

Vulnerability and Violence: Transgressing the Gender Binary

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The recent murders of George Floyd and Breonna Taylor, as well as the countless other unarmed ordinary Black men and women, brought racialized police violence in the US into sharp focus. The Black Lives Matter movement that was galvanized in response provided an opportunity for racial reckoning, and it spurred a timely debate about police abolition and/or reform. As racial reckoning extends from political activism into the sphere of public education and academic scholarship, centered most notably around Critical Race Theory, I propose to critically engage with the feminist movement against gender-based violence and the feminist ethics of vulnerability. I will consider whether this influential feminist theory and practice advance the emancipatory efforts of empowering Black lives and curbing the anti-Black violence of the criminal and carceral state. My proposed critical assessment is not a dismissal of feminism *tout court*, nor does it underestimate the pandemic of interpersonal gender, sexual and other forms of violence against women, accompanied by the potential or real threat of femicide. Rather, the goal is a continued rapprochement between feminism and antiracism, Black empowerment and de-policing; this integrated approach avoids the twin dangers of criminalization and carcerality, and it confronts the pandemic of gender-based violence more effectively than the classical feminist approach. I follow the lead of contemporary Black feminist theory and practice, especially by Beth Richie and Angela Davis, that better serve the intertwined emancipatory goals of empowering women and gender nonbinary individuals, *and* of de-policing.

Picture the following scene: a woman is overshadowed by a menacing male figure. She neither fights nor flees in response; instead, she appears to be shrinking in expectation of the blows to come. This is how the UN portrays violence against women. On the one hand, a vulnerable victim; on the other, an evil villain who has assumed a birthright to the use of force: <https://interactive.unwomen.org/multimedia/infographic/violence-againstwomen/en/index.html>

The UN infographic reflects a widespread view in contemporary white feminist literature that vulnerability is a virtue, while violence is morally condemnable. Vulnerability indicates an embodied and ethically salient aspect of human life. Foregrounding vulnerability holds the promise of liberating us from the neoliberal illusion of self-sufficient, entrepreneurial subjectivity and of exposing basic bonds that tie the self to the other. If vulnerability is a gateway to ethical coexistence, so the argument goes, then interpersonal violence poses too great of a threat to communal bonds. We can only counter violence with the force of nonviolent resistance. The feminism of vulnerability thus understands violence in the same way as the state: it is an illegitimate and dangerous force that poses a threat to the rule of law. The state thus retains a monopoly on the use of force, even when it is excessive, and the monopoly on the definition of violence as an external and eliminable threat.

Butler's *Force of Nonviolence* (2020) is a recent example of the white feminist view. To the central question guiding the analysis, namely: should those on the left engage in violence to oppose state violence (especially racist policing, prisons, and deportations), Butler replies in the negative. Violent response propagates violence; it mirrors, and does not transcend, what it opposes. Violence is an assault to our relational bonds, and even self-defense is suspect insofar as it supposes a pre-existing regime of the self. Instead, Butler champions the force of nonviolence, a "militant pacifism" (borrowing Einstein's phrase) grounded in emotional ambivalence, including rage and aggressivity, rather than the idealized virtues of "peace and love." The opposite of destructive violence is not a "useless passivity," Butler writes, but a forceful, organized, and emotionally charged resistance. One mustn't fight back, but one may, for example, enact resistance by building a human barricade. At the same time, the vulnerability advocated by Butler as an ethically salient alternative to violence is a vulnerability "to being dispossessed, abandoned, or exposed in ways that may prove unlivable," for example, by failing social institutions. Yet, it is hard to see how dispossession, abandonment, and exposure to insufferable conditions can alone provide a path of resistance in the ways Butler describes.

Throughout this critique, Butler does not provide a definition of violence – namely, of what needs to be opposed. The author emphasizes the semantic slipperiness of the term, and the propensity to use it to discredit the dissidents of state power and to abject racialized groups. Violence is

routinely projected by state actors onto the presumed “threatening Other,” as routinely happens in the case of the unarmed and harmless Black men and women in the US. Butler occasionally mentions the systemic and structural violence that often remains invisible and unnamed, and which, presumably, if the view holds, will be eliminated by the force of nonviolent resistance. Yet, throughout the analysis, Butler uncritically assumes a criminalizing conception of violence that is both unequivocally harmful and ultimately eradicable. In doing so, Butler assumes the statist definitional monopoly on violence: the state has a monopoly on violence, defined as a legitimate use of force (*Gewalt*), and violence is an illegitimate activity by non-state actors.

