunction with the experiences of violence detailed by the women represented in the surveys. By putting voices to data, additional aspects of victimhood are brought to light within the context of incarceration and domestic violence; state informed victimhood, state based advocacy, and rehabilitation as a neoliberal tool of power. Alongside the surveys, I also do a policy analysis to investigate the utilization of *failure to protect* laws and *mandatory arrest* statutes. Specifically, I examine what these laws are in response to, what they aim to accomplish versus their actual material consequences, and how ideas regarding victimhood and violence are constructed and or reconstructed within the language of the laws. Furthermore, chapter two introduces the first domestic violence case study; a case study regarding the

treatment of Black women who attempt to be seen as victims of violence at a Chicago DV crisis center.

Chapter 3: When Did Care Become Carceral?

After doing a historical and policy analysis, chapter three re-centers Black women, in particular, Black women who after experiencing domestic violence find themselves at a shelter on the West Side of Chicago. My analysis argues that illegible victimhood and the process of languaging are now supported even within the space of anti-violence advocacy, the shelter becomes a surrogate of the state. This chapter also expands on the material consequences of being a Black mother in these spaces and the parallels with laws like Failure to Protect not only as a law implemented on survivor/victims of domestic violence but additionally as a tool used to surveil and contain Black life.

Conclusion: Speculative Advocacy

Speculative advocacy is the practice of non-violent anti-violence advocacy - an advocacy that is re-centered back into community hands that intentionally focuses on those most vulnerable to violence but that also does the work of accounting for the historical experiences that structure the lives of Black women and other marginalized persons. This section will not be prescriptive but instead a living, breathing, evolving, transforming practice. A practice of (dis)orienting.

Chapter 1: Illegible Victimhood

Why are Black women who experience violence not recognized by the mainstream anti-violence movement as victims of violence? And why is the violence that some Black women experience not read as violence? I argue that mainstream anti-violence advocacy has not contended with the problem of antiblack culture and the illegible victimhood it produces. In order to begin the work of addressing this issue, I propose the analytic of the “pivot.” Traditionally defined, pivot means: n. the central point, pin, or shaft on which a mechanism turns or oscillates; v. rotate, turn, depend. I propose that we employ pivot in not only its noun form but also its work as a verb - simultaneously, in order to more clearly theorize violence in the lives of Black women. I suggest defining pivot, within the context of violence in the lives of Black women as: 1. an intentional movement that obscures the violence that Black women are experiencing and have experienced; 2. a move that ratifies the practice of containment and surveillance on the bodies and lives of Black women; and 3. a turn we as readers and or those engaging with different forms of the archive must intentionally make in order to decode that same archive and what it has rendered illegible. Employing the pivot helps account for the violence Black women experience in a more holistic way. The pivot as an analytic is crucial because it actively acknowledges the presence of violence in the lives of Black women and does not require its redaction, and secondly, it helps expand on what those experiences of violence signify for Black women within antiblack culture.

Throughout this chapter, I employ the pivot in my analysis of legal case studies where Black women have experienced some form of violence in order to elucidate the obscuring of violence and how that disavowal sanctions the carceral treatment of Black women who attempt to identify as victims and survivors of violence. An analysis of legal case studies and the media produced around various cases helps unravel carceral anti-violence work and the case law that is eventually constructed, specifically, the particular subjectivity of Black women within narratives regarding protection, advocacy, and victimhood.

Illegible Victimhood

Black women who experience violence, specifically, Black women who have been raped and have had their experiences rendered illegible by the state has been a theme in many Black feminist interventions. Saidiya Hartman in her analysis of the 1855 case *State of Missouri v. Celia, a slave*, breaks down the antagonism that is enslaved Black women and sexual violence.⁴² Hartman in her attempt to “listen for the unsaid” or perhaps the illumination of the pivot - brings her ear close when looking at the case of Celia (a slave) and her owner and rapist (a white man). Celia was an enslaved Black woman who was arrested, prosecuted, and convicted for the murder of her owner Robert Newsome after his final attempt at raping her. At the time of Celia’s final rape, Missouri

⁴² Saidiya Hartman, *Scenes of Subjection: Terror, Slavery and Self-Making in Nineteenth-Century America* (Oxford: Oxford University Press, 1997).

law stated that it was a crime “to take any woman unlawfully against her will and by force, menace or duress, compel her to be defiled.” Celia’s court appointed lawyer argued that this iteration of crime made Celia’s survival actions justifiable and that a slave master had no right to rape a slave. Judge and jury ultimately decided that it was Celia that had no right to kill Newsome and by extension - deny his advances. Celia’s legal conviction is an illustration of how the state actively oscillated Celia between human and object; Celia was an enslaved person, property, and object and therefore had no legal right to deny Newsome - while also being human enough to be held accountable and convicted of Newsome’s murder. Hartman’s analysis demonstrates the duality of Celia’s positionality, and her constructed subjectivity outside of victimhood. The curation of the archive as well as the outcome of the legal case do not dwell on the violence Celia continuously experienced at the hands of her owner and rapist but instead, they pivot toward particular outcomes of those events - the killing of her rapist and owner Robert Newsome and the criminalization of her survival actions.⁴³ Celia’s value is derived from her innate ability to be criminalized as well as her signification of crime itself. Celia’s life and rape/s are obscured and reimagined as the killing of Robert Newsome.

The reimagining and impossibility of Black gendered violence is investigated through a different lens by Sarah Haley in her analysis of the Eliza Cobb case and

⁴³ Alisa Bierria and Lenz, Colby. “Battering Court Syndrome: A Structural Critique of “Failure to Protect.”” In *The Politicization of Safety Critical Perspectives on Domestic Violence Responses*, 91-118. (New York: New York University Press, 2019)

sentencing. Haley instead interrogates the visual representation of criminalized Black and white women and the acts they are alleged to have committed and the vastly different outcomes and consequences they experience while incarcerated. Eliza Cobb was a Black woman who in November 1889 at the age of twenty two was raped, became pregnant, and convicted of infanticide. Similar to Hartman's analysis of Celia, Haley reckons with the illegibility of violence when experienced by Black women and the manifestations of said containment and regulation. Cobb's rape like Celia's rape is never considered, only until the byproduct of that rape is realized - her pregnancy and the death of her infant child. Cobb being a Black woman first and foremost constructed her status but also the boundaries of her womanhood, motherhood, and victimhood. Cobb's treatment while incarcerated and consequent release were premised on three factors, her status as a non-woman, non-mother, and non-victim all which became the foundation of her appeal for clemency. Haley examines the treatment of Eliza Cobb alongside that of a white woman who had also been convicted of infanticide, a study of their clothes, their punishments, and the terms of their release reveal that to be an incarcerated Black woman signifies a completely different set of meaning when womanhood, motherhood, and victimhood are considered.

Impossible victimhood also revealed itself in the case of Joan Little. Joan Little - one of the most recent victims in this racist and sexist tradition as described by Angela

Davis⁴⁴ was a Black woman who was sexually assaulted by a white male guard while serving a prison sentence in North Carolina. In the early hours of August 27, 1974, Clarence Alligood, the night guard on duty, with an ice pick in hand entered Joan Little's cell and began assaulting her. At some point during her assault, Little managed to take hold of the ice pick and in an attempt at protecting and defending herself, began stabbing Alligood. The jailer was later found dead in Little's cell, sprawled across the bunk, Alligood laid with his pants around his ankles and stabbed multiple times. After the assault Little fled. Little was on the run for a week before turning herself in. Little was indicted and charged with first-degree murder, and if convicted, came with a mandatory death sentence. Pre-trial buzz concerned itself with two topics, Joan Little's perceived lasciviousness and history of waywardness and Clarence Alligood's portrayal as an outstanding citizen and family man. The assault on Joan Little and overall treatment while incarcerated became secondary to the death of her abuser. The incarceration of Little at the time of her assault adds to her already precarious state, it is also representative of yet another pivot and or the disappearing of violence. In the eyes of the law, Little had no right to defend herself, as a Black woman she had been made to signify libidinity. Her incarceration suspended all subjectivity - putting her in a state of

⁴⁴ Angela Davis, "Joann Little: The Dialectics of Rape," *National Alliance Against Racist and Political Repression* (1975)

exception⁴⁵ - race, gender, and the literal cage had entrapped Little in a way that normalized her assault. Similar to Celia,⁴⁶ Little oscillated between the public and private sphere - in this case - between the state of exception; an unrapable body and a Black woman who had committed murder. What mattered was that Little had killed her white male attacker - nothing else. When it was publicized that Alligood died because he had sexually assaulted Little, society understood her assault not within the context of normative victimhood, but as the consequence of her seduction of the jailer in her attempt to escape. What also aided this sentiment was the publicizing of Little's request to stay at the Beaufort County Jail. Like her criminalized history, her race, gender, and now her request - all signified responsibility for her assault.

Saidiya Hartman, Sarah Haley, and Angela Davis through their analyses of legal cases such as *State of Missouri v. Celia, a slave*, Eliza Cobb, and Joan Little have demonstrated that when Black women experience sexual assault, it is them who carry the responsibility of their assaults and the law is more than happy to respond. Antiracism places Black women who experience violence outside of legibility as a human, a woman, and a victim. The law (as tool and application) through the deployment of language and

⁴⁵ My use of 'state of exception within the Joan Little case draws from both Agamben and Mbembe. Agamben explains the 'state of exception' as a technology of power; a constructed state of subjectivity/non-subjectivity that the carceral state deploys and extends at its discretion under the guise of protection of the body politic, Mbembe's conceptualization of the 'state of exception' speaks more to a process of transformation of the constructed subject/non-subject by the carceral state in order to justify the violence that it produces. Both interventions describe Joan Little's condition while incarcerated; Little's gender because of her race has been weaponized and transformed by the logics of antiracism as threats to the nation state, therefore her incarceration is necessary and required.

⁴⁶ Saidiya Hartman, *Scenes of Subjection: Terror, Slavery and Self-Making in Nineteenth-Century America* (Oxford: Oxford University Press, 1997).

therefore subject making, languages and shifts Black women in and out of the public and private sphere - making them “human” enough to be held accountable for their survival actions and simultaneously making them only flesh⁴⁷ that is unable to experience violence.

Criminalizing Survivors

Beth Richie has argued that the early anti-rape and battered women’s movement in the 1960s and 1970s homogenized victims of gender-based violence by asserting that “all women” were vulnerable to these forms of violence, disappearing the specific vulnerabilities experienced by victims on the margins, especially Black women.⁴⁸ While the early national discourse on violence often trivialized race and racism, women-of-color-led organizations recognized the racialized and racist gaps and understood the intersectional capacity needed to end violence against women. By the mid-1970s, these organizations established a range of services specifically for women of color DV victims where previously there existed none, “typical shelters were modest single-family homes that had been transformed into multiple-family residences with common living areas and a shared kitchen, and multiple families occupying small bedrooms. Rape crisis centers

⁴⁷ Hortense J. Spillers, “Mama’s Baby, Papa’s Maybe: An American Grammar Book,” *Diacritics* Vol. 17, No. 2 (1987): pp. 64-81

⁴⁸ Beth E. Richie, *Arrested Justice: Black Women, Violence, and America’s Prison Nation* (New York: New York University Press, 2012).

were operated out of community centers, apartment buildings, or small women's counseling programs."⁴⁹

At the same time as the disappearing of Black women and their experiences from the social and political language of DV victimization, laws were also being introduced to more firmly establish domestic violence as a crime. Anti-violence organizations called for a carceral reconceptualization of rape, anti-rape laws, and violence against women in general, "The criminalization of domestic violence created a dual advantage for the state: the perpetrator became the sole party responsible for violence against women while the state positioned itself against the perpetrator and thereby as an ally of battered women. Criminalization also buttressed the state's claim that prisons were the solution to domestic violence, a framework that has been proven to the contrary while yielding disastrous results for women of color and their communities."⁵⁰ As anti-violence advocacy attempted to become more visible and accessible for "all" DV victims, advocacy's dependency on the law as a form of redress and safety was becoming increasingly evident,⁵¹ Ideologically, violence against women became more and more a behavioral, criminal, and medical phenomenon, rather than a social justice issue. When violence

⁴⁹ Ibid., 69-70

⁵⁰ Ana Clarissa Rojas Durazo "We Were Never Meant to Survive': Fighting Violence Against Women and the Fourth World War." In *The Revolution Will Not Be Funded: Beyond the Non-Profit Industrial Complex*, 113-128 (Durham: Duke University Press, 2017)

⁵¹ Kristin Bumiller, *In an Abusive State: How Neoliberalism Appropriated the Feminist Movement against Sexual Violence* (Durham, NC: Duke University Press, 2008); Richie, *Arrested Justice*; Robin McDuff et al., "Open Letter to the Anti-Rape Movement, 1977," ed. Mariame Kaba, Project Nia, 2020, <https://issuu.com/projectnia/docs/letter-to-the-antirape-movement>; Mimi E. Kim, "The Carceral Creep: Gender-Based Violence, Race and the Expansion of the Punitive State, 1973–1983," *Social Problems* (2019).

against women is understood this way, interventions and attempts at prevention are overly reliant on therapy and the courts—all individualized methods of intervention that fail to address and combat the social organization of violence against women.”⁵²

By 1976 the law and the anti-violence movement culminated with the passing of the Domestic Violence Act, which allowed DV victims to have their abusive partners removed from their shared home using a civil injunction while also leaving open the possibility of attaching powers of arrest for the abusive partners’ subsequent violation, although this “possibility” is an illusion created by the state in this carceral context. The “power of arrest”—the concept that positions the state as benevolent protector while normalizing the act of arresting individuals—and anti-violence advocacy were now functioning on the same side of the equation; both strategies were interchangeable and implemented to remedy the violence women were experiencing. The anti-violence movement’s reconceptualization of violence against women tethered criminality and carcerality to safety from gender-based violence, and the occupation of the law within anti-violence advocacy was guided by the dominant construction of domestic violence and sexual assault (SA) as social-problem crimes. Via law, anti-violence advocacy groups were now complicit participants with the state.

Advocacy groups were directly calling for state responsibility for preventing and treating victims of DV and SA. Ronald Reagan’s first term as president signified the

⁵² Rojas Durazo, *We Were Never Meant to Survive: Fighting Violence Against Women and the Fourth World War*.

“incorporation of the feminist anti-violence movement into the apparatus of the regulatory state.”⁵³ The focus for anti-violence leaders in the eighties was almost exclusively on legal and legislative strategies⁵⁴—gender anti-violence advocates pushed for the criminalization of the violence being experienced by women. The national discourse on domestic violence turned toward criminality and carcerality. The issue of domestic violence began to be framed as a social problem based on “personal choices and immoral behavior [rather] than persistent lack of resources and structural arrangements.”⁵⁵ The shift in the national understanding of what DV is and what DV does opened the door for the carceral treatment of women of color, specifically Black women, in these contexts.

By the 1980s, neoliberalism’s impact on domestic violence had transformed it into a consequence of “personal choices and immoral behavior” that could only be remedied through criminalization and carceral logics. The demand for redress marked bodies involved in domestic violence, both victim and abuser, with a need for surveillance, containment, and regulation. The transforming of DV experiences and narratives by neoliberal agendas also altered which bodies signified the DV problem.⁵⁶ By the early 1980s, a number of texts were published that specifically identified DV as an issue for

⁵³ Bumiller, *In an Abusive State*.

⁵⁴ Richie, *Arrested Justice*.

⁵⁵ Richie, 108.

⁵⁶ Alisa Bierria, “Missing in Action: Violence, Power, and Discerning Agency,” *Hypatia* 29, no. 1 (2014): 129–45.

Black women.⁵⁷ The positionality of Black women within the emerging neoliberal narratives that situated domestic violence as a consequence of “personal choices and immoral behavior” highlights the antiblack carceral logics that underpin current anti-violence advocacy.⁵⁸ The initial demand for responsibility, prevention, and treatment of victims by the state and the ways the anti-violence field was subsequently shaped by that demand created an intimately violent relationship between Black women survivors/victims and the state, a relationship that constructed Black women who identified as DV survivors/victims as always needing state intervention and “protection.”

In this political context, protection for Black women meant surveillance, containment, and regulation. The imposition of surveillance, containment, and regulation became naturalized in the state’s shifting narratives on DV. The effects of neoliberalism and its push on the “individual” shifted the discourse about domestic violence from being a consequence of structural racism and deteriorating communities to a by-product of poor personal choices.

The state’s shift towards poor personal choices and deviant behavior regarding domestic violence and the centering of Black women within these narratives was and continues to be intentional. The presence of blackness and the necessity for surveillance within narratives of domestic violence and its forms of redress function as sites of

⁵⁷ Richie, *Arrested Justice*.

⁵⁸ See Dorothy Roberts, *Killing the Black Body: Race, Reproduction, and the Meaning of Liberty* (New York: Random House, 1997) for a detailed review of how the narrative of “personal choices and immoral behavior” similarly shaped the history of reproductive politics for Black women in the US.

violence as structural and gratuitous. As scholars of antiblack meaning have previously argued, antiblackness requires blackness to be outside of humanity, and I argue, outside of “victimhood.” Black women as being proper victims of domestic violence and violence is not a legible project because antiblackness forecloses that possibility. The neoliberal transforming of domestic violence as an issue regarding personal choices and immoral behavior languaged domestic violence as a racialized personal problem at the site of the individual and or the individual community instead of a national issue that has no race, class, gender, or religion - subsequently, domestic violence and her victims can become/are pathologized. Domestic violence as a black and brown issue becomes reinforced through the individualization and pathologization of domestic violence.⁵⁹ The pathologization of domestic violence constructs violence as something that is unique and singular - if we understand domestic violence as an isolated subject then logically, the pathologizing of victims is merited. A pathologized victim now indicates the need for “treatment” - the burden of “treatment” is then transferred to victims and not the abuser in some cases.⁶⁰ Through the mechanism of pathology, the violence experienced by women is transformed into a non-violence but more accurately a non-violence that is simply a result of an individual’s poor choices and or deviant behavior. Black women who identify as domestic violence victims — because of the shift in the national discourse and anti-violence advocacy’s dependency on the state and carcerality — are required to then

⁵⁹ Kristin Bumiller, *In an abusive state: how neoliberalism appropriated the feminist movement against sexual violence* (Durham: Duke University Press, 2008)

⁶⁰ *Ibid.*, 67-70

submit themselves to constant surveillance while at shelters and crisis centers, to participate in mothering classes, and are required to receive counseling that helps identify the contributing factors that led to domestic violence. Furthermore, pathology as a tool of antiblackness transforms “treatment of victims” into the surveillance and containment of Black victims. Antiblackness signifies Black victims of domestic violence as victims who require surveillance, containment, and regulation - these are the gratuitous forms of violence that Black women are subjected to within the category of “domestic violence victim” and beyond. The state sanctioned, violent pathologization of Black women as signifiers of the outsider and ultimately destruction as King writes, constructs Black women as being profound threats to the nation state but more importantly to the violent colonial project of the “family.”⁶¹

The intentional surveillance and containment of Black women has historically been structured around the assumption of threat to the nation state. The 1965 Moynihan Report represents a historical continuation of black surveillance specifically situated at the site of Black women and Black mothers.⁶² The report contends, “The United States is approaching a new crisis in race relations.”⁶³ and at the middle of this crisis is the “Negro family structure.” The tethering of Black women and pathology is visible in the reports

⁶¹ Tiffany Lethabo King, “Black ‘Feminisms’ and Pessimism: Abolishing Moynihan’s Negro Family.” *Theory & Event*, Volume 21, Number 1, January 2018, pp. 68-87

⁶² Daniel Patrick Moynihan “The Negro Family: The Case For National Action. Office of Policy Planning and Research” (Washington, DC: United States Department of Labor. March, 1965)

⁶³ *Ibid.*, Introduction

central argument “the Negro community has been forced into a matriarchal structure which, because it is so out of line with the rest of the American society, seriously retards the progress of the group as a whole.”⁶⁴ Centering Black women within antiblack settler colonial space making practices elucidates the incommensurable position of blackness within the consolidation of the nation state - Black women have been signified to continuously exemplify the need for surveillance, containment, and regulation.⁶⁵ As King argues, “The Moynihan Report, like all projects of settler colonialism, must place Blackness. Settler colonialism must manage Black people and Black spaces.”⁶⁶ The management of Blackness, in particular the management of Black women and Black mothers is intentional, King writes “the negro family headed by the Black matriarch inspired Moynihan’s characterization of the black family as a “tangle of pathology.””⁶⁷ It is the constructed/assumed tangle of pathology that allows/continues the surveillance and management of Black women. Centering Black women’s positionality within the historical making and transforming of the anti-violence movement provides a genealogy that speaks to the current logics but also the material consequences seen in today’s anti-violence advocacy/work. Anti-violence work has languaged Black women into being

⁶⁴ Ibid., 29

⁶⁵ Tiffany Lethabo King, “Black ‘Feminisms’ and Pessimism: Abolishing Moynihan’s Negro Family.” *Theory & Event*, Volume 21, Number 1, January 2018, pp. 68-87

⁶⁶ Tiffany Lethabo King “In the Clearing: Black Female Bodies, Space and Settle Colonial Landscapes.” PhD diss., University of Maryland, 2013.

