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Death and Other Penalties

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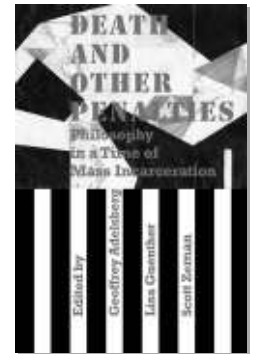
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Prison Abolition and a Culture of Sexual Difference

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Violence against women is a public issue because of feminist movements. This huge cultural shift is certainly worthy of celebration. Making sexual assault, domestic violence, and family violence public issues is not, of course, the primary goal of feminists—ending them is. But it would be counterproductive impatience to fault feminists for not having yet eradicated these widespread problems—entangled as they are with the main structures of social life, including family, law, rights, and gender. So it makes sense that we should applaud feminism’s outing of violence against women, even as we work to eliminate it more fully. There is, however, a recalcitrant and troubling problem in much feminist antiviolence work that presents a formidable obstacle to reaching its ultimate goal: many feminists working to eradicate violence have come to rely on prisons and the apparatus of the carceral state more broadly.

In this chapter, I recount briefly how feminist antiviolence work has become complicit with mass incarceration. Then, I make the case that support of mass incarceration is at odds with the feminist goal of ending violence against women. I suggest that, for help in thinking beyond prisons,

we look to grassroots organizations already working within communities to find noncarceral responses to violence; my analysis focuses particularly on Communities Against Rape and Abuse (CARA) based in Seattle.¹ Finally, I turn to the work of Luce Irigaray to argue that organizations like CARA are not just anticipating life after prisons but creating the conditions necessary for life without prisons. The primary aim of this chapter is to further develop theoretical resources for feminist prison abolitionist work as part of the struggle to end violence against women.

Feminists and the Carceral State

Marie Gottschalk has shown that the founders of many of the early rape crisis centers viewed the state and hierarchical professions as part of the larger problem of patriarchy that allowed and facilitated a culture of violence against women. Gottschalk notes that the founders of the first rape crisis centers “self-consciously maintained a distance from law enforcement agencies, hospitals, and conventional social services and assumed a militant stance toward professionals in such organizations. . . . A number of feminists involved early on in the anti-rape movement looked askance at the punitive arm of the state.”² However, in the quest to legitimize the importance of the issue of violence against women, as well as to garner state and federal funding, “women’s groups entered into some unsavory coalitions and compromises that bolstered the law-and-order agenda and reduced their own capacity to serve as ideological bulwarks against the rising tide of conservatism.”³

We can see this larger historical trend in the history and prehistory of CARA. Its earlier incarnation, Seattle Rape Relief (SRR), one of the first rape crisis centers in the country, closed in 1999.⁴ Although there are many reasons for SRR’s closing, including monetary ones, Alisa Bierria and CARA write that the center “was impacted by the professionalization of a once-grassroots antiviolence movement, and SRR’s volunteers identified this shift in the organization’s political identity as the main reason for its demise.”⁵ CARA, organized by volunteers in the aftermath of SRR’s closing, eventually received a large portion of the city government funding that had previously been allocated to SRR, the result of which has been an organizational struggle within CARA. The struggle has been to maintain two public images, one they describe as “more palatable to local politicians” and another, more radical image they describe as “authentic” for their constituents.⁶ As the dual life of the organization becomes increas-

ingly untenable, Bierria and CARA anticipate a complete move away from government funding.

The story of SRR's closure and the founding of CARA illustrate the complexities of creating radical responses to sexual assault within current structures. It may be tempting to suggest that CARA abandon state funding but doing so would severely limit their outreach and accessibility. CARA maintains a critical view of the state and especially its punitive function, even as they recognize the need for state funding. For instance, CARA writes, "We've found that, when organizations both inside and outside the non-profit structure have fewer financial resources, what gets cut first is resources for accessibility—for people with disabilities, for children, for parents, for people whose first language is not English, for poor people, and for all of us who need support to participate in movement building."⁷ Thus, part of my interest in this chapter is to make urgent the question: Is there a state that could not just tolerate CARA's radical critique of violence but could be born from it? Beginning to elaborate an answer to that question is part of my reason for turning to Irigaray.