This statist definitional monopoly was developed in detail in Walter Benjamin’s *Toward the Critique of Violence* (2021) [*Zur Kritik der Gewalt*, 1921]. According to Benjamin, the state monopolized violence in the inaugural moment of founding laws and subsequently preserving them (this is, respectively, the so-called law-founding and law-preserving violence of the state). Mobilized as the engine of the rule of law, state violence was retroactively transformed into legitimate power to which the illegitimate counter-violence of the dissidents (such as the revolutionaries, and the strikers) would be opposed. On this philosophical-critical view, violence emerges as a dangerous and destructive power only from the perspective of an authorized agency that monopolizes violence *and* disguises its own violent operations as the simple enforcement of the rule of law. Since Butler uncritically assumes an unequivocally condemnatory view of violence, including the violence of self-defense, she gives permission to the state to criminalize all forms of real or projected disturbance to the rule of law.

Consistent with Butler’s ethics of nonviolence, the white feminist movement against gender-based violence resorted primarily to the criminal legal system (policing and prisons) for a response. It thereby unwittingly re-entrenched the anti-Black violence of the carceral system against perpetrators, as well as survivors, of gendered violence – especially when survivors actively defend themselves against their attackers (see: “The Critical Resistance: INCITE! Statement on Gender Violence and the Prison Industrial Complex” in Davis et al. 2022). The feminist anti-gendered violence movement has therefore been likened to a *carceral* feminism, that is, “an ideology that identifies criminalization as the most legitimate ‘solution’ to gender-based violence, and is then used to justify prisons, policing, and war as ‘feminist’ and pro-human rights institutions” (#Survived

and Punished: Survivor Defense as Abolitionist Practice, 28). Carceral feminism encourages ordinary citizens to capitulate to the sovereign authority of the administrative state in all matters of everyday interpersonal conflict. Its habitual chant is “Call the cops!”

Carceral feminism tends therefore to exacerbate the problem of anti-Black violence in the us. It capitalizes on gendered and racialized tropes assumed in the UN infographic of defenseless femininity, stereotypically white, an easy prey of gendered violence, who structurally depend upon protection by a paternalistic state and/or by male guardians. Black masculinity is seamlessly scripted into the role of an attacker, a looter, and a rapist, within a pre-existing constellation of social tropes that pit white innocence against Black criminality. The legal defense of Derek Chauvin (the white police officer who murdered George Floyd) knowingly, if unsuccessfully, exploited these social scripts; it invoked Chauvin’s sentiment of fear in response to George Floyd, a Black man who is blatantly misperceived as actively resisting arrest despite being immobilized under the white policeman’s knee and lying asphyxiated on the ground. To undo the social construct of a dangerous Black man – the screen of white paranoid projections and the target of deadly, state-supported, violence – feminists must actively disrupt the overarching enabling gendered and racialized worldview. The criminal Black man is a companion construct to white innocence, and the latter prominently features stereotyped white womanhood.

Carceral feminism unwittingly re-entrenches the patriarchal norms of white fragility that undergird white racial supremacy. Since white women are socialized to not fight back when placed in situations of presumed or real danger, their male “protectors” can invoke female defenselessness as a pretense to unleash deadly violence against men of color. The latter are therefore routinely exposed to the “Black rapist” or “Black peril” stereotypes that justify mob and police violence against men of color in the US and elsewhere in the world. As Angela Davis documents, the defense of white womanhood from Black men’s presumed irrepressible sexual urges became the rallying cry for lynching, once the formerly invoked specter of Black political and economic supremacy lost its currency (Davis 1983, 185-86). The cry of rape made quick work of mobilizing mobs to rescue or avenge “their women.” As Davis writes, “In a society where male supremacy was all-pervasive, men who were motivated by their duty to defend their women could be excused of any excess they might commit” (187). These excesses targeted especially men of color, insofar as they were a

direct expression of white gender ideology, with its binary hegemonic hierarchy of masculinity and femininity, which was pervasive, particularly in the 19th century, but legible in contemporary times. According to this ideology, men require control over women to be considered real men, while women are socially and sexually submissive (Hill Collins 2005, 192). Black masculinity was foregrounded as a manifest threat to white men's proprietary privileges, as well as to white women's historical stance of wardship. The lynching propaganda in post-Reconstruction US effectively weaponized white womanhood in the service of protecting white society from social change, and white women typically complied with a construct that offered social and economic advantages of membership status. Many white women actively participated in the lynching and socialized their children to the spectacle of Black suffering (see Davis 1983); others issued and failed to retract false accusations of sexual misbehavior by Black men.