⁶⁷ Tiffany Lethabo King, “Black ‘Feminisms’ and Pessimism: Abolishing Moynihan’s Negro Family.” *Theory & Event*, Volume 21, Number 1, January 2018, pp. 68-87

threats to the nation state whose poor choices and deviant behavior have led them to become victims of violence consequently, “protection, care, and advocacy” become surveillance, containment, and regulation for Black women.

The Linguaging of Black Women

Drawing from James Boyd White’s work in *The Legal Imagination* and Hortense Spillers’ intervention in *Mama’s Baby, Papa’s Maybe: An American Grammar Book*, the intentional conjugation of the word “language” into a verb, languaged/s, is meant to signify the capability of action and power within language. As a verb, language is revealed to contain transforming abilities, it can make and or unmake something or someone. White argues that the law is a form of language that is not only capable of constructing and containing but also a site where different possibilities can be created. Similar to the language of the law, Spillers contends that the captive (female) body is marked as, “a kind of hieroglyphic” which renders it as flesh available for torture and naming. Spillers is calling attention to the language that contains and regulates Black women as continuous sites of state violence, “Peaches, Brown Sugar, Sapphire, Earth Mother, Aunty, Granny, etc.” Drawing from Spillers and White, in this section I argue that anti-violence work as it functions within an anti-Black world is also a language that is capable of constructing, containing, but more importantly creating different realities. Meaning and understanding are transformed within the context of anti-Blackness

specifically for Black women, for example, “protection,” “victim,” and “advocacy,” are reconstructed to mean carcerality, criminal, and surveillance. Similar to the work of Hartman and Haley in the previous section, I also consider the convergence between Black women, violence and legal discourse. I take the concept of languaging to show how legal discourse as well as cultural discourse construct illegible subjectivity and victimhood in the case of the New Jersey 4 and additional legal cases involving Black women and their experiences of violence within sex work, sex trafficking, and domestic violence.

On the evening of August 18, 2006, Renata Hill, Patreese Johnson, Venice Brown, Terrain Dandridge, and three other women decided to make the trip from their hometown of Newark, New Jersey to visit New York City for a night out. Patreese and Terrain have described the West Village as an ideal place to “look at girls, and be gay”⁶⁸ That night, while walking down the street the seven women were accosted by Dwayne Buckle, a 28 year old DVD bootlegger. Buckle, after noticing the women began to catcall Patreese Johnson, saying “let me get some of that” while pointing at her crotch. Johnson contends that she replied to the sexist demand with a simple, “no thank you” and “Mister, I’m gay.” Outraged by the audacity of such a rebuttal, Buckle threatened to rape the women and attacked the group of friends. Fearing for the lives of her best friends, Patreese Johnson pulls out a small knife and stabs Buckle on his right side. The assault by Buckle on the seven women lasted for four minutes. Shortly after the attack, having been called

⁶⁸ *Out in the Night*. Directed by Blair Doroshwalther, Marina Productions, 2014.

by someone in the crowd, police officers arrived at the scene and Buckle began to claim that HE was the true victim in the altercation. Buckle constructed his assault of the women through a heteronormative lens - yelling profanities that centered their queer presentation and structuring his assault on their bodies through the same violent lens and language. At the time of the attack, Buckle is heard saying, "I'll fuck you straight, sweetheart." Buckle's heteronormative attack of the women further consolidates - specifically through his media interviews. Buckle told The New York Post that "this is what I get for being a nice guy." Buckle's behavior and logic do not function in isolation or in opposition to surrounding narratives - in fact they are perpetuated and upheld by various media outlets. After a rushed investigation at the scene, all seven women were arrested and charged that very night. I examine the case of the New Jersey 4 at two different sites; I investigate the way in which the women's case was handled juridically and the constructed subjectivity it produced/s and by doing a close read of the documentary *Out in the Night* in order to demonstrate the cultural languaging of Black women who experience violence.

The New Jersey 4 case as a case study has been traditionally analyzed because of the homophobic approach taken up by the media when describing the women at the center of the assault and the draconian treatment and sentencing they received. While these two points of analysis have become popular sites of scrutiny, I argue, what is also equally vital and happening concurrently, is the constructing of these seven women, specifically Renata Hill, Patreese Johnson, Venice Brown, Terrain Dandridge as illegible

victims of violence BECAUSE of their Black non-normative presentation. What has garnered attention in the media and throughout the court proceedings was not the harassment and assault the women had endured at the hands of Dwayne Buckle, but instead it was the women's Black non-heteronormative beingness and presentation that was centered and put on trial.

The documentary starts off by centering the women's queerness and presumed Blackness. Employing antiblack homophobic language, the documentary begins the story of the New Jersey four by playing audio recordings and showing newspaper clippings of headlines such as, "Lesbian Gang-Stab Shocker," and a faceless reporter saying, "he (Buckle) was attacked for being a straight man." Amongst the audio and news clippings, various close-up black and white pictures of Terrain Dandridge are shown. Dandridge, who is the most masculine (masc) presenting woman out of the four is pictured in what is presumed to be a white polo and cornrows. Terrain's pictures are then followed by four separate polaroids of all four women, however what is focused on again, is the photo of Terrain Dandridge and now Renata Hill who is also masc presenting. The remaining two women are literally relegated to the back and even partially concealed by the two forward images of Dandridge and Hill. The four women are shown amongst friends and family, mostly women and children followed by shots of their Newark neighborhood, including empty housing lots, graffitied buildings, long shots of liquor stores, and what sounds like a stock hip-hop instrumental track in the background.

After a short introduction, a disembodied voice can be heard saying, “My moms out.” A shot of Terrain and Renata giggling on a park bench comes into focus, Renata with a smirk on her face continues by saying, “Me and my mother came out around the same time.” Renata’s coming out story is protected by the symbolic presence of her mom within the same story, her coming out story is not only protected but also validated by her mother’s acceptance. The director responds by asking the women when they realized they were gay, Renata jokingly implies that Terrain has known she was gay since she was five. The intimate interaction between the women as the opening scene positions the women’s queer identities as a positive focal point that has been supported by their families and foundational to their lived experiences. The conversation between Terrain and Renata is followed by an interview with Patreese Johnson. What is confusing is that Patreese Johnson's interview seems to be shot in real time, no helpful time and date stamp are given, and she is clearly incarcerated. The interview begins with Patreese saying, “There’s a lot of bums that like to rob people. I done been robbed, on occasion. And where I live at, I try my best to take precautions.” The short clip of Patreese talking is followed by an interview with Patreese’s brother who describes her as the runt in a litter of dogs and by her Muslim sister invoking Patreese’s gayness as something that should be “no one’s business.” Like the short conversation between Terrain and Renata, these short scenes with and about Patreese serve as an introduction to her character, she is a queer Black woman who has been in situations that require her to take precautions, and by her

brother's and sister's standards, she is thought of as small, vulnerable, and should be left alone.

Ruminating on the events of August 18, 2006 begins with Terrain and Renata, they describe being out in the night with no specific destination when they unknowingly cross paths with Dwayne Buckle. Splicing in the interview with Patreese still incarcerated, Patreese recalls how Buckle began his assault by saying, "let me get some of that," Patreese says her initial thought was that Dwayne Buckle "wanted somebody's Pepsi." Buckle clarified himself and pointed at Patreese and said, "I want that." During this part of the interview, Patreese is visibly uncomfortable describing Buckle's threats. I understand Patreese's assumption, body language during the interview, and apprehension around Buckle's statements in two ways; Patreese is clearly caught off guard by Buckle's unprovoked statements to the extent that she signals to her friends to give Buckle their bottle of soda, at this point, Buckle was a peripheral character in Patreese's night. Two, I believe Patreese herself is actively recognizing how her sexuality (gay) complicates her racialized gender (Black woman) and her status as a possible victim. Patreese already anticipating the challenges of being a gay Black woman who is claiming to be a victim of violence says to the producer, "what would you (Buckle) have said if we were straight?" then follows up with, "you're (Buckle) basically saying that you will rape us." This moment in Patreese's interview illuminates the ways in which she already understands and tries to decipher her own illegibility as a victim; she must translate her experiences of that night through a heteronormative lens in order for that experience to be legible as an

experience of violence. Renata also explains or attempts to translate her experience of violence on this night by invoking the abuse she suffered since she was nine years old, saying she recognized Buckle's approach and demeanor that night and feelings of familiarity caused her to feel threatened. Like Patreese, Renata also translates her experiences of violence by correlating the assault to a time where she was not read as gay and/or masc but instead a child who deserved protection. The documentary cuts to Venice who is sitting outside in a Newark neighborhood, where she is heard saying "no means no" but never shown actually saying it. Once the audio cuts out, Venice is shown putting her head down as if she is unsure that her own "no" will be taken seriously in any context considering her sexuality and racialized gender.

Self-defense for Black queer women had no legibility in this case - the women's survival actions could only be understood as criminalized action⁶⁹ because of their perceived deviant behavior and non-normative presentation — their criminalized actions now demanded carceral solutions. The following felony indictments were handed down to all seven women, Criminal Possession of a Weapon in the 4th Degree with Intent to Use, Assault in the 3rd Degree; 2nd Degree; 1st Degree, Gang Assault in the 2nd Degree; 1st Degree, and Attempted Murder in the 2nd Degree. Three of the seven women were coerced into pleading guilty to a violent felony in exchange for less time, the remaining four unwilling to plead guilty to any of the charges elected to go to trial. The trial itself

⁶⁹ Alisa Bierria and Lenz, Colby. "Battering Court Syndrome: A Structural Critique of "Failure to Protect."" In *The Politicization of Safety Critical Perspectives on Domestic Violence Responses*, 91-118. (New York: New York University Press, 2019)

lasted almost a year. The all white jury consisted of ten women and two men. Over the course of the trial, the women's defense teams provided an abundant amount of evidence demonstrating that it was Buckle who was the aggressor. Buckle's wounds were also in question - the police officer who had responded to the attack testified that there was no blood on the knife, additionally, forensic testing was never attempted nor completed on the weapon. Lastly, law enforcement made no attempts in locating the men or the "good samaritans" who intervened in the attack in defense of the women. After the prosecution had rested, it took the all white jury five hours to deliberate. The four out of seven women who chose to go to trial received sentences ranging from 3.5 to 11 years.

The gang assault indictment landed the case with Judge Edward J. McLaughlin, who is described as a "tough judge" who sits in a courtroom that is fed primarily by gang cases.⁷⁰ Gang cases within the context of Judge McLaughlin's courtroom meant actual criminal enterprises. In the case of the New Jersey 4 however, the judge and prosecutor intentionally deployed the word "gang" when describing the group of women in order to better prosecute their collective survival actions. The languaging of the seven women by the courts into a gang remake their collective friendship and survival actions into gang activity, "gang activity" becomes legally more legible as a prosecutable offense versus seven gay Black women defending themselves. The use of "gang" also languages the women from being a group of friends who were out "being gay" into a gang who was out to cause intentional harm — these are interchangeable descriptions to the criminal justice

⁷⁰ *Out in the Night*. Directed by Blair Doroshwalther, Marina Productions, 2014.

system. Like the Gang Assault in the 1st Degree indictment, Assault in the 1st Degree and Attempted Murder in the 2nd Degree also assumes intentionality to do severe harm. The assumption of intentionality within the chosen indictments is what structures the identifies of these seven Black women; the assumption that these seven women intentionally went out that night to hurt someone, an assumption which is informed by the women's racialized identity and perceived queerness. An analysis of the indictments indicate that the court's priority was to hold these four women responsible for the violence they experienced by any means possible via far ranging indictments. The prosecution's net aimed to catch any possible scenario that held these four women responsible for their experiences of violence. Terrain's mother describes the day the verdict was read, saying "it was a movie, like all the gangsters were all there at one time, like the Gambinos and Al Capones because the walls were literally lined up with court officers and they were all around the girls," making the women at times literally invisible.⁷¹ Even while the verdicts were being read, state agents continued to language and represent these Black women as fundamentally violent who intentionally harmed and required surveillance and regulation.

The verdict handed down by the jury, who consisted of 10 women and 2 men, was just another example of the illegibility Black women experience. At the core of the verdict is the inability of the 12 jurors to conceptualize Black queer masc women as victims of violence. The ten white women jurors found no correlation between

⁷¹ Simone Browne, *Dark Matters: On the Surveillance of Blackness* (Duke University Press, 2015)

themselves and the Black women - and the two men found no parallels between the Black women and the white women that sat amongst them in the jury box. Holding Black women outside the categories of womanhood and victimhood not only informed the jurors behavior and their verdict but also the handling of the case itself. Surveillance videos depicting their abuse, an untested knife, and Buckle's contention about him fighting a woman even though there is clear evidence - in the context of Black women - even solid proof becomes disputable.

Narratives around womanhood, victimhood, and violence become inapplicable within the context of Black women who experience violence as we've previously seen - and now - queer Black women. Womanhood was not an applicable identity because of their queer presentation, victimhood like womanhood was also not applicable because of their non-conformity, and the violence they experienced becomes a non-event or a violence that has been transformed and languaged into non-violence because they are Black, queer, and women. A Black queer identity becomes a signification for containment. Renata's mom also speaks to the obscuring and at times literal erasure of violence helmed by the courts and sustained by the media, saying "the media doesn't tell the whole story, they didn't tell how my daughter was attacked, how she was choked - it's called gay bashing, but they won't call it that, they'll call it everything but that." Renata's mom in her critique of the criminal legal system is referencing the pivot, an intentional move toward something else in order to obscure the violence her daughter experienced. The outcome of the case, the violence within it, and the issue of non-

conformity all have become impacted by the antiblackness that surrounds and the consequences it produces in the lives of queer Black women. No matter the amount of violence experienced by these seven women on the evening of August 18th, through the media, and at the trial - it was never enough - “victims of violence” becomes an unattainable identity.

The consequences of being a Black queer illegible victim of violence impacts the way in which the women experience incarceration. Terrain, whose interview is meant to simulate her time incarcerated recalls the fear she experienced sitting in prison and the nights she spent crying for her mother; a hug, a smile, comfort and protection were moments in time she was no longer able to experience while incarcerated. Like the comfort and protection her mother signified, Terrain also describes no longer being able to experience herself as an autonomous being, “once you are upstate you are considered state property, so once you do anything, even so much as touch yourself the wrong way, you’ll be penalized for it.” Terrain’s loss of her mother’s comfort and inability to physically connect with herself follows the initial foreclosure she experienced the night of her assault and the rejection of her self-defense claims. Any semblance of being a full person; self expression, defending oneself, feeling the comfort and protection of one’s mother, and the intimacy of self touch is stripped away as a Black queer victim of violence, as Terrain contends, “you are considered state property.”

Renata’s subsequent comments are an additional illustration of what Terrain is describing as a process of becoming “state property,” Renata says “I miss boxers, wearin’

boxers.” Expressing her annoyance with “panties,” Renata explains how much she not only misses boxers but how she is also not allowed to have male boxers, female boxers, or even wear shorts as boxers while incarcerated; an occurrence she recently was reprimanded for. I understand Renata’s anecdote as not only a genuine complaint about comfortability but also as an illustration of the extent the law and by extension the prison system will take in order to regulate, surveil, and contain Black women’s bodies and sexuality; even a queer Black woman’s underwear are a threat to the nation state. Renata’s attempt at accessing her own queer identity via her boxers is obstructed and has been languaged into a criminal action. Renata’s conviction is ultimately reversed due to the judge’s misleading instructions to the jury. After her release, Renata is shown putting on a new purple polo, black durag, and baseball cap, looking in the mirror Renata happily declares, “Aww, I look like a human being. Not an inmate!” Like the policing of underwear, Renata feeling “human” again and not an inmate by simply changing into her own clothes demonstrates how the prison industrial complex⁷² in addition to literal confinement also attempts to erase and construct queer identities. In the case of Renata, the denial and or the lack of accessibility that she experiences as a queer woman while incarcerated is less about the alleged crime she committed and more about punishing her non-normative presentation.

⁷² Critical Resistance describes the prison industrial complex (PIC) as the overlapping interests of government and industry that use surveillance, policing, and imprisonment as solutions to economic, social and political problems—it helps maintain the authority of people who get their power through racial, economic and other privileges.

After her release, Renata is assigned to transitional housing, while being shown her bedroom the housing staff member informs Renata that they currently do not have a bed for her son and states, “it’s not the Ritz but it beats a shelter,” Renata replies, “it beats Albion and Bedford.” Like many of the women, women of color, in particular Black women who experience violence, Renata is portrayed via the staff member, as a woman and mother just happy to at least have somewhere to sleep that is not a prison cell. The juxtaposition of Albion and Bedford, the shelter, and the minimally accommodated transitional housing suggests that recently released Black women require no actual effort when it comes to their release and transitioning, as long as it is not a prison or shelter, the bare minimum is enough to sustain Black life. The staff member’s comment diminishes Renata’s previous unjust trial and incarceration, and Renata quickly reminds her that transitional housing is definitely not a prison cell. The lack of accommodation for Renata’s son signifies the law’s and housing’s dismissal of Renata’s motherhood, like food, shelter, clothing, etc., Renata’s motherhood is also part of her survival yet it is not accommodated for nor valued; no bed for her son. The dismissal of Renata’s motherhood is also evident in the loss of custody of her son while incarcerated. Renata explains, “When I first came home and I called my son, they said I wasn’t allowed to speak to him or see him. And that’s when I got the information that I didn’t have custody anymore, which I didn’t know. Then there was that fear of, “What if I don’t get him back?”” Renata’s status as an illegible victim of violence voids her status as a mother, her incarceration in conjunction with her Black queer identity does not afford her a

notification or a say when it comes to the custody of her child. Even after being released, and having her conviction reversed, Renata's worry of never getting her son back is informed by the knowledge of her already penalized identity as a Black queer woman, her release means nothing within the context of her Black queer motherhood.

As the film comes to a close, Patreese and Renata are quoted saying that they will never put themselves in the types of situations that led to their incarceration, Patreese specifically saying at the end of the film that she will no longer carry a weapon once she leaves prison. Patreese's and Renata's comments are representative of what Buckle has claimed from the night of the assault, what the media instigated and ran through its headlines, and what the law upheld; it was the women's own deviant behavior that created the violence itself. These Black queer women were taught and shown that they are responsible for the violence they experience because of their non-normative presentation. Renata Hill, Patreese Johnson, Venice Brown, Terrain Dandridge; the women now known as the New Jersey 4, are illegible victims of violence, their illegible victimhood was constructed and continuously reinforced by the characterization of their indictments and the punishments they received, their physical containment and incarceration, and their portrayal in the media. In the case of the New Jersey 4, the pivot comes in the form of policing non-heteronormative Black bodies and what is read as deviant behavior in order to protect heteronormativity and normalize the surveillance of Black women, in particular queer Black women.

The demand for heteronormativity and the policing of Black queer women are the ways in which the pivot manifests itself within the case of the New Jersey 4. Not only is homophobic violence obscured and denied, this case is representative of how the utilization of language or the mechanism of languaging is put to use in order to normalize the antiblack carceral treatment of Black women and Black mothers. The enforcement of heteronormativity on Black queer presentation is not the only way the pivot labors, the pivot and the action of languaging in this case also functions to keep Black women silent about the abuse and violence they are expected to endure. The enduring of violence is how the pivot functions in the case of Alisha Walker, a full-service sex worker who was convicted and incarcerated for defending herself after her client pulled out a knife and attempted to have unprotected sex with her.

