

Law Reform and Movement Building

SOCIAL MOVEMENTS AIMING TO MOBILIZE PEOPLE AROUND shared imaginations of transformation must contend with questions of infrastructure: how to devise methods of participation and decision-making, build and sustain leadership, create shared political analysis, and generate and manage resources to feed the work. If we are to focus on "bottom-up" mobilization for transformative change rather than top-down empty declarations of equality, we need to build social movement infrastructure that can support mobilization. This chapter begins with an analysis of why and how law reform-dominated agendas stem from professionalized, lawyer-overrun, foundation-funded organizational structures that have come to dominate social justice work in the context of neoliberalism. This chapter also introduces a useful tool, developed by the Miami Workers Center (MWC),¹ that considers social movement infrastructure in a way that helps us re-imagine the role of law reform tactics in resistance work focused on mobilization. Finally, this chapter provides several detailed examples of how organizations committed to transformation can and are creating movement infrastructure and critical trans political practice.

Having examined the limitations of traditional law reform strategies as well as some of the questions that emerge when using

law reform tactics as part of trans resistance, this chapter now considers the broader question of how to place law reform projects in the context of trans movement building. The most visible lesbian and gay rights work has been criticized for its central focus on law reform goals, with critics arguing that such a narrow focus yields only formal legal equality gains that do not reach the most vulnerable targets of homophobia.² Further, the legalistic approach of that work has been linked to concerns about an unjust distribution of power and leadership, especially when the work is funded and directed largely by white, upper-class professionals who inevitably create an agenda that centralizes the concerns and experiences of people like themselves. Understanding the problems that this centering of legal demands has created in current lesbian and gay politics—a tendency nascent in emerging trans politics—requires an assessment of how the nonprofiteering of social movements has changed the nature of political resistance work in the last four decades. Examining critiques of nonproftization that are coming from activists opposing criminalization, immigration enforcement, and various other forms of state violence today, we can begin to think about how to find an appropriate role for legal work in trans resistance and as a means for building social movement infrastructures that are accountable to and centered in racial, economic, and gender justice.³

The rise of neoliberalism in the last forty years has presented social movements with two interconnected challenges to the political direction of queer and trans political resistance.⁴ First, social movements have had to contend with the impact of neoliberalism on their constituencies. Dismantling of economic safety nets like welfare and public housing coupled with the growth of criminalization have devastated poor communities and communities of color. Increased immigration enforcement has greatly jeopardized already embattled immigrant communities, forcing them into crisis mode as they become increasingly exploitable by employers, less able to access social services, and entangled in prison and deportation systems. As Ruth Gilmore describes, the

rise of neoliberalism from the 1970s to the present has caused the growth of a shadow state of volunteer-based and/or nonprofit organizations that fill the gaps in social services created by the government abandonment.⁵ The political, economic, and social conditions resulting from neoliberalism—including further imperiling poor communities by cutting survival services—have presented significant challenges to social movements trying to build resistance. At the same time, a second challenging dynamic has emerged: social welfare has increasingly become dependent on private businesses and foundations. Corporate funders have become the sponsors and benefactors of social services. The outcome is the privatization of social welfare programs. Not surprisingly, the increased need for survival services and decreased public resources for all social justice work has created troubling, often catastrophic results. This situation translates into overreliance by many organizations on income from corporations and accumulated wealth stored in foundations. This often leads to a disconnect from the driving forces behind the organizations' work: the transformative change being demanded by directly impacted communities.

Critical Ethnic Studies scholar Dylan Rodríguez has described this trend of nonproftization of social movements in the context of the explosive liberation movements of the 1960s and 70s. In response to the significant challenges those movements raised to white supremacy, heteropatriarchy, capitalism, and colonialism, and to their success in generating widespread support and solidarity and shifting essential paradigms, US law enforcement infiltrated and attempted to destroy those movements, often through criminal prosecution and violence.⁶ Rodríguez argues that the emergence of the nonprofit industrial complex represents the carrot that corresponds to the stick of criminalization of social movements. Together, these two forces established narrow parameters in which social movement work could occur—solely in forms that do not threaten the white supremacist political and economic status quo of the United States. Thus, work that fills

in gaps in services and provides limited survival support while simultaneously stabilizing and advancing existing inequities is funded, and work that exposes and challenges those root causes and conditions of harm and subjection is targeted for destruction. As Rodríguez writes,