Further, feminist alliance with and reliance on the punitive arm of the state has not been limited to the coalitions and compromises of the political realm. Chloë Taylor has shown how much feminist theory also relies on prisons as a solution. Taylor notes, "While it is . . . not uncommon for feminists to observe that law enforcement is not the ultimate solution to sex crimes, and to focus on social reeducation and prevention instead, it is uncommon for feminists to say anything about what should happen to sex offenders other than to call for stiffer penalties or object to light ones."⁸ In other words, in both theory and practice, many feminists have supported the creation of what Loïc Wacquant calls a "genuine prison society."⁹ Hence, part of my reason for turning to CARA is to question that support in Irigaray's work and in feminist theoretical work more broadly.

Prisons Are Violence against Women

Is this reliance on prisons a problem for feminism? After all, if locking up sex offenders keeps women safe, then we may have no reason to resurrect early feminist suspicions about the state. To think about this question, let's begin by considering what happens in prison. Don Sabo explains, "In the muscled, violent, and tattooed world of prison rape, woman is symbolically ever-present. The prison phrase 'make a woman out of you' means that you will be raped. Rape-based relationships between [male] prisoners are often described as relations between 'men' and 'women' and in effect con-

ceptualized as ‘master’ and ‘slave.’”¹⁰ Prisons reproduce rape culture, even when women are not present.

Prince Imari A. Obadele also criticizes prisons for their role in perpetuating a culture of violence against women. He writes about the phenomenon of men masturbating when they are in sight of a female guard, a practice known as “killing.” Obadele calls those who engage in killing “proxy-rapists”¹¹ and explains: “Understand that [I] don’t give a damn what happens to a prison guard. It wouldn’t bother me one bit if these same killers were using guns and knives and other instruments of death on these same guards. But they are not. And the culture of killing does not bode well for the safety of little girls and wimmin.”¹² In other words, Obadele is concerned about the practice of “killing” not because it disrespects guards, who he sees as part of the problem, but because the practice is a form of misogyny training that extends beyond the prison walls. Obadele further underlines the connection between what happens in prisons and what happens on the outside: “These same killers, the majority of them, are going to the streets one of these days and they will be peeping at your mothers, daughters, sisters, and wives from behind the walls and around the corners, or swinging like [T]arzan snatching up [J]ane.”¹³

Don Sabo, Terry Kupers, and Willie London document how prisons cultivate and reinforce “destructive forms of masculinity.”¹⁴ That reinforcement is not incidental to prison systems but integral to it. Prison guards, for instance—a group that by no means escapes the violent consequences of mass incarceration—use sexual violence as a means of controlling the inmate population.¹⁵ Sabo, Kupers, and London write, “Guards tolerate some sexual domination among prisoners because it serves to divide them into perpetrators and victims, thus diminishing the likelihood of united resistance.”¹⁶ Stephen “Donny” Donaldson observes, “Guards are also involved in setting up some rapes and sexual encounters in exchange for pay-offs or for such diverse purposes as the destruction of the leadership potential of an articulate prisoner.”¹⁷ Sexual assault in prison serves multiple interests and, like all sexual assault, it is not only a crime of interpersonal violence but also a means of social control.

Another way to consider how prisons are not keeping women safe is to consider women’s experience of incarceration, noting that it is poor women and women of color who are disproportionately imprisoned. Since 1981, women have been the fastest-growing prison population.¹⁸ While violence is widely recognized to be endemic in men’s prisons and jails, evidence is amassing that violence is a prominent feature of women’s institutions as well. A 2002 study found that 27 percent of inmates in one female facil-

ity had been sexually assaulted in prison.¹⁹ Another study in 2006, which received funding through the Prison Rape Elimination Act (PREA), found a victimization rate of 21 percent within a state prison system.²⁰ The 2007 report from the Bureau of Justice Statistics undertaken to fulfill PREA statistic-gathering requirements reported lower rates of incidence than these earlier studies but still found rates of sexual assault as high as 10 percent in women's facilities.²¹ Thus, if we are concerned with violence against women, prison must be a site of our concern.