Originally from Akron, Ohio, Alisha Walker was a full-service sex worker who at the time of her assault was working in Chicago. On the night of January 18, 2014, Alisha and a friend of hers decided to respond to an ad they had previously placed on backpage.com with a client she had previously worked with, Alan Filan. Alisha has described Filan in many of her interviews as agitated and discontent because he felt that there was a discrepancy between the Backpage ad and what Alisha's friend looked like in person. Having previously agreed to pay the women \$300 for sex, Filan now seemed "edgy,"⁷³ smelled intoxicated, and demanded to have sex with the women without a

⁷³ Hussain, Rummana. "15 Years for Prostitute in Fatal Stabbing of Brother Rice Teacher." Chicago Sun-Times (Chicago), March 24, 2016. <https://chicago.suntimes.com/2016/3/24/18413562/15-years-for-prostitute-in-fatal-stabbing-of-brother-rice-teacher>.

condom. After Alisha and her friend attempted to explain to Filan that this was not what they had agreed to, Filan threatened the women if they did not comply. Fearing for her life, Alisha struggled with Filan and managed to wrestle away a knife he was holding, stabbing him. Alisha and her friend fled. Three days later, Filan would be found dead.

The initial investigation and discovery of Filan's body revealed a cell phone which had Alisha's phone number stored in it, additionally, printouts of the Backpage ad she had made were also found in Filan's home. The police tracked down Alisha at a motel in Fort Wayne, Indiana, she was arrested and charged with first degree murder. Once Alisha Walker was arrested, she was held at Cook County Jail in Chicago for twenty months before the start of her trial. James Papa who was the prosecuting attorney described the assault on Alisha Walker and her friend as an "altercation,"⁷⁴ painting Filan as an outstanding respected citizen who played an important part in his community and who had been taken advantage of by Alisha and her friend. The 3-day trial ended with a conviction, Alisha Walker was found guilty of 2nd degree murder and sentenced to 15 years in prison. Like the New Jersey 4 case media coverage, Alisha was languaged in a particular way by the media, headlines like "Prostitute on Trial Accused of Stabbing Catholic School Teacher to Death," and "Chicago Catholic School Teacher Stabbed to Death by Hooker." The continuous use of words like "prostitute" and "hooker" by the media, relegated Alisha Walker to a particular narrative, a narrative that has historically

⁷⁴ Hussain, Rummana. "15 Years for Prostitute in Fatal Stabbing of Brother Rice Teacher." Chicago Sun-Times (Chicago), March 24, 2016. <https://chicago.suntimes.com/2016/3/24/18413562/15-years-for-prostitute-in-fatal-stabbing-of-brother-rice-teacher>.

considered the lives of sex workers as disposable. By this I mean, the social and cultural constructing of “prostitute” and “hooker” meant that Alisha Walker was not legible as a woman, victim, or even human - instead she was considered disposable flesh, someone unable to say no or deny someone’s demands, and someone unable to experience violence. In conjunction with the intentional language used to describe Alisha’s case by the media, visually, Alisha is rendered to a particular subjectivity that is based on her occupation. At the time of her assault, news outlets disproportionately ran her mugshot photos rather than a photo off of her Facebook or a photo provided by her family. Alisha who is typically smiling in the photos she posts on her social media is transformed by the state’s carceral imaginary; Alisha’s eyes are low and sunken in, perhaps tired from the attack and subsequent arrest, she is makeup-less, her hair half crimped half straight; one mugshot in particular is shot from the top, transforming Alisha’s face into a mischievous character. Alisha has always maintained that she was not convicted of stabbing Filan but instead convicted and sentenced for being a sex worker, “I’m in here for being a sex worker, even if that’s not what I was actually convicted of.” “Prostitute” and “hooker” signified the requirement of carceral treatment.

The criminalization and language around sex work is not the only enclosure imposed on Alisha Walker, she is also constantly contending with what it means to be a Black sex worker. Alisha is described as a menacing, towering Black woman who was a

““master manipulator,” intent on collecting payment by whatever means necessary.”⁷⁵ Alisha was painted as a “5’9 Black woman who bullied, overpowered, and ultimately used lethal force against a frail, 5’5 elderly white man.”⁷⁶ It is Alisha’s Blackness that moves her further away from the category of proper victimhood; Alisha’s Blackness not only generates ideas of super human strength as in the case of Michael Brown,⁷⁷ but also assumptions about her presumed promiscuity and waywardness.⁷⁸

Law enforcement’s initial investigation is what launched the second wave of attacks on Alisha Walker. Besides Alisha’s phone number being stored in Filan’s phone and the Backpage printout of her ad, there was no other evidence at the scene that pointed to Alisha being the person who had actually stabbed Filan, law enforcement assumed that because she was a sex worker, she had to have played a part in the death of Alan Filan. The discovery of Filan’s body and the eventual arrest of Alisha also propelled Filan’s family and position as a Catholic school teacher to the forefront. It was quickly discovered that Filan was not only a long time high school teacher and coach at one of Chicago’s most well-known all boys Catholic high schools, but that his family also held influential positions in Chicago. Filan’s sister was a Cook County Judge and his brother

⁷⁵ Becerril, Crystal S. "Why Is This Sex Worker In Jail For Surviving?" *The Fader* (New York City), February 16, 2017. <https://www.thefader.com/2017/02/16/alisha-walker-sex-worker-murder-support>.

⁷⁶ Becerril, "Why Is This Sex Worker In Jail For Surviving?"

⁷⁷ Michael Brown was an 18 yr. old Black boy who was shot and murdered by white police officer Darren Wilson in Ferguson, Missouri on August 9, 2014. During Wilson’s interview, Wilson described the altercation with Brown as “I felt like a 5 yr. old holding onto Hulk Hogan.”

⁷⁸ Saidiya Hartman, *Scenes of Subjection: Terror, Slavery and Self-Making in Nineteenth-Century America* (Oxford: Oxford University Press, 1997).

was an Illinois lobbyist and former top aide to the Speaker of the Illinois House. Filan and his family symbolized everything Alisha Walker and her family were not. After the verdict was read at Alisha's trial, the judge based on his antiblack assumptions regarding Black sex workers, blamed her "broken family," describing her mother as a woman with "her own issues," and a father who "didn't play any role in her life."⁷⁹ The judge while addressing Filan's stepdaughter consoled her by saying, "you are the person you are today because of Filan's devotion to you."⁸⁰ The antagonism created between the two characters in the case positions Alisha as an illegible victim, instead, the judge informs her that she should be grateful to have met someone like Filan, "...the kind of people that you deal with when you're a prostitute, you're lucky if you run into an Alan Filan. That's the best thing that could probably happen to you."⁸¹ The language employed by state agents and the refusal to consider Alisha's claims of self-defense imply that a woman who is Black and who is also a sex worker is an illegible victim of violence.

The media's languaging of Alisha was prompted and sustained by law enforcement, state agents like the prosecutor and the judge, and even Filan's family. Alisha Walker's treatment from the moment it was discovered that she was a sex worker by the investigating officers, her arrest, her twenty month hold at Cook County Jail in

⁷⁹ Becerril, Crystal S. "Why Is This Sex Worker In Jail For Surviving?" The Fader (New York City), February 16, 2017. <https://www.thefader.com/2017/02/16/alisha-walker-sex-worker-murder-support>.

⁸⁰ Becerril, Crystal S. "Why Is This Sex Worker In Jail For Surviving?" The Fader (New York City), February 16, 2017. <https://www.thefader.com/2017/02/16/alisha-walker-sex-worker-murder-support>.

⁸¹ Frumkin, Rafael. "Not the Perfect Victim" *Guernica*, August 30, 2019. <https://www.guernicamag.com/not-the-perfect-victim/>

Chicago, her constructed subjectivity at her trial, and the sentence she received are all indicative of the pivot and the languaging Black women who are sex workers are expected to endure. Alisha Walker is literally told that the violence she claims to have experienced is actually something she should be grateful for, meeting Filan was languaged into something that benefited Alisha's life and it was her own doing along with her mother and father that created the situation she found herself in, not Filan's attempted rape of her and her friend on the night of January 18, 2014.

Furthermore, what is also significant about Alisha Walker's case is how the pivot attempts to obscure her autonomy as an intentional full-service sex worker. Alisha who has proudly spoken about her journey from stripping to full-service work and having a pimp, has always had one goal in mind; help support her family - and sex work was how she wanted to do it. Alisha instead is languaged into a "prostitute" who has been failed by her family. During the verdict reading, Judge James Obbish accuses Alisha of caring more about her pimp than about Filan's life, "you're going to protect your criminal associate, your pimp, that animal that sucks the money from you while you humiliate yourself, embarrass yourself, endanger yourself engaging in that kind of a business."⁸² The judge's statement to Alisha works in many ways: 1. it erases Alisha's agency as an intentional sex worker, 2. it makes her responsible for the violence she has experienced, and 3. it asks Alisha to put her own livelihood second to that of Alan Filan. The

⁸² Frumkin, Rafael. "Not the Perfect Victim" *Guernica*, August 30, 2019. <https://www.guernicamag.com/not-the-perfect-victim/>

obscuring of Alisha's autonomy as a sex worker is an exemplification of how pivoting normalizes the surveillance and containment of Black women; Alisha is criminalized for being a prostitute (which includes assumptions about her family, her state of mind and self-worth, and generalized narratives of forced sex work) and for doing sex work on her own terms. The pivot, while erasing the experience of abuse, also makes Alisha wholly responsible for that same abuse without ever considering the precarity of sex work. The burden of abuse is also allocated to Cyntoia Brown, however in the Cyntoia Brown case, it is the title of "child sex-trafficking victim" that is eventually transformed into another enclosure for Black women.

My interest in the case of Cyntoia Brown was initially triggered by an article I read written by Mariame Kaba and Brit Schulte for *The Appeal*. In the article, Mariame Kaba does an interesting visual analysis of Cyntoia Brown within her own case, specifically, looking at how the media in addition to the legal system contains Cyntoia Brown (who was 29 years old at the time of her release) within a "child sex-trafficking victim" narrative; Kaba calls this "the push to keep Cyntoia a child."⁸³ Kaba's analysis contends that because the media, the public, and the criminal legal system only recognize "perfect victims" which are "submissive, not aggressive; they don't have histories of drug use or prior contact with the criminal legal system; and they are "innocent" and respectable," Cyntoia Brown is only legible as a victim of violence if she remains the 16

⁸³ Kaba, Mariame, and Brit Schulte. "NOT A CARDBOARD CUTOUT: CYNTOIA BROWN AND THE FRAMING OF A VICTIM." *The Appeal*. December 6, 2017. <https://theappeal.org/not-a-cardboard-cut-out-cyntoia-brown-and-the-framing-of-a-victim-aa61f80f9cbb/>.

year old girl she was in 2004 when she shot and killed Johnny Allen, a 43 year old man who had picked up Cyntoia for sex. Kaba's inquiry centers images that have recently been created of Cyntoia, in particular, images of Cyntoia with the pigtails she donned during her trial when she was 16. Kaba asks, "Is an adult, 29-year-old Black woman an unsympathetic victim?" Kaba's analysis reveals Cyntoia Brown's illegibility as a 29 year old Black woman who is a victim of violence, Cyntoia must be confined to 16 years old in order for the abuse and violence she experienced to be taken seriously and considered enough to be a person worthy of protection. Holding and or reverting Cyntoia back to 16 years of age can also be read as a pivot; instead of accounting for the violence and abuse she experienced and meeting her at her present, the media would rather reduce Cyntoia to a child that is in constant need of "protection." Containing Cyntoia at 16 is not the only pivot within her case, to further illustrate the containment or pivot, I look at the languaging or the language employed by journalists and radio personalities in two specific interviews with Cyntoia, who after getting married, now goes by Cyntoia Brown-Long; one with Democracy Now!⁸⁴ and another with The Breakfast Club,⁸⁵ a New York based radio show. I contend that like the images of 16 year old Cyntoia, culturally, the media continues to language Cyntoia based on her Blackness and status as a child sex-trafficking victim even after her incarceration.

⁸⁴ "Sentenced to Life in Prison as a Teen, How Cyntoia Brown Survived Sex Trafficking & Won Her Freedom." Youtube.Com. October 18, 2019. Video, <https://www.youtube.com/watch?v=rWBxipMTAYU>.

⁸⁵ "Cyntoia Brown-Long Talks Meeting Her Husband While In Prison, Healing Post Release + More." Youtube.Com. October 17, 2019. Video, <https://www.youtube.com/watch?v=20Twvzsna6c>.

Cyntoia Brown-Long sat down with Democracy Now! and its host Amy Goodman in a segment titled *Sentenced to Life in Prison as a Teen, How Cyntoia Brown Survived Sex Trafficking & Won Her Freedom* where she is asked to share her experience as a child who was forced into “sexual slavery,” provide an update regarding the 15 years she was incarcerated, and to talk about her recently published memoir *Free Cyntoia: My Search for Redemption in the American Prison System*. Goodman introduces Cyntoia and asks Cyntoia to discuss the events of August 6, 2004. Explaining that at the age of 16 after being forced into prostitution by a pimp named Kut Throat, Cyntoia says that as she made her way to a nearby Subway, Johnny Allen, a 43 year old Nashville real estate agent picked her up for sex. After arriving at his home, Allen began showing Cyntoia his gun collection. Feeling that something terrible was about to happen, Cyntoia ends up shooting Allen. Goodman asks Cyntoia to “take us back” to the events that led her to that night. Cyntoia, born at Fort Campbell was raised by a supportive family and community, her mom was a school teacher and her father was a retired military man. Cyntoia explains that when she reached middle school age, it was her attitude and “smart mouth” that got her into trouble. After being kicked out of the 6th grade, Cyntoia is moved to an alternative school; a school system she describes as “the school’s version of prison.” It is during her time at alternative school that Cyntoia “catches her first charge” and crosses paths with the juvenile justice system. Goodman jumps ahead and asks Cyntoia to talk a little about “Kut” and how she came to know him. Cyntoia explains that it was during her short time on the streets that she meets Kut just weeks before the shooting of Allen.

Cyntoia explains that at the time, she truly felt that she was in a relationship with Kut, and that she had come to understand her body as a “good that could be traded for shelter, food, money, etc.” Cyntoia sums up her time on the streets and with Kut by saying, “I had really come to expect violence from men.” With a tone of disregard, Goodman asks Cyntoia when did she come to understand that she was placed in the foster care system as an infant. Cyntoia quickly corrects Goodman, informing her that she was never placed in the foster care system because she was adopted directly from her biological mother. It is this moment that has come to interest me the most in this interview. Similar to the assumptions and requirements that are working within the visual representation of Cyntoia in recent times, the language used in this question also speaks to the assumptions and containment Cyntoia must endure as a Black woman who has experienced violence and abuse. Goodman, who is described as a seasoned investigative journalist, confidently asks Cyntoia about her foster care past. It is impossible to know whether or not Goodman simply misspoke even after years of investigative work, however, I contend it is Goodman’s assumptions about Cyntoia, specifically her Blackness, her Black woman-ness, and being a Black girl who had been sex trafficked that more accurately describes this faux pa.

When talking or thinking about sex trafficked children of color or children of color who are forced into what has recently been referred to as “sexual slavery,” certain assumptions are typically made. Sex trafficked children of color are language into children who come from broken families and or fatherless homes, low income, and

having a history of sexual violence and or a troubled childhood. So what is being created or perpetuated within Goodman's question to Cyntoia; I contend that it is the languaging of Cyntoia as a Black woman that has previously taken place that guides Goodman's assumptions and questions; it is assumed that Cyntoia grew up in foster care and or had a troubled past, an assumption that has historically and stereotypically been made about Black children no matter their situation. This languaging is additionally alluded to in Goodman's earlier question when she asks Cyntoia to "take us back." Cyntoia clearly states that she was raised by a loving mother and father at the beginning of the interview, never mentioning a foster care past or a troubled upbringing. Goodman is pulling from a certain lexicon or language regarding gendered blackness, it is because Cyntoia is a Black woman who has experienced violence and abuse that prompts this language and thinking. Goodman's assumptions about what it means to be a Black woman who has experienced violence are also revealed when Goodman says to Cyntoia, "Explain the moment when you were in one facility or school and your parents couldn't come to pick you up so they sent a family friend who had been sexually abusing you." Cyntoia quickly corrects Goodman once again saying, "he hadn't been sexually abusing me, he had made an inappropriate comment." While there is certainly data supporting the argument that many sex trafficked children experience abuse prior to them being trafficked, I believe it is Goodman's languaging of Cyntoia that continues to guide her skewed antiblack questioning. Goodman assumes that Cyntoia's experience as a Black child who had been sex trafficked meant that she had previously been sexually abused. It is also Goodman's

structuring of the provocation itself that speaks to the languaging of Black families; there is an tone of responsibility that is being implied and placed on Cyntoia's parents, as if to say that Cyntoia's parents intentionally sent someone they knew was abusing their daughter to pick her up when they were unable to do so. After this line of questioning, Goodman jumps into Cyntoia's redemption arc; in particular her time as a student of Lipscomb University, an educational experience behind bars that Goodman claims "completely saved" Cyntoia's life - to which Cyntoia disagrees once again. What is being illustrated in the Democracy Now! interview is Cyntoia Brown - Long's attempt at telling her story on her terms — this however is prevented by Goodman's languaging of Black women who were once sex-trafficked children.

Within days, The Breakfast Club also welcomed Cyntoia Brown-Long during her memoir tour, *Cyntoia Brown-Long Talks Meeting Her Husband While in Prison, Healing Post Release & More*. After a quick introduction, Angela Yee while recognizing how exhausted Cyntoia might be of telling her story over and over asks Cyntoia if she could provide some context to the events that led to her incarceration. Cyntoia starts off by describing her experiences with the juvenile justice system and within that time frame, meeting Kut. Cyntoia feeling that she was doing her part in the relationship, later realizing she had been sex trafficked, allows herself to be picked up by Johnny Allen. She describes feeling unsafe while with Allen, a feeling that would cause her to eventually shoot and kill him. Believing she acted in self-defense, Cyntoia talks about speaking to the police. DJ Envy follows up by asking Cyntoia what she saw in Kut that

made her trust him and “how did that happen.” Cyntoia as if to warn DJ Envy and the audience exclaims, “it can happen at any time, and can happen to anyone.” Charlamagne tha God who is seated to the left of Cyntoia responds by throwing his hands back and rubbing his face, implying that he did not think sex trafficking could happen to anyone at anytime. Cyntoia continues by saying that it was something in her that led her to Kut, her feelings of unworthiness, feelings of not fitting in, and the trauma it created allowed her to create a “trauma bond” with Kut. Wanting to unpack the feelings of unworthiness perhaps, Charlamagne asks Cyntoia about her life prior to meeting Kut. Cyntoia as she did with Amy Goodman explains that she “had a good home,” Charlamagne quickly responds “father and mother?” to which Cyntoia says yes. A strict household, “church every Sunday and Wednesday,” a mother who constantly checked in with her and suggested counseling is how Cyntoia described her life as a young girl. Charlamagne asks, “why do you think you starting acting up, do you think it’s because you were adopted or what made you start acting up?” After understanding that she had been adopted, Cyntoia describes having a “lens” put over her eyes which caused her to constantly feel out of place. To this DJ Envy replies, “Where you scared of your dad,” including his own feelings about being scared of his dad who was a police officer at the time. Cutting off Cyntoia’s initial “no,” Charlamagne contends with a sudden twang in his voice “well when you find out that’s not your biological father you like, you ain’t ma daddy no way.” For a split second, Cyntoia is visibly confused as she had been after

certain comments made by Amy Goodman. Finally being allowed to speak for herself, Cyntoia says, “oh no, he was my dad, it wasn’t that.”

Like Amy Goodman’s containment of Cyntoia regarding her life as a Black woman who had been sex trafficked as a child, Charlamagne also actively languages Cyntoia’s subjectivity, it is her identity as a Black woman that prompts his reduction of her into a Black trope or stereotype in his assumptions regarding her relationship with her father. Charlamagne’s languaging of Cyntoia exists in the assumption, the language used in that assumption, and in the tone the assumption was delivered in—the assumed pathologizing of Blackness and Black families. In many of her interviews, Cyntoia speaks about the frustration she felt during her trial after she was advised by her lawyers not to testify, maintaining that all she wanted to do was tell her side of the story. After being incarcerated for 15 years Cyntoia is now telling her side of the story via her memoir and interviews, however I contend that Cyntoia continues to be silenced. The interviews with Democracy Now! and The Breakfast Club are examples of how Black women continue to have their experiences of violence obscured and silenced even in the moments where they are invited and allowed a voice. Cyntoia enters these interviews with much more than her story, she also enters these spaces having to contend with what it means to be a Black woman who is also understood as an illegible victim of violence.