Carolyn Bryant used fabricated accusations to unleash white male violence against Emmet Mill, a Black teenager who was brutally murdered by two white men in Mississippi on the pretense that he had whistled at her at a department store. The 1955 incident (subject to a current FBI investigation) evidences that feminine vulnerability was mobilized as white capital to justify the murder of Black men and to preserve white supremacy in the Southern states during the reconstruction period. Mill's killing belongs to a long history of "racial hoaxes" (Russell-Brown 2008) – dangerous false accusations against Black people made to the police. In May 2020, Amy Cooper proceeded to call 911 in response to a request made by a bird-watcher, Chris Cooper, to leash her dog, as per the NYC Central Park rule. She cited the familiar pretense that "there is an African-American man threatening my life," and thereby knowingly used the capital that comes with the perceived white women's vulnerability to Black men. Women who call on their protectors, who may be kin or cops, on such fabricated charges are complicit in the anti-Black violence of a majority white society deployed "on their behalf." The insistence on the inherent vulnerability of white womanhood, and the implied need for paternalistic protection, sustains the trope of racial peril in the modern age and it fails to delink feminism from anti-Black racism. Feminists need to undo the interlinked social stereotypes of endangered white femininity, predatory Black masculinity, and white male chivalry in order to end white racial supremacy.

Carceral feminism condemns all forms of violence, including the expression of physical force that may be involved in effective self-defense

in situations of mortal danger. Such a blanket condemnation problematically criminalizes the actions of women who defy the white patriarchal norm of feminine defenselessness and choose to fight back when under attack. Consider the story of Marissa Alexander, MBA, a Black woman and a self-described “empowered survivor defendant.” A mother of three, she was violently attacked in 2010 in Jacksonville, Florida by her abusive, estranged husband, who tried to strangle her and prevent her from escaping her home nine days after she gave birth. When her estranged husband threatened to kill her, Alexander fired a single warning shot upwards into the wall. Even though her husband admitted to the attack, Alexander was arrested and charged with aggravated assault with a deadly weapon. She was denied the “Stand Your Ground Immunity” around the same time a jury used it to acquit George Zimmerman for murdering Trayvon Martin, an unarmed Black teenager. Tried by a jury, Alexander was sentenced to 20 years in prison. When, following a highly visible campaign, her legal team appealed the guilty verdict, the prosecutor threatened to triple the original sentence into a 60-year mandatory sentence in a new trial. Faced with this threat by the criminal legal system, Alexander was coerced into a plea deal of three years behind bars (which included the time served) and two years in house detention. She was finally freed in 2017 (#Survived and Punished: Survivor Defense as Abolitionist Practice).

Alexander describes the paradoxical condition of being a Black Woman targeted by gendered violence in the US in the following way: “If the violence is unabated, we risk losing our lives. If we defend ourselves, we risk losing our freedom” (*Ted Talk*, “Not Another Victim”). In other words, women like Alexander are faced with the choice of passive submission to domestic terror, ensuing in likely harm and death (in the US, three women die of domestic violence per day, and women of color are disproportionately affected; 137 women are killed per day around the world). Alternatively, if women like Alexander survive, they risk being exposed to cruel punishment by the state legal system that criminalizes domestic violence survivors who fight back against their abusers. Women like Alexander are presented with a forced choice between intimate victimhood and carceral bondage; both options deny them a right to a dignified life.

Feminists who unequivocally condemn violence contribute to criminalizing survivor defendants like Alexander. Their condemnatory stance fails to recognize the moral right to protect endangered life, even when the defendant deliberately avoids causing harm to the abuser (Alexander

fired a warning shot upwards into the wall). While seeking to “be better” than resorting to violence, carceral feminists advocate vulnerability as a presumed strategy of resistance. But, in the case of women like Alexander, this means to advocate a dangerous and deadly surrender to the abuser, a *necro*-vulnerability that further victimizes women targeted by gendered violence. When the state does not protect you, and home is an unsafe space, women like Alexander have the right to reject the stance of moralized victimhood and are morally empowered to fight back.

When women fight back, they do not simply save their own lives. As survivor *caregivers*, they protect vulnerable dependents against the harms of familial neglect and abandonment. In contrast to an earlier view that aligned maternal care with an aversion to violence (Ruddick 1995), women enact care in conflict situations, including military combat, by actively shielding others from harm (Scheper-Hughes 1993). Furthermore, when women assume a socially recognized capacity to use force, destructive violence directed at their social world vastly diminishes (Hollander 2009). Engaged in a *physical* feminism (McCaughy 1995), women, as a group, transcend an internalized self-perception as easy prey, a pre-victim, a dual object of paternalistic protection and abuse. Trained in self-defense, they may exude what some experts in martial arts refer to as an “aura” – a confident presence of a skilled initiate that is likely to deter an attack. Women’s *honor* changes status from a by proxy virtue of chastity to an agentive moral conduct guided by self-esteem.