Further, as the introduction to the INCITE! anthology observes, "for all women prisoners, the state acts as a punitive perpetrator of violence, subjecting women to invasive body searches, emotional and physical isolation, and physical and verbal abuse."²² Women do not have to be sexually assaulted in prison to experience violence there. In April 2012 the Michigan Department of Corrections (DOC) finally stopped conducting routine vaginal inspections for every woman who met with a visitor. These searches were conducted even when the woman had been under supervision at all times with no suspicion of her hiding anything.²³ The ACLU, which was involved in petitioning the Michigan DOC to stop the searches, received letters from more than sixty inmates who were adversely affected by the searches, including women who avoided meetings with family members in order to avoid the searches that would follow them.²⁴

Feminists seeking to end violence against women must also consider the relationship between life on the inside and life on the outside for many women. In "Women in Prison: How We Are," Assata Shakur illuminates the parallels between women's imprisonment at Rikers Island and their lives on the outside. She writes of life in prison: "The fights are the same except they're less dangerous. The police are the same. The poverty is the same. The alienation is the same. The racism is the same. The sexism is the same. The drugs are the same and the system is the same."²⁵ Shakur's point is not to deny the devastation created by imprisonment; rather, she is underscoring that prisons are *another* institution of dominance and inequality in the lives of the women who do time in them.

Another way we can see prisons as a problem for feminism is the fact that women of color are more likely to be sent to prison for the same types of crimes that typically result in probation for white women.²⁶ African American women are incarcerated at four times the rate of white women.²⁷ That is what has led INCITE! to ask: "What would it take *to end violence against women of color*? What would this movement look like? What if we do not presume that this movement would share any of the features we take

for granted in the current domestic violence movement? . . . When we shift the center to women of color, the importance of addressing state violence becomes evident. This perspective benefits not only women of color, but all peoples, because it is becoming increasingly clear that the criminal justice system is not effectively ending violence for anyone.”²⁸ Recognizing that prisons are complicit in violence against women is part of the work of making feminism a movement to end oppression for all.

But imagine that PREA does its work and rape is eliminated from prisons. Let’s go further and imagine that men’s facilities no longer train men in destructive masculinity. Prisons would still be involved in perpetuating violence against women for the ineliminable fact that prisons remove people from community relations, including removing male partners from women’s lives. As Ruth Gilmore observes, “Looking around the block at all the homes, research shows that increased use of policing and state intervention in everyday problems hasten the demise of the informal customary relationships that social calm depends on (Clear et al. 2001). People stop looking out for each other and stop talking about anything that matters in terms of neighborly well-being.”²⁹ Incarceration does not just wreak havoc on the families of those incarcerated; entire neighborhoods and communities are also affected. Again, Gilmore explains, “The ‘tipping point’ when things start to get really bad is not very deep. Only two or three need to be removed from N to produce greater *instability* in a community of people who, when employed, make, move, or care for things.”³⁰ Prisons make communities more, not less, vulnerable to violence.

This destruction of community does not end with the prison sentence, either. Once people are released from prison, they face onerous fees associated with parole, no access to public housing, trouble finding work or being considered for it because they must disclose their history of incarceration, ineligibility for food stamps if the conviction was drug-related, as well as lifelong disenfranchisement in many states.³¹ The ability of people facing these obstacles to support a family or meaningfully contribute to their community is severely limited. Indeed, as Michelle Alexander argues, the illegal economy becomes the only rational solution for many people once they are released from prison.³²

My analysis and arguments in this section have shown the short sightedness of attempting to redress interpersonal violence with state violence. It is clear that feminists have ample reason not to support the policies and practices of mass incarceration. How, then, do we really make women safer?