Unpacking or pivoting as a critical reading praxis when it comes to Black women’s experiences of violence, reveals how Black women’s modes of survival and

beingness are transformed in ways that perpetuate not only the prison nation and its expansion but the ratifying of antiblackness even after the criminalizing of violence against women in the 70s. Rather than addressing the experience of violence by Black women, what becomes more important is their uninterrupted exclusion from ideas around protection and advocacy and the requirement of “carceral care.” Black women and the violence they experience - creates new meanings and produces an experience of violence that is intentionally made illegible. In the accounts of Black women and the violence they encounter, the experience of violence itself is never sat in, never dwelled on, never unpacked, and more importantly never questioned. Instead, when Black women experience violence, it is everything else except the violence that is centered. Violence is read within the context of Black women’s lives as innate and essential. Understanding that the pivot away from violence in the lives of Black women is intentional as well as utilitarian helps illuminate the impossibility of Black women as victims of violence, and the impacts this has on emerging and developing efforts to support Black victims of violence and beyond.

Chapter 2: The Materializing of Illegible Victimhood

In an attempt to account for Black women's experiences of violence in a more holistic way, in chapter one I employed the *pivot*, as both an analytic and reading praxis. The pivot not only makes clear the obscuring of violence in the lives of Black women, it also aids in revealing the requirement of carcerality when Black women attempt to be seen as victims of violence and how those efforts are languaged into the consolidation of not only the heteronormative antiblack carceral world but also what Andrea Smith calls "the larger structures of violence that shape the world in which we live."⁸⁶ This problem, and its lack of resolution continues to detrimentally manifest in the lives of Black women, affecting them directly as well as their extended families.

In this chapter, I unpack emerging and developing efforts surrounding victims of domestic violence and what "supporting" Black victims of abuse looks like, specifically concentrating on the implementation of law and law formation and the impacts of antiblack carceral logics of these efforts and what that means in our attempts at ending racialized gender violence. I begin with an analysis of surveys provided by currently incarcerated women in the state of California which were collected through a community-based research initiative led by the organization, Survived & Punished (S&P). Alongside the surveys, I also examine emerging legal efforts that have been created in order to combat domestic violence such as Failure to Protect and Mandatory Arrest laws. This

⁸⁶ Andrea Smith, "Looking to the Future: Domestic Violence, Women of Color, the State, and Social Change." In *Domestic Violence at the Margins: Readings on Race, Class, Gender, and Culture*, 416-431 (Rutgers University Press, 2007)

exploration of data examines the specific materiality within the convergence of Black women who experience violence and the law.

Advocacy, Rehabilitation, & the Naturalization of Violence

Survived and Punished is an “all-volunteer statewide and national project that illuminates the “gender violence to prison pipeline,”⁸⁷ it creates research-based resources that address the criminalization and decriminalization of survivors of sexual and domestic violence. The community led organization analyzes how carcerality is part of the “cultural infrastructure of rape and domestic violence.” S&P joins others who contend that #MeToo efforts that highlight sexual and domestic violence must also address how this violence is an embedded component of carceral systems – including police, immigration enforcement, prisons, court systems, and other structures of punishment and surveillance.

Between 2017-2018, Survived & Punished California (S&P CA) developed a survey to gather information about the ways in which survivors of violence are criminalized in California state prisons. The survey was ethically⁸⁸ created through a collaborative volunteer effort between survivor advocates, policy advocates, academics, organizers, attorneys, survivors; some of whom are formerly and currently incarcerated,

⁸⁷ <https://survivedandpunished.org/>

⁸⁸ Alisa Bierria, Rachel Caidor, Sumayya Coleman, Ayanna Banks Harris, Saira Hussain, Mariame Kaba, Fátima Kabrona, Colby Lenz, Anoop Prasad, Neda Said, Maya Schenwar, Hyejin Shim, Ash Stephens, Stacy Suh, Emily Suh, Emily Thuma. “#SurvivedAndPunished: Survivor Defense as Abolitionist Praxis.” *Survived and Punished*, <https://survivedandpunished.org/publications/>

and California Coalition for Women Prisoners (CCWP). S&P describes the survey as follows: “We developed the survey questions collaboratively with incarcerated survivors, recognizing that currently incarcerated survivors of domestic and sexual violence are experts on criminalized survival and often aware of patterns of criminalization that others are less likely to recognize or understand. We set up a basic structure for the survey to make sure we would be gathering information about how survivors are criminalized at arrest and throughout their prosecution, sentencing and incarceration. We focused especially on what, if any, post-conviction resources survivors have tried to access, and with what results, including access to survivor advocacy services from anti-violence organizations, access to affordable and competent legal representation, and opportunities to petition for release through recent legislation for incarcerated domestic violence survivors. We found a past survey from the California Habeas Project after we drafted our own and used it as a reference to make sure we weren’t missing anything. We also included a section at the end of the survey that asks survivors to envision what resources they believe could have prevented their criminalization, and what they believe needs to change to increase pathways to release for criminalized survivors.” The initiative examined the multiple forms of violence that incarcerated survivors in California women’s prisons experience prior to and during their incarceration. The initiative collected data from surveys that were distributed to incarcerated survivors in the S&P

network, as well as to incarcerated members of the TGI Justice Project and the California Coalition for Women Prisoners.⁸⁹

Many of the survivors who participated in the surveys have at one point or another been victims of sexual and or domestic violence. These preliminary findings affirm national data -- that abuse and incarceration are in fact linked.⁹⁰ The presence of violence within the lives of the women represented in these documents was *common*; experiences of child abuse, sexual assault, domestic violence are violences that were and are continuously woven into the fabric of their lives—no longer was violence a single event or isolated moment in time but instead predictable mundanity.⁹¹ Violence was also understood as something that should not have any kind of impact on one’s life. By this I mean, when women described their experiences with violence and abuse, violence was framed as a non-event and at times not violence at all both juridically and by the women themselves. Experiencing violence was described as peripheral to everyday life and was no excuse for the behavior that eventually led them to a surveilled and incarcerated life. In these contexts, violence and abuse is characterized as something that is expected and routine — especially for women of color. The naturalization of violence within the lives

⁸⁹ Survived & Punished. “Surveys Collected from Survivors of Domestic and Sexual Violence Incarcerated in the State of California (2018) [Dataset]”, 2022.

⁹⁰ S&P, “Surveys Collected from Survivors of Domestic and Sexual Violence Incarcerated in the State of California (2018) [Dataset]”

⁹¹ S&P, “Surveys Collected from Survivors of Domestic and Sexual Violence Incarcerated in the State of California (2018) [Dataset]”

of the women explored in these documents signifies what happens to victimhood and protection when the boundaries around violence and non-violence become muddy.

Currently, S&P CA is analyzing 210 returned surveys. Out of respect for the primary researchers, the survey participants, and the research that has not yet been published — I have chosen to not quote directly from the returned surveys. The surveys include a range of questions regarding participants history with abuse and violence, indictments, trials if applicable, representation and defense strategies, convictions, and treatment before and after incarceration. Racialized precarity emerges throughout the surveys — to be a woman of color, particularly a Black woman seems to mean that your existence in the world becomes conflated with violence and abuse. What is also clear is the existence and continuous ripples of violence and abuse within the participant's lives. Survivors of color describe a constant flow of violence that seems to be inextinguishable - from childhood to teenage years and finally adulthood - many survivors did not only have one experience of violence, but multiple experiences or, in some cases, a lifetime experience of ongoing violence. Uninterrupted violence does not sit in a vacuum in this context or anywhere, subsequent to the continuous flow of violence, participants contend that violence and abuse is no longer taken seriously - no longer legible in its traditional form, no longer part of their defense, and therefore victimhood is denied. The saturation of violence persists, perpetual violence in conjunction with denied victimhood produces a carceral world for these women, not only affecting them as single subjects, but also their capacities as possible future mothers, caregivers and beyond.

What does violence mean when it is constant, when it is seen as common and *inextinguishable*? Inextinguishable violence exceeds the constant presence of violence, it is also the normalization of violence that not only shapes one's life but how the world responds and understands that life. As I will discuss in chapter 3, inextinguishable violence shapes redress and advocacy by fundamentally reshaping our ideas of violence itself.

When asked about childhood abuse and trauma, surveys show that 87% of respondents are survivors of childhood abuse and 38% of respondents were at one point juvenile detainees. It is also reported that 67% of those who are survivors of childhood abuse also believe that their experiences of childhood abuse played a role in their current state of incarceration. When asked about abuse and trauma during the later years of their lives, 84% of the respondents identify as current adult victims and survivors of abuse, with 78% of them arguing that the abuse and violence they experienced as adults played a role in their incarceration. 82% of the women surveyed - at the time of their arrest - were in a relationship with someone who was physically abusive towards them - however, if the physical aspect of abuse was not present, 71% of the women still reported being in a controlling relationship at the time of their arrest.

Violence and abuse also takes the form of silence and denial in the lives of these women. Survey respondents speak of never being heard or listened to in many aspects of their lives, particularly when it pertains to the abuse and violence they have and continue to live through. Respondents express frustration over never being asked about the abuse

they experienced in the past or in the present... and in some cases, never being recognized as someone facing abuse in the first place. Consideration of the abuse they have experienced is not afforded to them. The abuse they have endured is legible only as common practice because of their race, gender, and sexuality - carcerality legalizes their corrupted victimhood this is exhibited specifically through their legal defenses. Respondents via the survey are asked about their representation and defense strategies, before and after conviction and incarceration. One hundred and sixty-nine women report that before their arrest, they did NOT reach out to any anti-violence organization and one hundred women report never speaking to a friend or family member about the abuse they were experiencing - despite the fact that over 85% of the respondents experienced some form of abuse within their lives. 65% of the participants also disclosed that they never sought out medical attention for the abuse related injuries they were subjected to. After incarceration, care and advocacy looked similar. When the law responded to these women's claims of abuse, the law also silenced these women, by rejecting their claim to victimhood. One hundred and forty-five women maintain that once arrested, they spoke to an "expert" regarding their abuse even though only eleven Intimate Partner Battering (IPB) investigations were ordered and only six of those claims were confirmed for abuse. With over 85% of women reporting some form of abuse, and 53% of them having convictions related to them as victims and or survivors who were defending themselves from gender based violence (i.e. domestic violence, sexual violence, and/or anti-trans violence) - one hundred and fifty-nine women report that their attorneys did not introduce

any evidence of abuse in their cases and out of the 42 women who asked for an expert witness during preliminary proceedings and or trial, more than half of those women did NOT have an abuse expert testify on their behalf. Lastly, for the women of color that are parole eligible, one hundred and thirty-four women say that their attorneys have not brought up the influence of intimate partner battering within their cases. The legal abandonment that these incarcerated women are experiencing is not accidental. 79% of the women are being represented by a court appointed attorney, and 76% of all respondents disagree that their attorneys did a good job at representing them. This body of data provides a fleeting look into what women of color experience when gender, race, and the law converge within the context of abuse and violence - not only before but after incarceration — as Beth Richie contends, “the political dynamics of a prison nation interact with racial and other stigmas in such a way that women of color are more likely to be treated as criminals than as victims when they are abused. Indeed, the victimization of some Black women seems to invoke a set of institutional reactions that lead to further vilification, rather than protection or support.”⁹²

While these statistics are compelling, the numerical data cannot account for the additional ways state sanctioned violence has been intentionally abstracted, made *invisible*,⁹³ and manufactured as discursive. Data driven movements like the mainstream anti-violence movement are propelled by the numbers they collect - stopping at race,

⁹² Beth Richie, *Arrested Justice: Black Women, Violence, and Americas Prison Nation* (New York: New York University Press, 2012)

⁹³ Simone Browne, *Dark Matters: On the Surveillance of Blackness* (Duke University Press, 2015)

class, gender. Demographics are transformed into victims and survivors. Consequently, when victims and survivors of violence are *only* represented as numbers and pie charts, state sanctioned violence continues to be abstracted and sustained. So how else can violence be read in order to interrupt it? In conjunction with the race, class, gender, etc. that sits behind reported and collected information, the unpacking of written responses provided by the participants can offer otherwise ways of reading. What if victims and survivors of violence were read and engaged as living archives of violence that can assist in the illuminating and explaining of the discursive state? Victims and survivors not as data but instead as Joy James argues, “gorilla intellectuals.”⁹⁴

In conjunction with the data collected through the women’s responses, silence and illegible victimhood also manifests in the intangible. Many of the women represented in the collected surveys speak of silence or perhaps illegible victimhood in the form of constructed subjectivity. Many of the women describe victimhood as a process of realization. They describe how they became aware of their connections to sexual violence and or domestic violence only after they had been incarcerated and were *informed* that they were and are victims and or survivors of abuse. Survivors explain that in some cases they only realized they were experiencing violence and essentially “battered women” or abused persons - with the *help* of the state via intake prison

⁹⁴ "On the Anniversary of the Assassinations of MLK & Li' Bobby Hutton with Joy James & Kalonji Changa." *Youtube.Com*, uploaded by UCR Center for Ideas & Society, 11 Apr. 2023, www.youtube.com/watch?v=eKWf9ibo4qs.

interviews. Thus, within the normalization of common violence, victimhood itself can only be imposed by the nation state. The process of being informed of one's own victimhood consolidates juridical rejection or state sanctioned rejection even further. The state, who is responsible for the initial structural violence and abuse women experience, is also the one creating the boundaries of victimhood - how can radical forms of advocacy and care truly attend to the profound forms of abuse women are experiencing when the state is unwilling to recognize not only the violence they have created and perpetuate but are now also given the power to mark victimhood. When victims and survivors of abuse are informed of their previous victim status by the state, it implies that the state and its agents along with incarceration are *not* forms of violence but instead representations of care work and "safe space" - sites of redress and protection. In this context, the violence of the nation state is disappeared or made invisible⁹⁵ through the informative narratives it constructs about violence and crime, victims, survivors, and itself. Systemic state sanctioned violence is therefore obscured and violence within the nation state has established itself as a consequence of one's actions. Domestic violence, sexual assault, etc., are reconstructed within the context of race and gender, and it is at the discretion of the state to recognize (make legible) or unrecognize (make illegible) certain experiences of violence and abuse. Victimhood has become a process of qualification. The transformation or languaging of violence into a consequence of one's

⁹⁵ The intentional usage of "invisible" comes from Simone Browne's book *Dark Matters: On the Surveillance of Blackness*. Browne describes invisible as the process of "rendering information dark" and or "the willful absencing of the record."

actions not only absolves the state but also allows the state to criminalize action.⁹⁶ The “self” is made and recognized as a site of needed regulation and surveillance and therefore all action within the context of abuse must now be contained. Additionally, the nation state positions itself outside of violence and abuse by appointing itself as the trained professionals who can identify abuse on “behalf” of victims and survivors. The nation state has transformed itself into a victim/survivor advocate - assisting victims and survivors in their “understanding” of abuse and violence. State agents as advocates remodels both the state and anti-violence work. Mimi Kim has described how the carceral creep finds advocates being transformed into police, which is true and a phenomenon I describe further in chapter 3. However, here I am arguing that the carceral creep also transforms the state into “advocates.”

Through the indexing of violence and abuse, the nation state additionally grants itself the ability to structure “proper” victimhood AND illegible victimhood. Violence and abuse, as conceptualized by the antiblack state is languaged as a racialized/gendered personal problem at the site of the individual and or the individual community instead of a national issue that has no race, no class, no gender, or religion, etc. The effects of neoliberalism and its push on the individual moves sexual and domestic violence from being a consequence of structural racism and deteriorating communities to a by-product of poor personal choices - this approach has become common practice. Under these

⁹⁶ Alisa Bierria and Lenz, Colby. “Battering Court Syndrome: A Structural Critique of “Failure to Protect.”” In *The Politicization of Safety Critical Perspectives on Domestic Violence Responses*, 91-118. (New York: New York University Press, 2019)

conditions, a “proper” victim must sit outside of this framework. A “proper” victim of violence therefore is not Black but instead only those who are farthest away from Blackness. Illegible victimhood is imposed on those whose experiences of violence and abuse are understood as individualistic consequences. The centering and investment in the individual in narratives of illegible victimhood helps fabricate victimhood as a form of pathology. The pathologization of abuse constructs violence as something that is unique and singular - abuse becomes - a relationship, a situation, an event, a moment. Domestic violence and sexual assault as a Black, Brown, poor, undocumented, disabled, etc., issue becomes reinforced through the individualization of violence and abuse.⁹⁷ A pathologized victim becomes an isolated issue which now indicates the need for “treatment” - and the burden of treatment is transferred to victims and not the abuser⁹⁸ - forever reinforcing the investment in rehabilitation on behalf of the incarcerated women. Pathology also makes the violence experienced by women of color into a non-event or common practice - abuse becomes a form of non-violence that is only recognized as a result of an individual’s poor choices and or deviant behavior. The creation of victimhood by agents of the state positions victimhood in a state of constant fluidity. As shown with other constructed forms of subjectivity, victimhood now becomes an unresolved issue based on race, class, gender, etc., only finding resolution with the *help*

⁹⁷ Kristin Bumiller, *In an abusive state: how neoliberalism appropriated the feminist movement against sexual violence* (Durham: Duke University Press, 2008)

⁹⁸ Kristin Bumiller, *In an abusive state: how neoliberalism appropriated the feminist movement against sexual violence* (Durham: Duke University Press, 2008)

of the state. The question is, what does resolution require? What must victims and survivors prove in order to be recognized as proper victims of violence, and what does that mean after the fact? When the state and its agents are the only ones who can decide who is a victim and who is not, what is violence and what is just common practice or a consequence of one's actions, and what care work looks like - anti-violence becomes a tool of the state.

Pathology and illegible victimhood structure life within and influence notions of freedom for these incarcerated women. The surveys similarly illustrate an investment in rehabilitation by both the nation state and victim/survivors. The denial of violence along with the informing of victimhood and in some cases, illegible victimhood - the women represented in these documents have become preoccupied or perhaps pivoted toward something more acceptable - rehabilitation. Rehabilitation in this context varies, multiple paths however leading to the same conclusion - women must "fix" themselves in order to cease the abuse and violence they are experiencing. The idea of "fixing" oneself implies a number of things, all applicable to these women and their mandatory state of being while incarcerated and once they are released. To fix oneself means to couple, repair, recondition, manage, manipulate, punish, and sterilize the self. The women in the surveys speak of needing to find the "right" environment, the "right" type of partner, and learning how to make the "right" choices in life. Incarceration and juridical rejection as victims of violence inform these women that change (life without violence and abuse) within their lives can only happen if they work hard enough on themselves. Working on

oneself begins with the state and ends with the state. Incarcerated women are required to submit themselves to the state, accept that the violence, abuse, and subsequent incarceration unfolded because of individual choices, show the necessary amount of improvement and finally, perform, represent, and perpetuate productive citizenship - this is how rehabilitation is framed. Rehabilitation is invested in the neoliberal individual - rehabilitation is an investment in the Human.⁹⁹ Human within the antiblack world is productive and produces, law abiding and law fearing, is structured by the politics of property, and is ruled by the patriarchy, heteronormativity, and ableism. Most importantly, the Human is the antiblack world. Rehabilitation as a space, place, and process positions those who are incarcerated, abused, addicted, etc., outside of the body politic. Being constructed outside of the body politic initiates the process of illegibility. Rehabilitation like incarceration, becomes the state of exception. Rehabilitation within the antiblack world has become a theoretical and literal place where we can see those who sit outside of the normative body politic locked away. Everything is possible and nothing is possible within the state of exception, the state of exception transforms subjectivity into nothing - it is where we see the Human reconsolidated. Rehabilitation is an investment in the Human, because it concurrently represents the anti-Human. Rehabilitation and the literal cage offer a pseudo transformative path to Humanity via rehabilitation; schooling, therapy, parenting classes, etc. Rehabilitation within the

⁹⁹ Sylvia Wynter "Unsettling the Coloniality of Being/Power/Truth/Freedom: Towards the Human, After Man, Its Overrepresentation—An Argument," CR: *The New Centennial Review* 3, no. 3 (Fall 2003): 257-337

antiblack world is a technology of power. Rehabilitation within the antiblack world places the burden of violence and abuse onto victim/survivors - it pivots. Completely absolving the state of any wrong doing - the pivot obscures the violences of antiblackness, conquest, racial capitalism, patriarchy, etc.. The neoliberal turn contends that when *they* rehabilitate themselves then things will get better and violence, incarceration and or carcerality will be a thing of the past. Racialized gender based abuse is framed as the consequence of personal choices and immoral behavior - specifically aimed at women of color but particularly at Black women - women represented within the surveys proudly highlight their efforts at state defined rehabilitation and their quest for redemption while incarcerated. Attending school, going to therapy, taking classes on abuse and violence, etc., all while being incarcerated - women continuously articulated the ways in which they were/are attempting to “fix” themselves for the sake of society. At times, women themselves express an understanding and justification for their incarceration - saying “I failed, I deserve to be locked up.”¹⁰⁰ In the same way that violence and victimhood are remodeled after being interrupted by the nation state, what then becomes of rehabilitation when structured by the state. The investment in “fixing” oneself, and the justifying of incarceration explains the ways in which rehabilitation has been transformed into a tool of power and control. Rehabilitation has become a process of tethering the state and surveilling victims and survivors and further obscuring state

¹⁰⁰ Survived & Punished. “Surveys Collected from Survivors of Domestic and Sexual Violence Incarcerated in the State of California (2018) [Dataset]”, 2022.

sanctioned violence. Rehabilitation, like protection, safety, and victim is redefined within the antiblack world. The carceral creep¹⁰¹ continues even in rehabilitation and the individualization of rehabilitation further disconnects victims and survivors from their communities, and re-installs the state as an anti-violence advocate.