As Beth Richie argues, the US antiviolence movement was predicated on a white feminist analysis centered on a falsely inclusive category of “everywoman,” which did not incorporate an analysis of race and class. This erasure “seriously compromised the transgressive and transformative potential of the anti-violence movement’s potentially radical critique of various forms of domination. It divorced racism from sexism... and invited a discourse regarding gender violence without attention to the class dimension of patriarchy and white domination in this country” (Richie 2005, 53). The “everywoman” uncritically assumed in antiviolence theory became practically embodied by a white middle-class woman who enjoyed easy access to and could count on support from medical, counseling, and legal services. As a result, gendered violence perpetrated against non-white, low-income women was either rendered invisible to the public imaginary and mainstream media, or it became construed as something different than violence related to gender in particular. Impor-

tantly, gender is not considered “a central, defining... identity” for women and girls who may, for example, be involved in gang activity, incarcerated, using drugs, or lesbians of color. In these cases, “the master category” of race and class overshadows the analysis; the women themselves are de-gendered and denied a claim to gender oppression (ibid.).

Richie’s critique of the “everywoman” construct powerfully demonstrates the pitfalls of founding antiviolence theory and practice on a socially untheorized and *de facto* assumed white, middle class, woman. As argued above, stereotyped white womanhood is complicit with state and mob violence against the criminalizing construct of a “big Black man.” Following Richie, the former is also consistent with the exclusion of non-white women from varied socioeconomic backgrounds from the consideration of vulnerable status in the face of gendered violence – including institutionalized, criminal and carceral violence (see Davis 2016 on how carceral violence targets trans women in particular). This erasure of gender for the class of women who are constructed as a “special case” and not the standard norm constitutes another harmful consequence of assuming the construct of a fragile white femininity within mainstream antiviolence work. The overtly racialized but de-gendered construct of a Black woman who, like Marissa Alexander, engages in self-defensive violence, is a negative image of the stereotypically gendered, learned feminine defenselessness; a woman who actively shields herself and her dependents from an attacker fails to register as “everywoman” through a white-centric patriarchal lens. If she refuses to embody the “vulnerable woman versus violent men” binary, she is at risk of being cast as a willful perpetrator, rather than target of societal violence and may be criminalized and incarcerated as a result. That is why recovering radical feminist work is vital to inclusive and effective antiviolence efforts. Radical feminist work follows the lead of Black feminists in antiviolence theory and practice. As Richie concludes: “Feminist women of color need to step forward as never before, reclaiming our place as leaders, both in the anti-violence movement, and in the struggles for gender equality in our communities” (Richie 2005, 55). Important radical work is already underway in abolition feminism and the concerted efforts to end the carceral state (Davis et al. 2022).

Radical feminist work includes all womxn, trans and non-binary individuals who have collectively taken leave of the vulnerable woman construct that still haunts carceral feminism (note the change from “women” to “womxn” in INCITE!). It involves transgressing and transforming gen-

der ideologies beyond the twin female-male as well as, I propose, the vulnerable-violent binaries. Importantly, vulnerability does not protect women – not even the members of the white, middle-class; it consigns them to a life of internalized victimhood, a paralysis in the face of violence, and a wardship stance in the family and the state. Arguably, women who actively transgress the gender ideology of feminine defenselessness risk being punished by the family and the state; a skeptic could argue that you are damned if you do (accurately perform white standards of womanhood), and damned if you don't – so why take on a seemingly greater risk of fighting back and lose the moral advantage of perfect victimhood? Perfect victims typically don't end up in jail. However, the risks that womxn face for transgressing stereotyped womanhood expose the crucial role the latter plays in preserving the rule of white racial patriarchy in society; the gatekeepers respond with a backlash to a contestation of who has the right to enact violence and who has the duty to suffer it. If one adopts a prospective approach, beyond the immediate present response to gender transgressions, one may begin to envision a world where punishing women for failures of femininity has lost all currency, incentive, and intelligibility to everyone involved.

That is why radical feminist work involves, I propose, transgressing and transforming the received meaning of violence as a male prerogative. Another understanding, consistent with the etymological connotations between violence, life and vitality, is that of a morally cultivated bodily force – which is in agreement with Fanon's later theory (Stawarska 2020). This transgressed and transformed "violence" is nonbinary – it transgresses traditional borders of womanhood but does not succumb to a mirage of invincible, heroic virility. It is not a denial of vulnerability *per se*, but an acknowledgment that many lives are steeped in an atmosphere of everyday violence, which requires morally responsible everyday strategies of survival, beyond a cultivation of shared vulnerability. "Violence" in a new (and effectively very old sense) is a life-affirming force that protects without perpetuating danger, destruction, and death. I propose that a nonbinary understanding of violence, echoing a nonbinary understanding of gender, may be helpful in advancing radical feminist anti-racist work.

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