What if Not Prisons?

In their introduction to the volume, the editors of *Color of Violence: The INCITE! Anthology* write: “The challenge women of color face in combating personal *and* state violence is to develop strategies for ending violence that *do* assure safety for survivors of sexual/domestic violence and *do not* strengthen our oppressive criminal justice apparatus.”³³ As I mentioned earlier, part of the reason that the editors frame the challenge as one faced by women of color is because it is largely these women who have critiqued feminist complicity with the carceral state and who have been marginalized for this antiviolence activism. The activist writings of these women of color provide a cache of resources that can help us radically reimagine mainstream feminist responses to violence.

The example I highlight, CARA, does not offer a formula for addressing violence. Rather, CARA offers “the bones for each community-based process [and works] with survivors and their communities to identify their own unique goals, values, and actions that add flesh to their distinct safety/accountability models.”³⁴ They specify that their mission is “to better understand the nature of sexual violence and rape culture, nurture community values that are inconsistent with rape and abuse, and develop community-based strategies for safety, support, and accountability.”³⁵ Central to the accountability processes that CARA helps communities develop is the refusal to treat survivors as irreparably “damaged”³⁶ and aggressors as irredeemably monstrous.³⁷

Guiding CARA’s accountability work are ten principles, two of which I will focus on here. The first is the mandate to “recognize the humanity of everyone involved.”³⁸ In relying on mass incarceration, however unthinkingly, theorists fail to apply this principle. CARA differentiates between rage and anger on the one hand (which they value as appropriate responses to violence) and dehumanization on the other. CARA avoids dehumanization of aggressors for the following reason: “alienation and dehumanization of the offending person increases a community’s vulnerability to being targeted for disproportional criminal justice oppression through heightening the ‘monster-ness’ of another community member.”³⁹ By refusing to contribute to the images of criminality that overwhelmingly implicate minority communities, CARA acknowledges the multiple ways in which violence happens in a community and incorporates that awareness into their response to violence.

CARA’s conception of criminality is deeply social. We can see the relational aspect in their observation: “If we separate ourselves from the of-

fenders by stigmatizing them then we fail to see how we contributed to conditions that allow violence to happen.”⁴⁰ Implicit in the principle of recognizing the humanity of everyone involved is an analysis of how the community was involved in creating the conditions for violence to occur in the first place. Within the framework that CARA employs, that analysis does not relieve the aggressor of responsibility but rather contextualizes the violence in order to demystify it. One case study presented by CARA reports an accountability process that was started in response to the rape of one member of a punk music community by another member.⁴¹ Through their work with CARA, the community became involved in a sustained discussion of its values and cultural forms rather than continuing to demonize the person who committed the rape or to blame the survivor—the two predominate responses within the community when the rape was made public.

Another of CARA’s principles is: “identify a simultaneous plan for safety and support for the survivor as well as others in the community.”⁴² In their critiques of alternatives to prisons such as Restorative Justice programs, feminists have rightly criticized programs that left survivors unprotected from aggressors. (In these cases, women were either pressured to drop charges or to accept mediation in order to protect the community from state violence.)⁴³ In response to this concern, CARA emphasizes a multidimensional concept of safety that includes not just the physical but also the emotional, economic, political, and social well-being of the people involved. CARA emphasizes a community response to violence that undercuts the temptation to see safety as a zero-sum game. The survivor’s safety must be thought of in a relational web. A solution that exposes the community as a whole or any member in it to more violence violates this principle.

As indicated in my brief exploration of their principles, CARA has done a great deal of self-theorization. Thus, my turn now to Irigaray may seem unnecessary. Further, Irigaray’s argument for sexuate rights may seem like an unlikely contribution to prison abolition, as her proposals aim at overcoming the constitutive exclusion of women from culture. In other words, Irigaray’s articulation of sexuate rights, which she describes as rights for women,⁴⁴ are clearly a resource for thinking about violence against women, but how can she help us to address the broader understanding of violence developed in CARA’s critique of the prison system?