Weaponizing Maternal Responsibility

In addition to violence, proper victimhood, advocacy, and rehabilitation, motherhood within the context of abuse and violence is also being constructed and redefined. S&P surveys show a particular connection between the violence and abuse women are experiencing and how that violence structures their lives as mothers and or their ability to mother in an antiblack world. The surveys reveal how violence and abuse contour a woman's ability to mother. By this I mean, the women represented in the surveys when speaking on the abuse they have experienced also speak about how their experiences as mothers are influenced either directly by the abuse, and or the state assumptions that come with being a victim and or survivor of abuse. Unlike other factors such as prior child abuse, sexual assault, intimate partner violence, none of which are considered at the time of incarceration - being a mother however, *is always* taken into account - and for particular women, taken into account through an antiblack carceral lens. In real time, we are able to witness the state actively drawing the parameters of legible

¹⁰¹ Activist-scholar Mimi Kim has recently troubled this notion of insidious co-optation in her article *Dancing the Carceral Creep: The Anti-Domestic Violence Movement and the Paradoxical Pursuit of Criminalization*, by arguing that feminist intentions within the anti-violence movement were never to collude with the state but rather *control* state power.

violence against women but also, proper motherhood. The state and by extension the laws that construct it attempt to define or perhaps undefine what a proper mother should or should not be. In this case, an experience or experiences of violence in conjunction with race, gender, and or sexuality threatens to void a woman's ability to mother her children altogether. Throughout the process of incarceration, no matter how a woman identifies - whether they identify as a victim and or survivor of abuse, if they have been informed of their abuse, or perhaps neither situation is applicable - if you are an incarcerated person who identifies as a woman and who has a child/ren you are questioned then evaluated as to whether or not you have proven to be a worthy enough parent to continue holding parental rights over your child/ren. Numerous S&P surveys show that if you are or at one time been involved in a domestic/sexual form of violence, you are then incapable of being a mother and parental rights are terminated at the discretion of the state.

The surveilling and voiding of motherhood is sanctioned through different forms of *failure to protect* laws. Failure to protect laws have been constructed to represent a tangible form of "protection" or action for children who either are experiencing abuse and or witnessing abuse. Failure to protect laws are a form of criminal or civil penalty aimed at parents or caretakers whom the state deems have failed to take reasonable action to remedy or prevent child abuse or neglect. However, failure to protect laws have been revealed to punitively charge parents with not doing enough to shield their child/ren from witnessing and or experiencing abuse - not accidentally, these laws have been aimed at

the non-abusive parent - and in many if not most cases, the non-abusive parent is the mother. Research has shown that women/mothers at disproportionate rates are the ones being targeted, surveilled and penalized for the abuse they are experiencing. Further research shows that it is women of color, specifically Black women, that have felt this violence of motherhood voided the most. Twenty-nine out of the fifty states have specific failure to protect statutes - the remaining states have a more generalized approach regarding child endangerment and or abuse. What is at the core of all these laws whether specific or general is the state's intention to hold parents or caretakers accountable by possibly charging them with "failure to protect" when they do not prevent another person from abusing the children in their care. Once again, the burden of abuse is placed on the victim. The law implies that it is the responsibility of the abused parent to "protect" the child/ren - not the abuser. When an overwhelming amount of data¹⁰² shows that women and those who identify as women are the primary victims and survivors of domestic abuse - it is not unreasonable to assume that "failure to protect" as law is inherently gendered—a consequence I argue, of the state's assumptions of victims and survivors and their "poor personal choices and deviant behavior." Victims and survivors must be punished for their poor choices and deviant behavior - like the rehabilitation narrative,

¹⁰² Sandra Chung, *Mama Mia! How Gender Stereotyping May Play a Role in the Prosecution of Child Fatality Cases*, 9 *Whittier J. of Child & Fam. Ad- voc.* 205 (2009); Linda C. Fentiman, *Are Mothers Hazardous to Their Children's Health?: Law, Culture, and the Framing of Risk*, 21 *Va. J. Soc. Pol'y. & L.* 295 (2014) [hereinafter Fentiman, *Mothers*]; Linda C. Fentiman, *Child Abuse by Omission: How American Law Holds Mothers Responsible for Their Partners' Crimes*, *Truthout* (Apr. 1, 2017), www.truth-out.org [hereinafter Fentiman, *Child Abuse by Omission*]; Jeanne A. Fugate, *Who's Failing Whom?: A Critical Look at Failure- to-Protect Laws*, 76 *NYU L. Rev.* 272 (2001).

responses by the law demonstrate to victims and survivors that not only are they responsible for their own abuse but also their children's.

Not only do failure to protect laws place the burden of responsibility on abused persons, these laws also argue that the abuse a child/ren experience has been *permitted* by the responsible parent and or guardian. Multiple states utilize the word "permits" frequently throughout its description of what it means to "fail to protect" - this is how the law is languaging violence and abuse. Abused persons are understood as people who first and foremost know about the abuse occurring. By constructing abuse and violence as an experience that is always recognizable supports the state's claim that abuse is clear, marked, and anti-structural. Secondly, abused persons are represented as those who have allowed the abuse of those in their custody to continue. "Allowing" violence constructs violence and abuse as controllable circumstances. The shaping of violence and abuse as controllable situations and experiences furthermore reinforces the state's notion that abuse and violence are experiences that should not impact one's life because it is understood as a regulated event and therefore it is the individual who is responsible. The utility of knowledge and "permit" work in tandem with the idea of "protection" and the weaponizing of "responsibility." The work of protection/protecting similarly constructs abuse and violence within neoliberal standards. Protection is afforded to the neoliberal subject, a producing citizen. As previously argued, only certain individuals experience protection - as long as they sit within normative standards of society. Protection in this case is not extended to the persons experiencing violence but instead to future white

space-making subjects - children. Protection is a technology of power within failure to protect statutes. In addition, “responsibility” is weaponized and used against abused persons - abused persons are transformed into agents of the state through ideas of responsibility in order to do the work of “protecting” future neoliberal subjects. Ideas around protection and responsibility give insight into the racialization of abuse and law. When examining the twenty-nine states that have specific failure to protect laws - it is important to also make note of not only its population as a whole, but also its prison/jail demographics. All twenty-nine states that have specific failure to protect laws have a predominately white population, yet their prison/jail population reflects an overrepresentation of people of color, in particular Black communities.

Protecting future neoliberal subjects is also demonstrated within the investment of traditional notions of bodily harm and its overrepresentation within state sanctioned laws. Failing to protect the child/ren in one’s custody is overly determined by the marked body. U.S. law defines “physical injury” as “bodily injury - (A) a cut, abrasion, bruise, burn, or disfigurement; (B) physical pain; (C) illness; (D) impairment of the function of a bodily member, organ, or mental faculty; or (E) any other injury to the body, no matter how temporary.”¹⁰³ Failure to protect laws across all fifty states, including states with broad approaches to child endangerment and or abuse require that some form of bodily harm be present in order for abuse and harm to be legible and prosecutable. The “body” and

¹⁰³ [https://www.law.cornell.edu/definitions/uscode.php?width=840&height=800&iframe=true&def_id=18-USC-64633832-849253638&term_occur=1&term_src=title:18:part:I:chapter:65:section:1365#:~:text=\(4\)the term “bodily,body, no matter how temporary.](https://www.law.cornell.edu/definitions/uscode.php?width=840&height=800&iframe=true&def_id=18-USC-64633832-849253638&term_occur=1&term_src=title:18:part:I:chapter:65:section:1365#:~:text=(4)the%20term%20%22bodily,body,%20no%20matter%20how%20temporary.)

“bodily harm” are defined in the following ways among the fifty states; physical mistreatment, torture, imprisonment, sexual contact, the endangering of the health, life, or limb of a child, exposure of the body, physical force, malnourishment, lack of medical care, delinquency, unruliness, lack of resources for the physical need, and the habitual sufferer for want of food, clothing, proper care. The law’s over-dependency on traditional notions of the body reproduces the historical construction of “victim” and “victimhood.” Violence and corporality mutually constitute one another. Violence is only understood when located on the physical body and the physical body is understood as the only site capable of experiencing violence. The recognition or legibility of one’s victimhood and the violence/abuse they have experienced can therefore only be recognized as long as their bodies are first and foremost recognized as bodies that can experience violence in the first place. The construction of violence and corporality within an antiblack world therefore forecloses the possibility of victimhood for certain bodies. Similar to the practice of rehabilitation within carceral spaces, failure to protect laws are also an investment in the Human.

In conjunction with the work of failure to protect laws, mandatory arrest statutes throughout the U.S. further the work of carceral care approaches to domestic violence and abuse not only in material terms but also theoretical. Mandatory arrest statutes across the fifty states range from - pro-arrest, mandatory arrest, and or police officer discretion.

The deciding factor in each of these approaches is the reporting police officer. After arriving at the scene of a domestic dispute, police officers are required to assess the situation; has a crime been committed, have any legal violations occurred, and determine whether or not a domestic abuse assault has been committed. The reporting officer must also determine whether or not an “abusive” assault has materialized - “abuse” in this context, resembling failure to protect laws, abuse within mandatory arrest laws must be visible. The following states have specified how they index abuse that merits arrest:¹⁰⁴

- Alaska - “domestic violence has been committed in the past 12 hours”
- Arizona - “arrest where infliction of physical injury or involving the discharge, use or threatening exhibition of a deadly weapon or dangerous instrument”
- California - “violation of domestic violence protective or restraining order”
- Delaware - “any misdemeanor involving physical injury or the threat thereof or any misdemeanor involving illegal sexual contact or attempted sexual contact has taken place”
- DC - “cause to believe physical injury or the threat thereof has occurred”
- Hawaii - “the person is physically abusing, or has physically abused, a family or household member”
- Iowa - discretionary arrest if “domestic abuse assault has been committed, not resulting in physical injury” - mandatory arrest if “domestic abuse assault has been committed

¹⁰⁴ American Bar Association Commission on Domestic Violence

that resulted in physical injury, or was committed with intent to inflict serious injury; or with display of a dangerous weapon”

- Kentucky - “person has intentionally or wantonly caused physical injury to a family member or member of an unmarried couple”
- Louisiana - “impending danger to victim exists where aggravated or simple battery/ assault has occurred”
- Maryland - “evidence of physical injury” or “may cause physical injury or property damage to another”
- Massachusetts - “person has violated a temporary or permanent vacate, restraining, or no-contact order or judgment”
- Minnesota - “that within the preceding 24 hours the person has committed domestic abuse”
- Mississippi - “the person has within 24 hours, knowingly committed a misdemeanor act of domestic violence
- Missouri - “to believe that a party, against whom a protective order has been entered and who has notice of such order entered, has committed an act of abuse in violation of such order”
- Montana - “involving injury to the victim, use or threatened use of a weapon, violation or a restraining order or other imminent danger to the victim”

- Nebraska - “attempting to cause or intentionally, knowingly, or recklessly causing bodily injury with or without a deadly weapon; or threatening another in a menacing manner”
- Nevada - “the person has committed a battery in the last 24 hours”
- New Hampshire - discretionary arrest if “in the last 12 hours a person has committed an abuse, including domestic violence - mandatory arrest if “person violates a temporary or permanent restraining order”
- New Jersey - “either victim shows signs of injury, there is probable cause to believe that a weapon was involved, or there is probably cause to believe the person has violated a judicial or protective order”
- New York - “a protective order has been violated”
- North Carolina - “may cause physical injury to himself or others, or damage to property”
- North Dakota - “crime was committed in the presence of the officer”
- Ohio - “a person knowingly caused physical harm to another or another’s unborn or knowingly caused or attempted to cause physical harm with a deadly weapon “
- Oklahoma - “the person has committed an act of domestic violence in the last 72 hours and there are physical signs of injury, impairment or physical condition, a threat made to the victim, or a violation of a protective order”
- Oregon - “assault resulting in physical injury occurred or action has placed another to reasonably fear imminent serious bodily injury or death”

- Pennsylvania - “committed simple assault, aggravated assault, reckless endangerment of another person, or harassment or stalking”
- Rhode Island - “assault resulting in injury (physical pain, illness, or an impairment of physical condition), action intending to cause fear of imminent serious bodily injury or death, or violation of a protective order or no-contact order”
- South Carolina - discretionary arrest if “probable cause but no physical injury” - mandatory arrest if “physical injury is present and there is probable cause to believe a person is committing or has freshly committed a misdemeanor/felony assault or battery”
- South Dakota - “protective order has been violated,” “probable cause to believe that a person 18+ yrs and within last 48 hours has assaulted a spouse, former spouse, the parent of that person’s child, or any person with whom the offender resides or has formerly resided *and* that an aggravated assault or assault resulting in bodily injury has occurred, or an attempt has been made to put another in fear of imminent serious bodily harm”
- Tennessee - “probable cause to believe that 2+ persons committed a crime, or 2+ persons make complaints to the office”
- Utah - “probable cause to believe that there will be continued violence against the alleged victim, or if there is evidence that the perpetrator has either recently caused serious bodily injury or used a dangerous weapon”

- Virginia - “arrest without warrant for an alleged violation (assault, battery, violation of protective order) regardless of whether such violation was committed in his presence,” “based on the totality of the circumstances, was the predominant physical aggressor unless there are special circumstances which would dictate a course of action other than an arrest”
- Washington - “a person if 16+ and within the preceding hour hours has assaulted a family or household member and the officer believes: (i) a felonious assault has occurred; (ii) an assault has occurred which has resulted in bodily injury to the victim observable or not; or (iii) that any physical action has occurred which was intended to cause another person reasonably to fear imminent serious bodily injury or death”
- West Virginia - “if the officer has observed credible corroborative evidence that an offense has occurred and either the law-enforcement officer has received, from the victim or a witness, an oral or written allegation of facts constituting a violation of section twenty-eight, article two, chapter sixty-one of this code (domestic violence offense) or the law-enforcement officer has observed credible evidence that the accused committed the offense”
- Wisconsin - “person’s actions constitute the commission of a crime” *and* “(a). officer has a reasonable basis for believing that continued domestic abuse against the alleged victim is likely. (b) there is evidence of physical injury to the alleged victim. (c) the person is the predominant aggressor”

- Wyoming - “violation is taking place or has taken place in the last 24 hours and the offender is a household member”

Similar to state agents indexing violence and informing incarcerated women of their victimhood - state agents also mark violence and confirm victimhood outside of physical forms of incarceration through their public assessments when responding to a domestic dispute call. Abuse is indexed and prosecutable as long as it is evidential within the following contexts; physical/bodily harm, within a specific time frame, if the violence was committed by someone over a certain age, the destruction of property, use of a deadly weapon, violation of a court order, unwanted sexual contact, and the belief that there will be continued violence. Mandatory arrest laws like failure to protect laws, are invested in what can physically be seen. Bodily harm is physical harm, time and age can be measured, brandishing a deadly weapon is visible, the destruction of property can be identified and a liability can be calculated, court orders are constructed and disseminated within certain limits, and the threat of continued violence must be substantiated. While the parameters of “abuse” seem to be structured within physical time and space, they are also I argue, intentionally vague and discretionary. How does a reporting officer gauge bodily harm? Is bodily harm one bruise, multiple bruises, or no bruises? What is considered a deadly weapon, a gun, a knife, how about pillow? Lastly, how does one capture the fear that comes with the threat of continued violence? Mandatory arrest laws are an attempt to neatly define the experience of domestic violence; and like failure to

protect laws, it places the burden of responsibility on abused persons to produce evidence that will support their claims of victimhood. Evidential support is legible as long as it sits within traditionally recognized ideologies - the Human, property, time, and law.

Carceral care and the policing of motherhood for victims and survivors of domestic violence seeps outside the narratives of law and incarceration. Motherhood within the experiences of violence is additionally surveilled and regulated even when a woman is recognized as a proper victim of violence. By this I mean, mothering while being a woman of color is surveilled and regulated even outside of the literal prison cage. The conflation between women of color, violence, and surveilled motherhood is not a new phenomenon - especially within the mainstream anti-violence movement.

Collusion and Then Some

As an illustration of how the dynamics of surveilled motherhood unfold in the context of anti-violence services, I turn to a case study based on my own experience as an anti-violence advocate. In 2016 I worked at a DV crisis center located in the predominantly Latinx neighborhood of Pilsen, Chicago, that mostly served Latinas regardless of their citizenship status. The DV crisis center in Pilsen portrayed itself as a very inclusive space, but it aimed only to serve Latinas—specifically Spanish-speaking Latinas with precarious citizenship statuses. While this particular demographic is a highly vulnerable group of people, it is this rigid definition of a *deserving* identity that I came to experience as problematic and violent. During my time at the crisis center I witnessed

Black non-Latinx, non-Spanish speaking clients come in seeking support be turned away by the agency. The staff believed that serving a non-Latinx demographic was a “difficult” undertaking that they were neither prepared for nor adequately versed in. By refusing to service and support non-Latinx people, the crisis center purposely created a dichotomy for who they considered worthy and unworthy, deserving and undeserving, non-Black and Black. Situating the refusal of services under the umbrella of their own “inadequacy” obscures the logics of antiblackness driving the organization and the advocacy they offered. It was not a question of being too unskilled to serve Black clients but more a question about how the concept of Black victims of DV are rendered impossible in these spaces because Black victims cannot exist: they have been intentionally structured as illegible.

The crisis center’s budget was saturated with federal, state, and city funding, meaning its reliance on funding from the nation-state ultimately dictated their approach to advocating against and understanding violence against women, making advocacy and the carceral neoliberal state virtually inseparable.¹⁰⁵ As Mimi Kim argues in her analysis of the carceralization of anti-violence services, the advocates eventually became the cops.¹⁰⁶

¹⁰⁵ Other advocates have also analyzed how racist capitalism structures the boundaries of anti-violence advocacy, including “Pursing a Radical Anti-Violence Agenda Inside/Outside a Non-Profit Structure,” by Alisa Bierria and “we were never meant to survive’: Fighting Violence Against Women and the Fourth World War,” by Ana Clarissa Rojas Durazo, both published in the INCITE! Anthology, *The Revolution Will Not Be Funded* (2007), as well as “Disloyal to Feminism: Abuse of Survivors Within the Domestic Violence Shelter System” by Emi Koyama, published in the INCITE! Anthology, *Color of Violence* (2006).

¹⁰⁶ Activist-scholar Mimi Kim has troubled this notion of insidious co-optation in her article “Dancing the Carceral Creep: The Anti-Domestic Violence Movement and the Paradoxical Pursuit of Criminalization,” arguing that, though anti-violence advocates aimed to *control* state power rather than collude with it, they were nevertheless consumed by it (2019).

For example, the crisis center serving Latinas required an intake specialist to offer and encourage women to sign up for group counseling. That group counseling had a two-year waitlist. Despite the additional services or alternative forms of support at the crisis center, it adamantly informed its volunteers that alternative and/or additional services can be given to clients only if specifically asked for by the client. After some quick research, it was discovered that surrounding agencies had readily available services with no waitlist. Supervisors continued to promote the idea that these victims/survivors were our clients and that services should be kept within the agency because numbers were needed in order to demonstrate to funders that DV services were greatly needed in the area. By definition a client *receives services*, but within this capitalist formula, clients were denied services because they were no longer victim/survivors but placeholders for the purpose of justifying the organization's need for funding. If waitlists were empty, programs were at risk of being cut and/or defunded entirely. Therefore, full waiting lists were left *as is* to the detriment of our clients.

Additionally, the women seeking support at the crisis center were routinely encouraged by the boundaries and limitations of VAWA and, by extension, the court system and the police to remedy the violence they were experiencing. VAWA came with a cost. As Beth Richie writes, VAWA represents “a set of harsh laws that disadvantaged some of the same communities that the population of women who are most vulnerable to

male violence come from.”¹⁰⁷ Noncarceral support was not available in these spaces. The law was and is the remedy because the remedy is only ever imagined as law. Carcerality/carceral logics and advocacy worked together in this Latinx-serving space. The DV and other anti-violence support group counseling was led by the two court advocates who had offices inside the crisis center. Group counseling not only consisted of understanding the different dimensions and layers of DV and SA but also was a crash course in how the law can remedy all of those problems. As Lee Ann S. Wang argues, undocumented women are heavily pressured to pursue orders of protection against their abusers,¹⁰⁸ and if clients refused to take legal action against their abusers, counseling services were scaled back and the women were then informed that their lack of action could put both them and their children in greater danger either at the hands of their abuser or by the state in the form of deportation. Anti-violence advocacy actively connected survivors to the violences of the state through “protective” forms of surveillance and/or threats of carceral violence through deportation.

This was/is anti-violence advocacy administered within a carceral framework and logic; it is anti-violence advocacy that is bound to the nation-state. Anti-violence

¹⁰⁷ Beth Richie, *Arrested Justice: Black Women, Violence, and Americas Prison Nation* (New York: New York University Press, 2012) pg. 86.

¹⁰⁸ In her article, “Unsettling Innocence: Rewriting the Law’s Invention of Immigrant Woman as Cooperator and Criminal Enforcer,” Lee Ann S. Wang centers the link between anti-violence advocacy and immigration law as a way to illuminate the invention of new legal subjects. Wang argues that undocumented Asian women who experience violence are “shuttled between positions of innocence and culpability and are invented as new kinds of legal subjects who expand criminal enforcement while being marked as objects of legal protection.” In this case, undocumented Asian women who experience violence receive advocacy and “protection” only as long as they are willing to contribute to the expansion of the prison nation.

advocacy gained its legibility only through its connection to the state and its carceral practices. Survivor/victim narratives were guided by the imposed assumption that the state could remedy violence and that violence could be eradicated only if carcerality was part of advocacy frameworks. Carceral practices organized in the form of support services—surveillance, containment, and regulation—were integrated into advocacy for certain bodies through the withholding of information for the purpose of securing funding, required orders of protection, counseling services that were shaped by carceral logics and literal carceral agents, and, finally the threat of deportation and continued violence was the ultimate way this crisis center advocated for survivor/victims.

Similar to the carceral approaches revealed within formal incarceration, within the context of the crisis center, Latinx women were required to frame their experiences of violence and abuse through a neoliberal lens; clients of the crisis center carried the responsibility of their abuse. Clients were coerced into a particular *rehabilitation*, the women and their children were required to depend on the law yet simultaneously fear it, intimately work with state agents, and submit themselves and their children to counseling services that sat within a capitalist formula. Furthermore, the work of “protection,” and “advocacy” continued to be reformulated; protection only came in the form of carceral approaches such as mandatory orders of protection and once again, state agents

constructed the parameters of advocacy - the women at the crisis center had traded in *a* man for *the* man.¹⁰⁹

In addition to the carceral care Latinx women were experiencing within this crisis center, analyzing the experiences of Black women not only in this specific context but what those experiences mean within the antiblack world. This crisis center's approach to Black victims/survivors further illustrates the illegibility of Black victims/survivors within anti-violence advocacy and beyond, Black victims of DV are produced into impossible victims; intentionally languaged as illegible. Carcerality constructs and structures the lives of Black women. The intentional link between Black women and violence produces a grammar (a rule, structure, a whole system of understanding)¹¹⁰ - that normalizes the relationship between Black women and violence, Black women as illegible victims of violence, and Black women as non-mothers. Black women as well as the violence they experience and endure has been redacted and made invisible.¹¹¹ **Black women's illegible victimhood continues to be constructed in ways we have yet to account for.**

¹⁰⁹ Priya, Kandaswamy. "'You Trade in a Man for the Man': Domestic Violence and the U.S. Welfare State." *American Quarterly*, vol. 62, no. Number 2, pp. 253-277.

¹¹⁰ Hortense J. Spillers, "Mama's Baby, Papa's Maybe: An American Grammar Book," *Diacritics* Vol. 17, No. 2 (1987): pp. 64-81

¹¹¹ Simone Browne, *Dark Matters: On the Surveillance of Blackness* (Duke University Press, 2015)

Chapter 3: When Did Care Become Carceral?

In order to discern the specificity of Black women and their experiences of violence within the context of anti-violence work, I look toward multiple interventions on antiblackness and the intentional implications on gendered Blackness. The notion of antiblackness that I employ here is framed through various authors who not only examine the positionality of Blackness but also the necessity of antiblackness within the world.

Anti-violence advocacy has developed as a carceral antiblack project that disproportionally violence Black women through the mechanisms of continuous surveillance and containment. Anti-violence advocacy emerged within a historical context in which the “black female body” and Black women’s experiences of violence signify a space and time of gratuitous violence, specifically and intentionally sexual violence and/or corporeal violence. Acknowledging the antiblackness that structures anti-violence advocacy assists in demystifying the surveillance, containment, and regulation that Black women experience at the hands of the nation state *and* the mainstream anti-violence movement. In this chapter I argue that illegible victimhood and the process of languaging are now supported even within the space of anti-violence advocacy, specifically, the shelter becomes a surrogate for the state. This chapter expands on the material consequences of being a Black woman and/or Black mother in anti-violence spaces and the parallels with laws like Failure to Protect not only as a law implemented on Black survivor/victims of domestic violence but additionally as a tool used to surveil and contain Black life.

AntiBlackness and Gender

Frank Wilderson contends, “antiblackness is the DNA of civil society”¹¹² He proposes that the “worldwide semantic field gains coherence through antiblackness,” suggesting that blackness and antiblackness are fundamentally necessary for non-black to make sense, to exist, and to “be.” A world shaped by logics of antiblackness ontologically situates Blackness in nothingness, an absent presence in order for everything else to exist at the level of humanity. João Costa Vargas explains this as, “One *is* because one *is not* Black.”¹¹³

If we acknowledge antiblackness as a means of production; as something that creates existence - what then happens to Black survivors of domestic violence within an antiblack world?

Antiblackness as gratuitous violence is a violence that is already always going to happen - a project - the endless presence of violence is made possible because “black” is positioned outside of civil society. But what is gratuitous antiblack violence when it is gendered? Saidiya Hartman and Tiffany Lethabo King contend that the “black female body” is where gendered gratuitous violence is materialized. Antiblackness as gratuitous violence for the “black female body” is materialized in the ceaseless presence of sexual violence, but more broadly, the corporeal illegibility of “Black victim.” Hartman argues,

¹¹² Ask The Theory Question, *Irreconcilable Anti-Blackness*

¹¹³ João Helion Costa Vargas, *The Denial of Antiblackness: Multiracial Redemption and Black Suffering* (Minneapolis; London: University of Minnesota Press, 2018)

“the rape of black women existed as an unspoken but normative condition full within the purview of everyday sexual practices, whether within the implied arrangements of the slave enclave or within the plantation household.”¹¹⁴ The “black female body” is transformed into the unrapable black female body. As Wilderson states - it is not a question of if, it is a question of when.¹¹⁵ The gratuitous material violence of rape or the relentless experiences of violence are only made possible by the initial symbolic violence that encompasses the “black female body.” For Lethabo King, gratuitous violence as symbolic violence can be understood as the “black female body” functioning as a site where we can observe the power of slavery and settler colonialism simultaneously - the slave master’s need for bodies and the settler’s need for space requires the production of the “black female slave body” as a unit of unending property. The “black female slave body” as fungible property that signifies an unending violence is essential to the violent space making practices of settler colonialism/colonial imaginaries.

These interventions on antiblackness and its production of meaning for gender and race demystify the experiences of Black women within the context of violence and crime. As representations of white space making projects, Black women/Black mothers dually serve as place holders for the world of the non-being and being. This state of beingness or non-beingness, I argue, is coterminous with the historical as well as the current experiences of Black women and violence and is the foundation of what I argue is

¹¹⁴ Saidiya Hartman, *Scenes of Subjection: Terror, Slavery and Self-Making in Nineteenth-Century America* (Oxford: Oxford University Press, 1997)

¹¹⁵ Ask The Theory Question, *Irreconcilable Anti-Blackness*

the functionality of Black women and their experiences of violence - as the “institutional outsider” within anti-violence work. Thus, to define violence and criminality within the world of the *being*, they must be defined *against* the presence of Black women’s experiences of violence as state-sanctioned projects. In other words, violence and criminality against non-Black survivors are made legible as a problem through the non-being of Black survivors.

Targeted Carceral Care

As an illustration of the unfolding of gendered antiblack gratuitous violence in the context of anti-violence services, I look toward my work as an anti-violence court advocate. After volunteering and working at the crisis center in Pilsen, Chicago I grew frustrated with the lack of services available to victims and survivors and ashamed of perpetuating the crisis center’s violent form of advocacy - so I decided to leave. After a week or two of applying to other local agencies in a similar line of work, I was offered and accepted a job as a court advocate at a shelter located on the West Side of Chicago in the Garfield Park neighborhood. A Google search of Garfield Park (Chicago) will generate recent images of the Garfield Park Conservatory. The current conservatory which was built around 1906 sits within a longtime-predominantly Black neighborhood, one would never know this based on the current conservatory pictures alone. In addition to the conservatory sans a Black community, Garfield Park is also one of the most impacted neighborhoods of Rahm Emanuel’s 2013 school closures. In 2013, Rahm

Emanuel (ex-mayor of Chicago and previous chief of staff under the Obama administration) called for the closure of 50 schools across the city of Chicago; this agenda targeted schools located in mainly Black and Latino neighborhoods, the West Side of Chicago, specifically Garfield Park was one of the most impacted areas. Garfield Park which has only recently and seriously been described as a food desert has also endured the abrupt closure/foreclosure of not only homes but of businesses including an Aldi grocery store as recent as 2021. School closures and food precarity are continuously supplemented by an imposed police state. In 2013, Garfield Park experienced the expansion of the Chicago Police Department. The Chicago Alternative Policing Strategy (CAPS)¹¹⁶ is a Chicago community-based program that has been functioning since 1993 and identifies itself as a policing strategy that brings police, local government agencies, and the community together in the “fight against crime.” The Chicago Police Department website describes CAPS as

a new weapon in the fight against crime. . . . What makes CAPS innovative is that it brings the police, the community, and other City agencies together to identify and solve neighborhood crime problems, rather than simply react to their symptoms after the fact. Problem solving at the neighborhood level is supported by a variety of strategies, including neighborhood-based beat officers; regular Beat Community Meetings involving police and residents; extensive training for both police and community; more efficient use of City services that impact crime; and new technology to help police and residents target crime hot spots.

The program was initially rolled out in five trial-based police districts, and it is not a coincidence that those districts were communities that were primarily Black and

¹¹⁶ Chicago Police Department, “What Is CAPS?” <https://home.chicagopolice.org/community-policing-group/how-caps-works/what-is-caps/>.

disproportionately targeted by Chicago PD. When the program was revitalized by Rahm Emanuel in 2013, the program was rolled out in all twenty-five police districts. The city of Chicago's approach to community policing was to make "the community" the police, and it aimed to weaponize its citizens in a way that would allow a surveilling of communities twenty-four hours a day, seven days a week. As the website contends "that weapon is you, the community." Still, Black families continue to survive amongst school closures, food precarity, and state sanctioned enclosures.

My initial interview for the position was located in what looked like a traditional three-flat Chicago apartment building. After I had arrived at the address provided in the offer email, I walked up the stairs and rang the doorbell. After a round of quick introductions, the director and HR director went on to describe the agency and its services, its legacy as a family run shelter, and the work it aims to accomplish. After some more small talk and questions, I was given a tour of the main office. The main floor of the office/apartment was home to the offices of the director and HR director only, and in the backroom which was previously an extension of the small kitchen was now a donation room. Walking into the donation room I was instantly transformed into The Princess and the Pea fairytale. What felt like towers of clothes, the donation room was bursting with copious amounts of clothes and shoes... some toiletries scattered around. The HR director informed me that the women staying at the shelter and their children "routinely shop" the donation room. The donation shop was the last leg of the tour. The interview was wrapped up by the director, reiterating that the agency is about family and

doing necessary work in the community. A week later, I was offered the position of court advocate and I was to begin immediately.

The agency, which has been around since 1984 was described by the HR director as “A Lifeline in a Stormy Sea” (a description taken from the agency’s website) with a staff that is “dedicated to promoting the safety, emotional, educational, and practical needs of abused women and their children.”¹¹⁷ Evident on the agency’s website is their investment in carceral care and the neoliberalization of both DV advocacy services and DV victim/survivors themselves. The agency’s mission statement, which is located on their homepage boldly contends, “We will engage in any and all *legal activities* (my emphasis) to accomplish the eradication of domestic violence.” The tethering of the Chicago Police Department (CPD) and DV victims/survivors by the agency was indicative of where the anti-violence movement was at this time, the law and law enforcement had been languaged into a solution to domestic violence. In 2020 after the murder of George Floyd it was reported by NBC News that since 2004, the city of Chicago had paid out over \$662 million in settlements for police misconduct cases - this number includes payouts to the victims of Jon Burge - a police commander who along with a group of detectives tortured dozens of Black men and women who were considered “suspects” from 1972 to 1991. Jon Burge and company used tactics such as, near-suffocation by plastic bags, shocks by cattle prods and beatings by flashlights - all used to obtain false confessions. The family of Laquan McDonald; a 16-year-old Black

¹¹⁷ <http://neopolitanlighthouse.org/>

teenager who was shot 16 times by a white officer which was all captured on video is also covered in the \$662 million payout.¹¹⁸ In addition to the agency's engagement with any and all legal activities when it comes to domestic violence, below their mission statement is an archived/featured section dedicated to safety planning tips. The first safety tip located under the title "Things I can do BEFORE a violent incident" suggests that a victim/survivor "Identify a neighbor I can tell about the violence and ask them to call the police if they hear or see a disturbance at my house. The shelter's initial safety tip, similar to failure to protect laws places the responsibility of violence on the victim/survivors and assumes that violence and the experience of violence can be gauged, controlled, and timed. The carceral safety tip is also a tangible example of the tethering of Black victims to the police and is a refusal to acknowledge the precarity Black women live on a daily basis, specifically, as illegible victims of police brutality. Andrea Ritchie's interventions in both Incite's 2016 anthology *Color of Violence* and her 2017 book *Invisible No More: Police Violence Against Black Women and Women of Color* examine the invisibilization of police violence against Black women and women of color.¹¹⁹ In conversation with the work of other Black feminist anti-violence theorists/activists, Beth Richie and Mariame Kaba, Andrea Ritchie contend that women of color, and in particular Black women are invisibilized and essentially marginalized in dominant discourses and

¹¹⁸ Sharon, Cohen. "How Chicago Racked up a \$662 Million Police Misconduct Bill." *AP News*, 19 Mar. 2016, apnews.com/article/a22c1b93685643deb8788eaa64cbda56.

¹¹⁹ Andrea J. Ritchie, *Invisible No More : Police Violence against Black Women and Women of Color* (Beacon Press 2017)

debates regarding race-based policing and police violence. The discourse on police violence pushes Black women to the margins, making Black women the mothers, partners, and children of men of color targeted by systemic state violence and unmaking them as “both targets of law enforcement violence and agents of resistance in our (their) own right.” Ritchie peels back the layers of compounded violence that enclose women and LGBTQ people of color - and at times, a more profound violence that encloses Black women. Ritchie asks, what changes once Black women are centered in anti-violence narratives and analyses on violence? Ritchie points out that police violence against Black women and women of color has been previously the subject of discourse and organizing, whether it was police violence against Black women involved with the Black Liberation movement as discussed by Angela Davis or Joy James’ engagement with a report published by the Center of Law and Social Justice entitled *Black Women Under Siege by New York City Police*¹²⁰ - Ritchie insists that these incidents “continue to be viewed as isolated, anomalous deviations from the police brutality “norm.””

These incidents of gratuitous violence capture only a fraction of the carceral violence within Chicago’s Black communities, neighborhoods, and beyond. Scholars of carceral violence and antiblack meaning have asserted that the police and other criminalizing institutions have always been a force of violence against people of color, Black communities in particular, and still, an agency dedicated to eradicating violence finds it necessary to perpetuate the surveillance and containment of Black

¹²⁰ Joy James, *Resisting State Violence* (University of Minnesota Press, 1996)

communities.¹²¹ Furthermore, the agency claims to be working toward the creation of an environment where “victims/survivors of abuse receive the motivation and reassurance that they need in order to regain their dignity and self-respect. Comprehensive support services are also provided to these individuals so that they may finally achieve and maintain self-sufficiency, self-reliance, and freedom from abuse for themselves and their children.” The explicit investment in the individual and or the individualization of DV experiences alongside the centering of carceral solutions is an illustration of neoliberalized carceral care, Clarissa Rojas describes this juncture as “a weapon in the fourth world war.”¹²² *This* is an example of how the mainstream anti-domestic violence movement has been structured to heavily depend on myriad forms of policing and surveillance to the extent that the law, prisons, and policing are now conceptualized as capable of solving the problem of violence against women.¹²³

To a large extent, my role as a court advocate was to spend the morning and afternoon at the local DV court house and *recruit* clients by offering assistance in obtaining temporary orders of protection. All court advocates from surrounding agencies spent their time in one main large room directly to the right of the entrance of the federal building. The court advocate room a.k.a the “bullpen” is swarming with advocacy

¹²¹ Bierria & Colby 2019; Bumiller 2008; Davis 1975; Deer 2015; Kaba 2020; Kim 2019; Richie 1996; Ritchie 2017; Smith 2005.

¹²² Ana Clarissa Rojas Durazo “‘We Were Never Meant to Survive’: Fighting Violence Against Women and the Fourth World War.” In *The Revolution Will Not Be Funded: Beyond the Non-Profit Industrial Complex*, 113-128 (Durham: Duke University Press, 2017)

¹²³ Bierria & Colby 2019; Bumiller 2008; Davis 1975; Deer 2015; Kaba 2020; Kim 2019; Richie 1996; Ritchie 2017; Smith 2005.

personnel from the hours of 8 a.m. until 3:30 p.m. The recent renovation of the federal building had allowed the bullpen to feel a bit more private. Prior to the renovation the bullpen was an open space - no doors, no private offices, stark white. Pre-renovation times made obtaining a temporary order of protection a spectacle; conversations regarding possible abuse, paperwork, evidentiary photos were all conducted out in the open. But by 2014, the state via the renovated federal building had placed DV behind closed doors once again - giving clients and advocacy personnel some chairs to sit on, a door, and warm toned walls and carpeting. Many mornings as I walked up the stairs to the courthouse - there was a line already forming outside of people seeking orders of protection however the doors were not opened until 8 a.m. sharp. Once you enter the courthouse you are saturated with police officers and or sheriffs. Some officers worked there, some are there for court appearances, and some are there just passing through. The front desk was manned by a police officer, 9 out of 10 times it was a male police officer who would spend most of his time signaling to the left (my right). Once you walk into the bullpen you are immediately bombarded by all types of women offering their advocacy services. Most advocates would pick up a client first thing in the morning, walk them through the process of obtaining a temporary order of protection, take an hour lunch, then pick up their last client in the early afternoon and repeat the walkthrough. What is obvious in the bullpen is the racializing of DV advocacy: White advocates targeted white clients, Latinx advocates targeted Latinx clients, and Black advocates targeted Black clients. Obtaining a temporary order of protection was a long tedious

process, pages upon pages of paperwork, and hopefully the court advocate and client are able to submit the necessary paperwork before judges went on lunch - if not, clients were there all day instead of all afternoon.