A large part of the reason I want to analyze Irigaray’s work in relation to CARA’s is because these theorists of violence can help us to see understand why the feminist goal of ending violence against women must also include

abolishing prisons. My hope and contention is that Irigaray can help us appreciate the radical nature of the work CARA is doing and theorizing, not just at the level of institutions and practices but also at the level of subjectivity. At the same time, I argue that CARA's self-theorization can help us to improve Irigaray's theory by showing that the revolutionary change she theorizes cannot maintain a reliance on prisons. Thus, by creating a discussion between CARA and Irigaray, I seek to contribute to feminist antiviolence theory and activism that is also, because it must be, in support of prison abolition, not in some distant future but right now.

Transforming Communities

Tina Chanter writes, "For Irigaray it is not only necessary to become '*politicized*' (TS: 165; CS: 159), it is also necessary to recast the political so that it does not merely reinscribe patriarchal forms of domination, or, as she puts it, 'from a feminine locus nothing can be articulated without a questioning of the symbolic itself' (TS: 162; CS: 157). Irigaray is skeptical of feminism if it is understood simply as a process of politicization that does not also question the models and ideals that govern politics."⁴⁵ Through their community accountability work, I argue that CARA is not only putting into question the models and ideals that govern politics; they are putting into practice new ideals and models that could guide new political formations. To elaborate how I think CARA is doing this, I will build on Irigaray's efforts to think a nonsacrificial political order.

Central to Irigaray's work on recasting the political is overcoming a singular model of subjectivity and bringing about a culture of sexual difference. Particularly in her early work, Irigaray exposes the dominance of masculine subjectivity and its dependence on the sacrifice of feminine subjectivity. That critical work shows how a culture of sexual difference has been made impossible.

One way to understand Irigaray's critique is to return to the quotation from Sabo: "In the muscled, violent, and tattooed world of prison rape, woman is symbolically ever-present. The prison phrase 'make a woman out of you' means that you will be raped. Rape-based relationships between prisoners are often described as relations between 'men' and 'women' and in effect conceptualized as 'master' and 'slave.'"⁴⁶ It might appear that an acknowledgment of sexual difference is implicit in the threat to "make a woman out of you," but Irigaray's point is that this apparent acknowledgment of difference actually works as a support for a phallographic order, an order based on the dominance of masculine subjectivity. The symbolic

presence of women in men's prisons does not amount to a recognition of sexual difference. Rather, the symbolic presence of women as those who are raped vividly illustrates the sacrifice of feminine subjectivity to the consolidation of masculine subjectivity.

Irigaray's work has shown that this sacrifice operates at many levels—philosophical and political, economic and linguistic. As Chanter writes, “The problems women face in their attempt to change the process of othering that has defined them through the eyes of men extend to fundamental assumptions about what it means to be a subject, assumptions that are embedded in the function of language and institutionalized in socio-political norms.”⁴⁷ Irigaray is clear that mere reversal of this process of othering would not instantiate the change that she seeks—a culture of sexual difference.⁴⁸ Rather, Irigaray argues that we must transform subjectivity so that it no longer relies on the sacrifice of feminine subjectivity, which requires a revolution in language, religion, civil life, family structures, and legal orders.

Anne Caldwell well describes how the logic of sacrifice operates: “Irigaray argues that Western social orders sacrifice materiality and difference, reducing them to a static ground or constitutive outside on or against which concepts and subjectivity emerge.”⁴⁹ The social order achieves its coherence and stability, to the extent that it does, through this sacrifice. Caldwell, working through Irigaray, shows in detail how such a logic of sacrifice works within liberal democracy, psychoanalysis, and deconstruction. Importantly, Caldwell also notes that much feminist theory has accepted the necessity of this logic.⁵⁰ Irigaray, by contrast, critiques that sacrifice of materiality and difference, as well as its presumed necessity. CARA is also involved in such a critique in their unwillingness to sacrifice either the survivor or the aggressor in an attempt to ensure community safety. Thus, I agree with Caldwell that “Irigaray's critique of sacrifice in particular makes her recent work worth examining,”⁵¹ especially for developing noncarceral responses to violence and in conversation with CARA.⁵²