Part of the paperwork required a narrative on behalf of the person seeking the order of protection. The narrative required a detailed description as to why the order was necessary. In my first two weeks at the courthouse I would allow my clients to write their own narratives. I thought to myself, how could I possibly describe something that they alone had gone through with the same urgency and fervor - I refused to take away their agency. However, like clockwork each one of those petitions were denied. After speaking with my supervisor I began to understand that the courts (as well as the agency and it's funders) were not looking for someone exceptional or emotional, they were looking for the safe bet... an open-and-shut-case. My supervisor suggested I aim for women of color, preferably Black. My supervisor also encouraged me to discourage my clients from writing their own narratives - per my supervisor - I was in charge of telling their stories in a manner that would secure my numbers for the day. On behalf of my clients, I had to appeal to the courts and make their experiences of violence legible. Through the construction and at times embellishing of their narratives, I had to articulate on the one hand, "the grounds" and reasons for bringing their case into the judicial system but also articulate the grounds that had been socially created that have made it possible and impossible for these women to survive in "the wake."¹²⁴ The neoliberalization and

¹²⁴ Christina Sharpe, *In The Wake: On Blackness and Being* (Duke University Press, 2016)

professionalization of advocacy services trained me to think that this request; of discouraging Black women from telling their stories of abuse because I could possibly do it better—was perfectly normal, I was now in charge of languaging Black women’s experiences of violence in order to be “legible” in a world that had made those experiences illegible. Black victims of violence had to appeal to the courts while being unprotected by the law... an *outlaw* attempting to find solace within the law.

Most of my clients during my time as a court advocate were Black women. Initially, some of my clients were Latinx women but into my second week at the agency, the director of the agency pulled me into her office. It was never directly said but the director of the agency wanted to point out that they are an agency ran by a Black family, located in Garfield Park which is a predominately Black neighborhood, and who have an only Black clientele - therefore, my work at the courthouse should be reflective of who the agency was and who they serviced. At the time, this conversation made total sense to me but retrospectively, that conversation can be interpreted very differently, considering the conditions that would simultaneously present themselves. Perhaps the director was trying to provide advocacy services to the community she identified with and worked with - but an analysis of the entire enterprise would reveal that perhaps that was not the case. Targeting Black victims/survivors when it came to temporary orders of protection was just another component of how this shelter tethered Black victims/survivors to carceral care. Additionally, court advocacy services were not stand-alone services; as a

court advocate I was also asked to encourage court clients to participate in the advocacy services offered by the agency at the main office - creating an entanglement of entrapment. Taking the notion of entrapment, Beth Richie's 1996 book *Compelled to Crime: the Gender Entrapment of Battered Black Women* exposes the entanglement of gender — "gender entrapment" is the "set-up" in which the violence that Black battered women experience is obscured by the crimes they commit. Richie contends "I use gender entrapment to describe the socially constructed process whereby African American women who are vulnerable to men's violence in their intimate relationship are penalized for behaviors they engage in even when the behaviors are logical extensions of their racialized gender identities, their culturally expected gender roles, and the violence in their intimate relationships." Richie's analysis of incarcerated Black battered women illuminates the contradictions and complications Black battered women face, it remains applicable even in situations where Black victims of violence are not incarcerated. Black women seeking emergency orders of protection sit within similar contradictions and complications, their narratives and experiences of abuse, in order to be legible must register with specific notions of womanhood, victimhood, and violence. "To be" is a form of incarceration for Black women and the agencies tasked with helping them had become accessories to the state, forcing a specific legibility while supporting and obscuring their foundational illegibility. These agencies were not disrupting the sentencing of Black women, they were proliferating it.

In conjunction with my work at the local DV courthouse, the position of court advocate required that I spend half of my work day at the agency's secondary location, a shelter which was discreetly nestled about 10 minutes away from the main office. The DV shelter primarily served Black victim/survivors of DV and was located in the Garfield Park neighborhood, which in 2015 had a Black population of over 95 percent with a median household income of a little over \$23,000. At the time of my employment, I spent most of my time at the local DV courthouse and after the courts had closed for the day, I made my way to the shelter. The shelter, like the main office was also a three-flat apartment building that had been converted into one large communal space with minimal accommodations. The linoleum filled shelter smelled of Clorox, a stale frigid coldness, and unused diapers. It housed about ten to twelve women and their children at a time. At the time, all the women were Black and almost everyone had children—mainly small children, most of the kids were all under seven years old. Per shelter policy, boys over thirteen were not allowed at the shelter for a fear (on behalf of the shelter staff) of possible sexual relationships between the boys and the women (victims/survivors) staying there. Most of the women were young and had minimal educational opportunities prior to entering the shelter. Additionally, the majority of women were unemployed, but the shelter required them to either have or seek employment with minimal assistance from shelter personnel. They held group counseling sessions (individual counseling was provided only if specifically requested and determined by the staff to be “needed”),

required check-ins with your case manager, offered a resume building class at the main office, group mothering/parenting classes, and good citizenship classes.

Whenever I speak about my time working at the shelter, I always say that I essentially acted as a sort of probation officer who would regulate and surveil these adult women and their children during their hours at the house/shelter, a consequence of what Mimi Kim calls the “carceral creep.”¹²⁵ Per Merriam-Webster, a probation officer is *an officer appointed to investigate, report on, and supervise the conduct of convicted offenders on probation*. I argue that the carceral care that has become a byproduct of the carceral creep is directed at women of color,¹²⁶ specifically Black women. Emi Koyama speaks of intentional carceral care during her own time at a DV shelter as both a resident and advocate, “My experience there was horrendous; I constantly felt the policing gaze of shelter workers across the half-open door, and feared “warnings” and punishments that seemed to be issued arbitrarily. No, to describe the practice as “arbitrary” would be inaccurate; it was clearly selective in terms of who got them most frequently—the poor Black and Latina women with children, especially if they were in “recovery” from alcohol or drug “abuse.”¹²⁷

¹²⁵ Activist-scholar Mimi Kim has recently troubled this notion of insidious co-optation in her article *Dancing the Carceral Creep: The Anti-Domestic Violence Movement and the Paradoxical Pursuit of Criminalization*, by arguing that feminist intentions within the anti-violence movement were never to collude with the state but rather *control* state power.

¹²⁶ Bierrria & Colby 2019; Bumiller 2008; Davis 1975; Deer 2015; Kaba 2020; Kim 2019; Richie 1996; Ritchie 2017; Smith 2005.

¹²⁷ Emi Koyama “Disloyal to Feminism: Abuse of Survivors within the Domestic Violence Shelter System.” In *Color of Violence: the INCITE! Anthology*, 208-222 (Durham: Duke University Press, 2016)

Along with the imposed structure created by the shelter, the status of these women and their families, both inside and outside of the house, were saturated in surveillance. Surveillance or “supervising” within the context of the shelter consisted of making sure that the women and their children were first and foremost out of the house. Per house rules, the women and their children were not allowed to be at the shelter during the day. It did not matter if the women were employed or not, the shelter had to be empty from the hours of 8:00 A.M. to 6:00 P.M. This rule applied even during Chicago winters. The women and children living at the shelter were not in a space of community where advocacy and support were possible, but instead on probation, where dehumanizing conditions had been languaged to signify care work. *Probation: the release of an offender from detention, subject to a period of good behavior under supervision.* The women and, by extension, their children were involved in deviant behavior that threatened hegemonic social norms and, in turn, their gender entrapment in conjunction with the infiltration of the carceral state produced a carceral care within the shelter that labeled these women and their children as offenders who required containment, regulating, constant surveillance, and disposability.

One of the main components of eligibility (or legibility) when staying at the shelter was employment status. Eligibility for victims/survivors was structured by their status as an employable and or productive citizen. Short conversations with shelter residents led me to discover that some women were traditionally (legibly) employed. Some women worked in offices and one woman was a nurse. Over time I also learned

that many of the other women worked at a cleaning service. Every morning this specific group of women made their way to the cleaning agency office and waited to get a call for services. One holiday morning in particular when the courts were closed and I was at the shelter, I overheard some of the women talking about cleaning supplies. I discovered that the cleaning agency these women worked for required cleaning service personnel to buy their own cleaning supplies and if you did not have the resources to afford cleaning supplies you were unable to take “a call.” Having never worked for a cleaning service, I did not question the precondition. Many nights later, as women and their families were making their way back to the shelter after a long day out, the doorbell rang as I made my way through the shelter. Opening the front door, I was asked by the woman coming in to quickly hold her cleaning basket so that she may get her children inside as well as the stroller. Cold Chicago winters inject a different type of haste in you, I took the basket, held the door, and scurried in the little ones. The living room was directly next to the front door - moving in unison - we all made it inside. As the woman unbundled her children, I happened to glance at the cleaning basket. To my surprise, there was no scrubbing brush or gloves in sight, instead there were Bath and Body Works lotions and sprays. Again, I recognized that I was confused by what I was seeing but rapidly generated an excuse in my head for what I had noticed. Perhaps this woman had gone shopping for a new cleaning basket and decided to also pick up some personal toiletries. I thought nothing of it. The evening proceeded as normal, everyone had made their way back to the shelter and dinner had been cooked and was ready to serve. Days had passed

and while picking up some supply at the main office the woman who had greeted me at the front door the day of my interview (who I later found out was our grant writer) barges into my office. “Some woman just got kicked out of the shelter” she says. Shocked and confused, I asked for more details. The grant writer began to explain that earlier that day, one of the women from the shelter came to the main office looking for a Chicago Transit Authority (CTA) pass. CTA passes were held and distributed by the HR director. When the woman asked about the free CTA pass, the HR director demanded more information as to what the woman needed the pass for. After some back and forth between the woman and the HR director, the woman finally admitted that she needed the CTA pass in order to get to her job. The HR director who had become visibly annoyed with the shelter resident asked for employment information so that she may verify her employment and the need for the pass. The shelter resident left the main office without a CTA pass that day - she would have to wait until her employment was verified. After an afternoon of multiple phone calls on behalf of the HR director, it was discovered that the woman requesting the CTA pass was possibly involved in some type of sex work... through the “cleaning service.” Some time later, the agency staff had uncovered information showing that multiple women at the shelter were possible sex workers via the cleaning service.

Like the incarcerated victims represented in the S&P surveys, in order to receive any type of assistance these women were/are required by the state to exhibit good behavior and submit themselves to constant supervision if any support and or protection

was expected. The law as a form of language had imposed a body of anti-Black meaning onto Black women and their children that further subordinated them as DV victims, a category which became interchangeable with offenders, or as Alisa Bierria has argued, “professionalization of anti-violence work encouraged a climate in which survivors became increasingly objectified (as clients or as customers) and pathologized.”¹²⁸ Any form of misconduct on behalf of these women could lead to their removal from the shelter and/or the denial of advocacy services. The shelter/shelter system that once thought they could control the carceral state they had allowed in not only functioned as the law but also *for* the law, and ultimately perpetuated the violence of the law.¹²⁹ Black women at the site of the shelter existed in perpetual containment while also becoming symbols of the perpetuation of what Beth Richie calls the prison nation, the shelter and everything else had become a prison beyond the cage for Black victims. Perpetual containment and surveillance is what anti-violence advocacy looks like here—anti-violence advocacy that intentionally violence Black women. Anti-Blackness and carcerality normalize the carceral care and protection that Black women experience within the anti-violence movement. The continuous pathologizing of Black women has constructed them as undeserving of privacy, space, the ability and right to mother,

¹²⁸ Alisa, Bierria. "Pursuing a Radical Anti-Violence Agenda Inside/Outside a Non-Profit Structure". *The Revolution Will Not Be Funded: Beyond the Non-Profit Industrial Complex*, edited by INCITE! Women of Color Against Violence, New York, USA: Duke University Press, 2017, pp. 151-164. <https://doi.org/10.1515/9780822373001-014>

¹²⁹ Mimi E., Kim. “Dancing the Carceral Creep: The Anti-Domestic Violence Movement and the Paradoxical Pursuit of Criminalization, 1973 - 1986.” (2015).

nutrition and health, and the possibility of care and love. The potential for Black women who identify as victims/survivors of DV is contained to a discourse of bodies who have made poor choices and perpetuate deviant behavior. Staff were directed to confirm that DV victims had made their beds every morning, the rooms were clean (the belongings of the women and their families had to be fully stored in a single box), breakfast and dinner were rotationally being cooked daily by victims/survivors, communal spaces were clean and toy-free, and that medications for the women and their children were monitored to assure that they were being administered appropriately and safely. “Advocacy” in the space of this state-bound shelter had been transformed into carceral punishment and surveillance, and advocacy and protection for Black women had simultaneously become entangled with the devaluing of Black women’s safety. Instead of receiving community and support, Black women at the shelter were required to submit both themselves and their children to a symbolic protection at the hand of the state. In this case, protection is not the opposite of violence but a *correlation*. The Black women who were victims and survivors of DV now symbolized bodies that required containment and surveillance. Surveillance had a continuous presence that reinforced Black women’s lack of entitlement to privacy. For example, “protection and advocacy” meant that supervision was required when asking for and administering sanitary pads and tampons, it meant timed restroom usage, and it meant mothers were not allowed to administer their children’s medications without their case managers or support staff being present. Hanging in the basement kitchen of the shelter, a sign read “All canned foods are expired

but still edible.” At first glance you might not believe what you are seeing and reading. I remember rereading the sign over and over because there was no way a shelter, especially a shelter for battered/violenced women (or any shelter), would serve women and children expired foods. I was informed by the staff that the presence of expired foods was normal for shelters, and I was reassured by the staff that the women and children were happy to just be eating.

Advocates of both mainstream and grassroots anti-violence practice have engaged critically with similar experiences and the perpetuating of violence against victims and survivors, specifically within the context of race, class, and gender.¹³⁰ The body of theorization produced by current and or former victim advocates is thought of as work produced by service providers rather than political thinkers. My experiences within anti-violence work are not unique to me, this research is part of the tradition of victim advocates as political thinkers. The point of departure that is unique to my research is the acknowledgement of antiblackness in conjunction with the practice of carceral care and is intentionally aimed at Black victims of violence. Much of the scholarship produced around and about victim and survivor services centers narratives regarding inadequacy and multicultural approaches, carceral feminism, and the neoliberalization of services.¹³¹ However, while I agree that these are grave issues within anti-violence advocacy, I also

¹³⁰ Bierrria & Colby 2019; Bumiller 2008; Davis 1975; Deer 2015; Kaba 2020; Kim 2019; Richie 1996; Ritchie 2017; Smith 2005.

¹³¹ Bierrria & Colby 2019; Bumiller 2008; Davis 1975; Deer 2015; Kaba 2020; Kim 2019; Richie 1996; Ritchie 2017; Smith 2005.

argue that these technologies of power are not only *aimed* at Black victims and survivors of violence, but that the anti-violence advocacy services themselves are antiblack carceral practices intentionally aimed at Black women in order to maintain them as illegible victims of violence.

Gendered Anti-Blackness in Practice

What is gratuitous violence when it is gendered? Saidiya Hartman has argued that Black women are constructed as unrapable, writing, “the rape of black women existed as an unspoken but normative condition full within the purview of everyday sexual practices, whether within the implied arrangements of the slave enclave or within the plantation household.”¹³² Anti-Blackness as gratuitous violence against Black women is materialized in the ceaseless presence of sexual violence, but more broadly, the corporeal illegibility of “victim.” As a system of meaning, anti-Blackness situates Black victims and survivors of DV as bodies that require surveillance, containment, regulation, and other forms of gratuitous carceral violence. The “black female body” as always signifying and being a space and time of gratuitous violence, specifically and intentionally sexual violence and/or corporeal violence,¹³³ is central to why and how anti-violence advocacy

¹³² Saidiya Hartman, *Scenes of Subjection: Terror, Slavery and Self-Making in Nineteenth-Century America* (Oxford: Oxford University Press, 1997).

¹³³ This argument draws from Saidiya Hartman’s *Scenes of Subjection: Terror, Slavery and Self-Making in Nineteenth-Century America* and her analysis of the “black female body” and the conditions of illegible violence and Tiffany Lethabo King’s argument in her dissertation *In the Clearing: Black Female Bodies, Space and Settle Colonial Landscapes* regarding the “black female body” and its function as a site where we can observe the power of slavery and settler colonialism simultaneously.

is, at its foundation, a carceral anti-Black project that disproportionately violence Black women through the mechanisms of continuous surveillance and containment. Understanding how and why Black victims/survivors experience surveillance, containment, and regulation at the hands of the anti-violence movement requires contending with how anti-Blackness structures anti-violence advocacy.

The state's shift towards framing DV through poor personal choices and deviant behavior, and the centering of Black women within these neoliberal narratives of blame was, and continues to be, intentional. The presence of anti-Blackness and the necessity for surveillance within narratives of DV and its forms of redress, function as gratuitous sites of violence. As many have argued, anti-Blackness requires Blackness to be posited outside of humanity,¹³⁴ and, therefore, I argue also outside of DV victimhood. Anti-Blackness forecloses the possibility of Black women occupying the category of proper victims of DV.¹³⁵ If DV is defined as a racialized personal problem at the site of the individual and/or the individual community, DV and its victims can become/are pathologized. DV becomes a "Black and Brown issue" as it is reinforced through the

¹³⁴ Derrick Bell, *Faces at the Bottom of the Well: the Permanence of Racism*. New York: Basic Books, 2018., the work of Frank Wilderson, more specifically his talk in Ask the Theory Question, *Irreconcilable Anti-Blackness: A Conversation with Dr. Frank Wilderson III*, Saidiya Hartman, *Scenes of Subjection: Terror, Slavery and Self-Making in Nineteenth-Century America* (Oxford: Oxford University Press, 1997), João Helion Costa Vargas, *The Denial of Antiracism: Multiracial Redemption and Black Suffering*. Minneapolis; London: University of Minnesota Press, 2018., and Tiffany Lethabo King *In the Clearing: Black Female Bodies, Space and Settler Colonial Landscapes*. PhD diss., (University of Maryland, 2013).

¹³⁵ I would argue that almost all victims are "improper victims" of violence, however a carceral-anti-black world transforms "protection, care, and advocacy" into surveillance, containment, and regulation for Black victims of violence

individualization and pathologization of DV.¹³⁶ This pathologization constructs violence as something that is unique and singular—if we understand DV as an isolated subject then, logically, the pathologizing of victims is merited. A pathologized victim indicates the need for “treatment,” and the burden of that treatment is then transferred, in some cases, to victims and not the abuser.¹³⁷ Through the mechanism of pathology, the violence experienced by Black women is transformed into a nonviolence but more accurately a nonviolence that is simply a result of an individual’s poor choices and/or deviant behavior. Because of the shift in the national discourse and anti-violence advocacy’s dependency on the state and carcerality, Black women who identify as DV victims are required to submit themselves to constant surveillance while at shelters and crisis centers, to participate in mothering classes, and are required to receive counseling that helps identify the contributing factors that led to domestic violence.

Further, if we understand pathology through the logics of anti-Blackness, it clarifies how the treatment of victims is transformed into the surveillance and containment of Black victims. The state-sanctioned, violent pathologization of Black women as signifiers of the “deviant outsider” and, ultimately, as destruction itself, as Tiffany Lethabo King writes, positions Black women as profound threats to the nation-

¹³⁶ Kristin Bumiller, *In an abusive state: how neoliberalism appropriated the feminist movement against sexual violence* (Durham: Duke University Press, 2008)

¹³⁷ *Ibid.*, 67-70

state and, relatedly, to the violent colonial project of the “family.”¹³⁸ The intentional surveillance and containment of Black women has historically been structured around the assumption of *threat* to the nation-state. For example, the 1965 Moynihan Report emerged within a historical continuation of Black surveillance specifically situated at the site of Black women and Black mothers.¹³⁹ The report contends that “[t]he United States is approaching a new crisis in race relations,”¹⁴⁰ and at the middle of this crisis is the “Negro family structure.” The tethering of Black women and pathology is central to the report’s argument that “the Negro community has been forced into a matriarchal structure which, because it is so out of line with the rest of the American society, seriously retards the progress of the group as a whole.”¹⁴¹

King argues, “The Moynihan Report, like all projects of settler colonialism, must place Blackness. Settler colonialism must manage Black people and Black spaces.”¹⁴² As the head of a “tangle of pathology,” as Moynihan characterizes Black families, Black women are positioned as an embodied justification for surveillance, containment, and

¹³⁸ Tiffany Lethabo King, “Black ‘Feminisms’ and Pessimism: Abolishing Moynihan’s Negro Family.” *Theory & Event*, Volume 21, Number 1, January 2018, pp. 68-87

¹³⁹ Daniel Patrick Moynihan “The Negro Family: The Case For National Action. Office of Policy Planning and Research” (Washington, DC: United States Department of Labor. March, 1965)

¹⁴⁰ *Ibid.*, Introduction

¹⁴¹ *Ibid.*, 29

¹⁴² Tiffany Lethabo King “In the Clearing: Black Female Bodies, Space and Settle Colonial Landscapes.” PhD diss., University of Maryland, 2013.

regulation.¹⁴³ Centering Black women's positionality within the historical making and transforming of the anti-violence movement provides a genealogy that not only speaks to the current logics but also the material results seen in today's anti-violence advocacy. Anti-violence advocacy reinforces the construction of Black women as threats to the nation state whose "poor choices" and "deviant behavior" have led them to become victims of DV. For Black DV victims in a carceral-anti-Black world, "protection, care, and advocacy" can only be surveillance, containment, and regulation.

What then becomes of Black motherhood within the context of the carceral state if antiblackness is the DNA of society,¹⁴⁴ and within the antiblack world Blackness must be placed, specifically in regards to Black women?¹⁴⁵ I argue that the management of Black women, Black people, and Black spaces within anti-violence advocacy is present not only in the material practices and consequences but also in the abstract. Orlando Patterson engages the dynamics of this precarious positionality in his analysis of the institutional outsider or the genealogical isolate which was referenced in the introduction of this chapter. However, it is his argument on the requirement of natal alienation within slave relations that interests me the most. The alienating of the slave from rights or

¹⁴³ Tiffany Lethabo King, "Black 'Feminisms' and Pessimism: Abolishing Moynihan's Negro Family." *Theory & Event*, Volume 21, Number 1, January 2018, pp. 68-87

¹⁴⁴ Ask The Theory Question, *Irreconcilable Anti-Blackness*

¹⁴⁵ Tiffany Lethabo King "In the Clearing: Black Female Bodies, Space and Settle Colonial Landscapes." PhD diss., University of Maryland, 2013.

claims of birth creates a loss of ties - both ascending and descending generations.¹⁴⁶ Christina Sharpe furthers Patterson's analysis on mothering while Black, writing, "the birth canal of Black women or women who birth blackness, then, is another kind of domestic Middle Passage."¹⁴⁷ Mothering while Black, specifically within the context of the shelter exemplifies how antiblackness not only structures the ideological world but the praxis within it. The shelter as a site of antiblackness reinforces the illegibility of Black women's experiences of violence, the tangle of pathology,¹⁴⁸ and advances plantation logics and slave relations, in particular natal alienation. Violence not marked as violence.¹⁴⁹ This genre of violence is located in plain sight: Black mothers who sought services within the non-profit industrial complex were expected and required to take part in parenting/mothering classes if they wished to remain at the shelter. Black mothers within the context of the shelter were watched closely when interacting with their children and were unable to administer a simple tablespoon of cough medicine and legally sanctioned failure to protect laws that have been shown to disproportionately create profound reverberations for Black mothers - all technologies of power used and aimed at Black mothers in order to consolidate institutional slavery within an antiblack

¹⁴⁶ Orlando Patterson, *Slavery and Social Death: A Comparative Study* (Cambridge, MA: Harvard University Press, 1982).

¹⁴⁷ Christina Sharpe, *In The Wake: On Blackness and Being* (Duke University Press, 2016)

¹⁴⁸ Daniel Patrick Moynihan "The Negro Family: The Case For National Action. Office of Policy Planning and Research" (Washington, DC: United States Department of Labor. March, 1965)

¹⁴⁹ Christina Sharpe, *In The Wake: On Blackness and Being* (Duke University Press, 2016)

world. Policing and surveillance become a fact in the lives of Black women.¹⁵⁰ Anti-violence work redefines what it means to be a woman of color, specifically a Black woman, who experiences violence and happens to be a mother. As previously interrogated, how and why does the experience of violence become conflated and at times negate motherhood and mothering, especially for Black women? I argue that this intentional phenomena is the preservation of slave relations and an illustration of the longevity of natal alienation aimed at Black women. Black women within anti-violence advocacy are targeted by a continuous AND - secondary - surveillance, containment, and regulation through the policing of their motherhood/mothering.

If under the conditions of antiblackness, Black children are transformed in the womb, as Sharpe contends,¹⁵¹ I contend that Black mothers also experience a metamorphosis. Within the context of anti-violence advocacy, Black mothers are reconstructed into state agents; they are forced to give up their children to the nation state through the requiring of parenting/mothering classes and the surveilled mothering they experience within DV programs. Similar to Dorothy Robert's work on the policing of drug addicted Black mothers and the regulations their motherhood endures, Black children within mainstream anti-violence work no longer belong to Black mothers because the state deems them unfit because of their (illegible) experiences of violence, therefore, Black women who identify as victims/survivors of violence who are also

¹⁵⁰ Simone Browne, *Dark Matters: On the Surveillance of Blackness* (Duke University Press, 2015)

¹⁵¹ Christina Sharpe, *In The Wake: On Blackness and Being* (Duke University Press, 2016)

mothers are coerced to participate in reinforcing the tangle of pathology and to participate in the legacy of punishing Black motherhood.¹⁵² When speaking about “the wake” Sharpe asks, “In the afterlives of *partus sequitur ventrem* what does, what can, mothering mean for Black women, for Black people? What kind of mother/ing is it if one must always be prepared with knowledge of the possibility of the violent quotidian death of one’s child?”¹⁵³ I contend that, within the context of mainstream anti-violence advocacy, that along with the continuous specter of death, Black children become symbols of state property that are available for containment and regulation. Roberts’s contends that this ‘incurable immorality’ is the constructed and sanctioned transfer of a “deviant lifestyle to their children that dooms each succeeding generation to a life of poverty, delinquency, and despair. A persistent objective of American social policy has been to monitor and restrain this corrupting tendency of Black motherhood.”¹⁵⁴ The shelter as a space of antiblack meaning normalizes the sexualization, disposability, and surveillance of young Black beingness. By deeming Black mothers who experience violence as unfit (via the demand for mothering classes and their surveilled motherhood and or voided motherhood by the state), Black children are reimagined into motherless children who require surveillance, containment, and regulation and the infringement and policing of Black women’s bodies continues to be in service to the carceral state. The illegibility of

¹⁵² Dorothy Roberts, *Killing the Black Body* (Vintage Books, 2000)

¹⁵³ Christina Sharpe, *In The Wake: On Blackness and Being* (Duke University Press, 2016)

¹⁵⁴ Dorothy Roberts, *Killing the Black Body* (Vintage Books, 2000)

Black women's experiences within the context of violence coupled with carceral antiblack care - sustains natal alienation as a normalized component in the lives of Black mothers.

The juncture of anti-blackness, the carceral state, and the non-profit industrial complex position and construct anti-violence advocacy as a new form of antiblack carceral violence aimed at Black women, Black mothers and their children. For Black victims of violence, spaces that symbolize care and protection are languaged by the antiblack state into spaces of surveillance and containment—and Black women's experiences of violence are rendered illegible, illegibility is intentionally extended to their motherhood and their children.

Conclusion: Speculative Advocacy

This dissertation aims to unveil the impossibility of Black women victims and how the lack of resolution of this problem impacts anti-violence advocacy. Though scholars and activists continue their attempts at salvaging “advocacy,” reforming practices that simply do not work, and or investing in the non-profit model, it is clear that Black women who are victims of violence continue to be intentionally criminalized and surveilled. Scholars and organizers once shifted the question of violence from, What should DV programs look like? to What would it take to end violence against women of color?—I would like to suggest another shift. The long legacy of Black and abolition feminisms encourages us to imagine and create the world we want that is not existentially dependent on antiblackness and carcerality. So instead of asking what would it take to end violence against women of color, I suggest asking, What would advocacy look like if the problem of the impossibility of Black women victims was centered? or as Christina Sharpe contends,¹⁵⁵ “what does it look like, entail, and mean to attend to, care for, comfort, and defend, those already dead, those dying, and those living lives consigned to the possibility of always-imminent death, life lived in the presence of death; to live this imminence and immanence as and in the ‘wake?’”

My analysis of Black women’s experiences of violence who have been languaged into illegible victims of violence specifically centers advocacy: how does advocacy respond to their needs in violent times and how is advocacy practiced when Black women

¹⁵⁵ Christina Sharpe, *In The Wake: On Blackness and Being* (Duke University Press, 2016)

are involved? Building from work done by Black feminist scholars, I began by examining legal cases that dealt with Black women experiencing violence. As Black feminist anti-violence theorists/activists like Beth Richie, Mariame Kaba, Andrea Ritchie and others argue, Black women who attempt to be understood as legible victims of violence by the criminal justice system have been historically denied victimhood status.¹⁵⁶ My analysis exposes the continued legacy of adjudicated rejection which continues to shape the lives of future Black women attempting to be seen as victims of violence. In the case of the New Jersey 4, a group of seven Black queer women were attacked on the streets of New York City for being gay by a straight man, who were eventually incarcerated for defending themselves and each other. Alisha Walker, a voluntary full-service sex worker who was convicted and sentenced to 15 years for killing the man who assaulted her. Cyntoia Brown-Long who, at the age of 16 and after being sex trafficked, was given a life sentence for killing the man who picked her up for sex and who she felt was going to hurt her. Within these cases, the practice of advocacy, as in support, care, resources, empathy, guidance, was an action that was not applicable to these victims. Instead of receiving protection and advocacy, the Black women represented in these cases were criminalized, surveilled, and contained because they were illegible as victims of violence. Containment for Black women does not stop with their experiences of violence and the law. The legacy of illegibility for Black women and the

¹⁵⁶ Bierria & Colby 2019; Davis 1975; Kaba 2020; Richie 1996; Hartman 1997; Sharpe 2016; Oparah 2016; Allard 1991.

foreclosure of victim status or access to victim services additionally shapes the way Black women experience violence overall.

Black women's illegibility as victims of violence unfolds even while incarcerated. For example, 87% of the two-hundred and ten people in the surveys collected by the Survived & Punished research initiative, *Decriminalize Survival*, identify as victims of abuse (i.e. domestic violence, sexual violence, and/or anti-trans violence). With more than half of the surveyed individuals being victims of violence, only six claims have been confirmed by the courts. Many of the people represented in the surveys, in particular Black women, speak of their experiences of violence as if it was a normative condition; a condition so normalized that they had to be informed by the state that they were victims of violence. Failure to protect laws or mandatory arrest statutes, policies that have been created for the purpose of reducing or preventing domestic violence have also been revealed to target Black women victims.¹⁵⁷ As state agents, advocates remodel both the state and anti-violence work. In the context of incarceration, advocacy via state agents becomes a tool of the state; a tool used to define, regulate, and pathologize women who experience violence. As I have argued in chapter 2 and 3, advocacy in the form of laws weaponizes responsibility against Black women and mothers, placing the burden of abuse

¹⁵⁷ Sandra Chung, *Mama Mia! How Gender Stereotyping May Play a Role in the Prosecution of Child Fatality Cases*, 9 *Whittier J. of Child & Fam. Ad- voc.* 205 (2009); Linda C. Fentiman, *Are Mothers Hazardous to Their Children's Health?: Law, Culture, and the Framing of Risk*, 21 *Va. J. Soc. Pol'y. & L.* 295 (2014) [hereinafter Fentiman, *Mothers*]; Linda C. Fentiman, *Child Abuse by Omission: How American Law Holds Mothers Responsible for Their Partners' Crimes*, *Truthout* (Apr. 1, 2017), www.truth-out.org [hereinafter Fentiman, *Child Abuse by Omission*]; Jeanne A. Fugate, *Who's Failing Whom?: A Critical Look at Failure- to-Protect Laws*, 76 *NYU L. Rev.* 272 (2001).

on victims instead of their abusers. Black women are also made to carry the burden of their abuse even within anti-violence services.

In the two case studies explored in this dissertation, anti-violence advocacy services in Chicago also recognize Black women victims as illegible victims; illegibility in these environments translates into refusal of services and carceral care. A DV crisis center turns away clients who are Black women because the crisis center has languaged them into a “difficult” undertaking and undeserving of services. Similarly, a DV shelter attends to Black women who are victims of domestic violence through a carceral lens. Black women victims are criminalized and surveilled, their motherhood in some cases is questioned, and they are expected to endure dehumanizing conditions with gratefulness. Non-profit victim advocacy services become sites that reproduce an antiblack carceral relationship with Black women.

On Advocacy

While a number of scholars, organizers, and policy advocates have argued that there are multiple pathways between experiencing gender-based violence and being targeted for criminalization,¹⁵⁸ very little research about DV victim advocacy services as *itself* a function of the carceral state exists. This dissertation aims to fill that gap. Much of the critical analysis on anti-violence advocacy tends to examine funding practices, the

¹⁵⁸ Davis 1975; Kaba 2020; Richie 1996; Smith 2005.

instituting of a multicultural approach, and the challenging of “why should we care,”¹⁵⁹ but the investigating of anti-domestic violence advocacy services as a form of carceral care intentionally aimed at Black women continues to be under-theorized. Various anti-violence feminist scholars have already demonstrated that Black women who experience violence are targeted for criminalization,¹⁶⁰ but few have questioned the mainstream anti-violence work being done at crisis centers and shelters. Illuminating the carceral practices that have been aimed at Black women victims should also be read as a way of saying, “we care.”

Christina Sharpe’s question at the beginning of this conclusion speaks to the “we care” because it challenges us to acknowledge antiblackness in a way that does not prevent action. What would an acknowledgment of antiblackness in the context of anti-violence work look like as a form of action? For me it means, *burn it all down*. Burning it down means to let go of reformatory ideas and practices, divest fully from the non-profit industrial complex, and start asking those who live in the presence of death, what do they need. I look toward anti-violence work not as a solution to Black women’s illegibility as victims of violence—*this* project is also not offering a solution. Instead it is a call for what I call *speculative advocacy* or a way of being community with one another, recalibrating the way in which we *are* with each other, and the creation of life

¹⁵⁹ Bierria & Colby 2019; Bumiller 2008; Davis 1975; Deer 2015; Kaba 2020; Kim 2019; Richie 1996; Ritchie 2017; Smith 2005.

¹⁶⁰ Bierria & Colby 2019; Bumiller 2008; Davis 1975; Deer 2015; Kaba 2020; Kim 2019; Richie 1996; Ritchie 2017; Smith 2005.

affirming practices. We must develop an advocacy that, as Christina Sharpe argues, intentionally centers the experiences of Black women in the midst of constant violence.

After working at the crisis center and shelter I really questioned whether I was expecting too much from advocacy. After many conversations with people in and out of advocacy work, I was adamantly reassured that I was in fact not expecting too much from what it means to be an advocate. The sign in the kitchen at the shelter addressing the spoiled food was deplorable and unacceptable. The fact that women who had sons that were older than thirteen were unable to live at the shelter for the fear of any kind of sexual activity occurring between the boys and the women at the shelter was intolerable. So again I ask, what does anti-violence advocacy look like when it does not enact violence?

Throughout the years I have been asked why my research centers Black women and their experiences as opposed to Latinx narratives considering I identify as Mexican. Or I am told why I should instead center all women of color who experience DV. My answer: Because something different and intentional is happening when Black women attempt to identify as DV survivors and victims. That something different is found in gratuitous violence leveled against Black women in these forms of dehumanization. Black women are placed, if not made to be, “outside” of our understandings of what it means to be a proper victim of violence. The only survivors being asked and heard within anti-violence advocacy are those farthest away from Blackness. Blackness is not legible as something that deserves or warrants protection under the schema of anti-violence

advocacy; instead Blackness ushers in a carceral logic that is understood to be necessary and therefore normalized. Multiple interventions within the field of anti-violence scholarship interrogate the violent structures that inform both gender violence and anti-violence advocacy.¹⁶¹ Critics have provided the language necessary to understand that the law protecting the batterers is not an accidental shift—it is rooted in the racialized criminality of DV issues/victims/survivors.¹⁶² These interventions exemplify what it means to center those most marginalized in order to produce anti-violence strategies that might actually address the concerns of women of color. These interventions make clear that to depend on the nation-state to redress violence against women of color is to hinge anti-violence to the white colonial structure that is the institutionalized violence women are experiencing. Therefore, shelters and agencies that depend on the nation-state and state funding to correct violence against women are a contradiction that perpetuates violence.

These authors transcend the politics of inclusion and instead create different forms of relationality by pushing back on the anti-violence movement that has been co-opted by the colonial structure that, in turn, now functions as a surrogate for the state. They also recognize the pathologization of women who are victims of violence and understand that

¹⁶¹ Kim, “Dancing the Carceral Creep”; Bierria, “Missing in Action”; Rojas Durazo, “Reimagining Community Accountability”; Koyama, “Disloyal to Feminism”; Richie, *Arrested Justice*; Smith, *Conquest*; INCITE! “Critical Resistance.”

¹⁶² Alisa Bierria and Colby Lenz, “Battering Court Syndrome: A Structural Critique of ‘Failure to Protect,’” in *The Politicization of Safety: Critical Perspectives on Domestic Violence Responses*, 91–118 (New York: New York University Press, 2019).

the nonprofit-industrial complex functions within the capitalist system in managing dissent and administering state-sanctioned and state-sponsored violence. These authors recognize the complex dynamics of abuse and violence that structure the experiences of women of color. In the process of writing this essay I found myself constantly taking a step back to recenter myself and my argument. I kept asking myself, am I sure that the advocacy and the community I am arguing for does not already exist? Are people already practicing a radical understanding of advocacy that is moving toward a better beyond, not just for the individual but for everyone? Honestly, I do not know. Regardless of whether it is, a radical understanding and practice of advocacy and community are not available or possible for all.

I do not have a clear, concise definition for the radical manifestations of advocacy or community that I am constantly referencing; however, I do think that we can look back on the critical work that has been done, take fragments of those interventions that have worked and continue to work, and piece them together in hopes of making and knowing a more robust form of caring. Reconceptualizing advocacy with an entirely new language that has the potential to interrupt the uninterrupted line of punitive actions and care is a good start. Care work is not static; instead it is always adapting, growing, and moving.¹⁶³

¹⁶³ Asian American Writers' Workshop, AAWW TV: "Dreaming Disability Justice," with Leah Lakshmi Piepzna-Samarasinha and Cyrée Jarelle Johnson, https://www.youtube.com/watch?v=8UpQVIT2wCQ&ab_channel=AsianAmericanWriters%27Workshop.

Critical advocacy can help remedy the now while working toward possible futures. I am left with a series of questions that may help us map a nonviolent form of anti-violence advocacy or speculative advocacy. How do we begin to reconceptualize advocacy that is not antiblack, carceral, and bound to the nation-state? Decades-long scholarship shows us that violence is at times generational, structural, and systemic, so how can we build a more robust way of advocating and community so that care work does not just begin after the violence has materialized? What steps, what types of conversations, what types of community care work can we implement that will perhaps aid in the days/months/years before the violence occurs? How can we begin to advocate and be in community in a way that has the potential to stop gender violence altogether? Anti-violence advocacy assumes that survivor/victims no longer experience violence once those violent events have passed, and it assumes that community presence and support will not aid in the long process of healing. If we center alternative ways of being and living instead of alternative ways of dealing with violence, advocacy can be more than just a reaction to the co-opted anti-violence movement. A reconceptualization of anti-violence advocacy is essentially a call for a new form of being, a new form of caring, a new form of being community, and new world making.

The long legacy of Black and abolition feminisms encourages us to imagine and create the world we want that is not existentially dependent on antiblackness and carcerality. Additionally, abolition feminisms foreground the significance and power of

creating and cultivating strong communities, understanding that community is foundational to living in a better beyond. If we center the most basic foundations of feminist abolitionist work—radical liberation and shared accountability—then creating a new form of advocacy and being is definitely a possibility. Anti-violence work that is not antiblack, carceral, and nation-state-bound understands that it is not about finding a remedy to a single event in an individual’s life based on poor choices or deviant behavior but instead a form of care work that calls on us to reevaluate and recalibrate how we care and love one another. Critical anti-violence work and advocacy also acknowledge that violence is present in the before and after. Violence, antiblackness, and carcerality are profound technologies of power. Articulating and most importantly practicing a different kind of imaginary when it comes to the praxis of being is therefore deeply needed. It cannot just be critique and resistance; it must be that and then something else, a space of otherwise.