Throughout her work, Irigaray links the sacrifice of feminine subjectivity, the sexual indifference of culture, to the lack of appropriate responses to violence against women.⁵³ For instance, in “The Question of the Other” Irigaray writes, “But it's not a good thing, either for women or for relations between the sexes, that women as the injured party be put in the position of simply being accusers. If there were civil rights for women, the whole of society would be the injured party in the case of rape or all the other forms of violence inflicted on women; society, then, would be the plaintiff or co-plaintiff against the harm caused to one of its members.”⁵⁴ A lack of

civil rights specific to women results in women only being able to take up the role of accusers. From CARA's accountability work, we can already see why relegating the survivors of violence to the role of accuser is problematic. The role of the accuser reduces the survivor to "a symbol of an idea instead of an actual person."⁵⁵ In Irigaray's terms, such reduction sacrifices the survivor to the order of the judicial process.

Irigaray links the end of such sacrifice to a change in the discourse of rights and the organization of the state: "Our need first and foremost is for a right to human dignity for everyone. That means we need laws that valorize difference. Not all subjects are the same, nor equal, and it wouldn't be right for them to be so. That's particularly true for the sexes. Therefore, it's important to understand and modify the instruments of society and culture that regulate subjective and objective rights. Social justice, and especially sexual justice, cannot be achieved without changing the laws of language and the conceptions of truths and values structuring the social order."⁵⁶ Could Irigaray's proposals for civil rights for women help build the sort of revolutionary system that CARA calls for? I would like to complicate any approach to this question by suggesting that Irigaray's proposals are not as straightforward as they might initially appear. While these rights can and have been read as literal proposals for rights to be enshrined in the state, I wish to highlight the critical reflection they provoke about the current order. I am taking up the possibility proposed by Penelope Deutscher when she writes: "What if we think of Irigaray's declaration of sexuate rights as a declaration of a radical political perspective? . . . Perhaps what is being performed is not the founding of sexuate rights but the founding of a critical perspective."⁵⁷ Thus, rather than suggesting that Irigaray supplies the vision for the revolution CARA is working to build, I suggest that it is Irigaray's critical perspective that is most useful for supporting CARA's work.

What I propose is that we read Irigaray's conception of sexuate rights not as an attempt to found a determinate identity for women but rather as a critique of the constitutive exclusion of sexual difference from liberal democracy. The importance of this critique is not just relevant to women's exclusion but also to culture more broadly. As Irigaray writes, "What has to be defined as women's rights is what the male people, the between-men culture, has appropriated as possessions, including in this respect not only women's and children's bodies, but also natural space, living space, the economy of signs and images, social and religious representations."⁵⁸ In other words, through her work on the constitutive sacrifice of women, Irigaray helps us to understand why the institutions to which victims of sexual assault turn are likely to oppress or ignore their appeals.

To understand Irigaray's proposals for sexual rights as an ally in gaining critical perspective on mass incarceration, let's look at the second right she enumerates. In *je, tu, nous*, Irigaray writes:

The right to *human identity*, that is . . . the legal encodification of *virginity* (or physical and moral integrity) as a component of female identity that is not reducible to money, and not cash-convertible by the family, the State, or religious bodies in any way . . . The rights would enable us to get away from simple penal sanctions and to enjoy civil legality as far as women's rights are concerned. I'm thinking of rape and incest cases, for example, or cases against forced prostitution, pornography, etc., which are always enacted with a view to punishing the guilty rather than in accordance with civil society's guarantee of positive rights appropriate to women. . . . If there were civil rights for women, the whole of society would be the injured party in the case of rape or all the other forms of violence inflicted on women; society, then, would be the plaintiff or co-plaintiff against the harm caused to one of its members.⁵⁹

In order to discuss this right's relevance to the work of organizations like CARA, I must first suggest an amendment. Not only would the whole of society be the injured party, but it would also be the injuring party.⁶⁰ That is, not only is harm inflicted *on* one society's members, but it is also inflicted *by* one of its members.⁶¹ Such recognition does not require a claim that society would be equally harmed and harming or that plaintiff and defendant would be the same; both options fall into the traps of equality and sameness that Irigaray identifies as foundational to a culture that excludes sexual difference.

Rather, as CARA underscores: "A consciousness of rape culture prepares us for the need to organize beyond the accountability of an individual aggressor. We also realize we must organize for accountability and transformation of institutions that perpetuate rape culture such as the military, prisons and the media."⁶² In other words, we must acknowledge the role of larger social structures, including norms, in perpetuating violence. CARA writes, "The community we are working to build is not one where a person is forever stigmatized as a 'monster' no matter what she does to transform, but a community where a person has the opportunity to provide restoration for the damage she has done."⁶³ Giving the role of accuser to the survivor relegates the aggressor to the role of criminal and even monster. CARA asks for much more from aggressors. Although accountability plans are tailored to each situation, they uniformly ask aggressors to engage in

transformative work, which may involve direct support by the aggressor's community. Public shaming may be a step in an accountability plan, but accountability extends beyond that.⁶⁴ CARA gives examples of terms of accountability such as: "You can attend our church, but you must check in with a specific group of people every week so that they can determine your progress in your reform."⁶⁵ CARA's attention to the aggressor forces us to consider what it would mean to see the whole of society as not just the injured party (as Irigaray would have it) but also as the injuring party.

To create cultures that do not rely on sacrifice, Irigaray suggests that we take the limitation of our subjectivity upon ourselves rather than projecting it onto an other, work that she calls, reworking Hegel, the labor of the negative.⁶⁶ Caldwell explains the ethics born of this labor: "An ethics of the negative works to undermine the traditional subject's transfer of its disavowed materiality onto others . . . Such an ethics facilitates a nonantagonistic intersubjectivity by acknowledging our own partiality and limits, rather than shifting them to others."⁶⁷ The labor of the negative requires our acknowledgment that we are not self-sufficient and that we never can be. The importance (and difficulty) of this point for rethinking responses to violence is that it asks us, even in the face of our injury by the other, to take the labor of the negative upon ourselves. In other words, we cannot eliminate our interdependence, even when we have been harmed by the other. As CARA's work shows us, not relying on prisons means we also cannot rely on a reduction of the other to a monster, a criminal, or even a defendant (though Irigaray's language of plaintiff risks engaging this powerful binary). We must continue to acknowledge our interdependence.

Refusing to reduce the other to such functions allows, as Irigaray argues, for communication between us. In writing of a "citizenship appropriate to the necessities of our age," Irigaray writes: "Education for civil life becomes an education in being, rather than in having: being oneself, being with others, male and female, being in and with nature, being a moment of History, etc. The development of certain values is indispensable for this new form of citizenship: values of communication, not only in the sense of the transmission of information but as communication-between. Relations between individuals are thus prioritized, with respect for things and possessions following as a consequence."⁶⁸ Irigaray calls for the cultivation of citizens who can communicate and not just transmit information. The challenge CARA presents and takes up is the creation of this communication—in the face of an aggressor's refusal of the labor of the negative and in the creation of a community that invites the aggressor into this labor. CARA's work asks us to consider what it would look like to

refuse to sacrifice members of our community even when a member has refused the labor of the negative.

In developing accountability strategies, it is important to keep in mind that it is not just the carceral system that has failed to invite aggressors into such work. Many communities and organizations that have sought alternatives to incarceration have also resisted such work. As Critical Resistance and INCITE observe: “The various alternatives to incarceration that have been developed by anti-prison activists have generally failed to provide sufficient mechanisms for safety and accountability for survivors of sexual and domestic violence. These alternatives often rely on a romanticized notion of communities, which have yet to demonstrate their commitment and ability to keep women and children safe or seriously address the sexism and homophobia that is deeply embedded within them.”⁶⁹ Irigaray gives us one way to understand that failing as more than just an irony of activist work. Because we live in cultures in which the labor of the negative is projected onto an other, a critique of one its components is necessary, but not sufficient, to achieving a different social order.

In other words, we should expect to find the sexual indifference that Irigaray critiques even in radical politics, unless we engage in the work of bringing about a culture of sexual difference. As Critical Resistance and INCITE! write: “Because activists who seek to reverse the tide of mass incarceration and criminalization of poor communities and communities of color have not always centered gender and sexuality in their analysis and organizing, we have not always responded adequately to the needs of survivors of domestic and sexual violence.”⁷⁰

But there is an apparent mismatch between CARA’s activism and Irigaray’s proposals that deserves attention. CARA presents their accountability work by alternating personal pronouns to indicate that both men and women can be survivors and aggressors. As they succinctly point out, “This reflects the realities of our work.”⁷¹ Further, earlier I spoke of the widespread phenomenon of rape in men’s prisons. Irigaray, on the other hand, speaks of women only as the survivors and for the needs of women to have civil rights. Is Irigaray operating with an outdated or even regressive notion of sexual violence?

My answer to this question requires a yes and a no. Insofar as Irigaray implies or explicitly states⁷² that women are the only victims of rape, incest, and other forms of sexual abuse and harassment, she is clearly not recognizing the vulnerability to violence of men, boys, transgender individuals, and those who do not conform to gender norms.⁷³ But if we return, once again, to Sabo’s description of prison rape as a gendering practice, I think

we can see compelling reason to consider how sexual violence is involved in the discursive creation of men and women, as well as to the creation of that binary. I am thinking here of Sharon Marcus's argument that rape feminizes women⁷⁴ and Christine Helliwell's argument that rape is a practice that "masculinizes men as well."⁷⁵ Helliwell points to prisons as a site in which we can see this effect of rape; she writes, "This masculinizing character of rape is very clear in, for instance, [Peggy Reeves] Sanday's ethnography of fraternity gang rape in North American universities (1990b) and, in particular, in material on rape among male prison inmates. In the eyes of these rapists the act of rape marks them as 'real men' and marks their victims as not men, as feminine."⁷⁶

Thus, Irigaray's proposals for civil rights for women could be read as a critique of discursive practices that render women vulnerable to sexual assault and define women as those who are vulnerable to sexual assault, while concomitantly rendering men as those who commit sexual assault and define men as those who commit sexual assault. That is, Irigaray's demand for bodily integrity for women can help us to see the extent of social and cultural transformation that would be necessary to guarantee such safety, as well as the extent to which vulnerability to assault defines what it means to be a woman in many cultures. Thus, Irigaray offers a powerful critical tool by proposing bodily integrity for women to illuminate the production of women as vulnerable, even as she sometimes fails to acknowledge that women are not the only people vulnerable to violence.

The existence of cultures without rape gives us crucial evidence that sexual assault need not be the only way that gender is constituted and reaffirmed.⁷⁷ Irigaray's proposals for sexual rights can show us how far we are from achieving cultures free from such assault. But so can a glance at crime statistics. The importance of Irigaray's proposals for sexual rights is their provocation to think about the formation of gendered subjectivities and what might be required to end sexual assault in our own community, given how gendering currently happens. CARA has already begun such work.

By working to redress violence without creating accusers, monsters, criminals, plaintiffs, and defendants, CARA creates new possibilities for subjectivity and community. Irigaray's work shows that such work requires a critique of current structures, including the structure of subjectivity, and a process of transformation toward new structures that we cannot fully determine, now or in the future. Rather, we must acknowledge that no model of subjectivity can be the universal model of subjectivity, which requires that we take the labor of the negative on ourselves and create communities that foster such labor.