[T]he structural and political limitations of current grassroots and progressive organizing in the United States has become stunningly evident in light of the veritable explosion of private foundations as primary institutions through which to harness and restrict the potentials of US-based progressive activism. . . . [T]he very existence of many social justice organizations has often come to rest more on the effectiveness of professional (and amateur) grant writers than on skilled—much less “radical”—political educators and organizers. . . . [T]he assimilation of political resistance projects into quasi-entrepreneurial, corporate-style ventures occurs under the threat of unruliness and antisocial “deviance.” . . . [F]orms of sustained grassroots social movement that do not rely on the material assets of institutionalized legitimacy . . . have become largely unimaginable within the political culture of the current US Left.⁷

Key Concerns with the Emerging Model of Nonprofits

In recent years, the critique of nonprofitization has grown and scholars and activists have outlined how this trend impacts the development of resistance politics.⁸ A key observation of this analysis is that, along with the rise of nonprofitization and philanthropic control, there has been a shift away from the traditionally central strategy of social movement work: building change by mobilizing the participation of a mass base of directly impacted people who share an experience of harm and a demand for transforming it. These critics have identified some key ways that nonprofitization has dangerously modified social movements and moved them away from being participatory and mass-based.

One critique of the effect of the emergence of the nonprofit sector as the single location for social justice work is that it has separated the provision of direct, survival-based services from organizing. Social services operating on a charity model—disconnected from any political mobilization aimed at getting to the root causes of the need for these services—receives funding while social justice organizing that engages people in need toward a shared goal of transforming conditions tends to be either underfunded or completely unfunded. Nonprofits using particular single strategies (e.g. services alone, or law and policy reform without services or organizing, or media monitoring and response without organizing or services) tend to be siloed, further contributing to the de-politicization of survival services. Consequently, services organizations offer little opportunity for vulnerable communities facing poverty, homelessness, unemployment, deportation, and criminalization to build networking relationships for analysis and resistance. Instead of deploying survival services as a point of politicization, a locus from which people can connect their immediate needs to community-wide issues of maldistribution and harm, services are provided through a charity or social work model which individualizes issues to each specific client and too often includes an element of moralizing that casts social service “clients” as blameworthy. People are treated as if their homelessness or joblessness is a result of their personal failure to be sufficiently industrious, rather than a result of structural conditions produced by capitalism, white supremacy, and settler colonialism. By buffering some of the worst effects of capitalist maldistribution, then, these services become part of maintaining the social order; they both naturalize systemic inequity and preclude sustained engagement with the political and economic conditions that produce that inequity by focusing on its symptoms instead of root causes.⁹

Critics have also pointed out that the increase in the quantity of nonprofit organizations has been accompanied by a greater

prevalence of service-based and policy reform work, rather than the base-building organizing that produces the mass mobilization required for effective social justice movements.¹⁰ This means that the nonprofit structure undermines the transformative potential of social justice work. Because social justice nonprofits are funded through foundations—frequently directed by corporations and wealthy individuals—the strategies of this work have become more conservative, focusing on small reforms that stabilize systems of maldistribution that benefit those funders. Base-building, mobilizing organizing that emerges from communities facing a daily onslaught of poverty and violence and demands massive redistribution has been replaced by policy work that tinkers with harmful systems or produces merely symbolic change and service work that alleviates suffering for very few and legitimizes the status quo. Service and policy reform organizations typically engage in change directed by educated elites (e.g., lawyers, administrators, social workers, public health experts), and produce narrow political demands that maintain the status quo.

The governance structures of most nonprofits, characterized by boards consisting of donors and elite professionals (sometimes with tokenistic membership for the community members who are directly affected by the organization's mission) perpetuate dynamics of white supremacy, capitalism, patriarchy, ableism, and xenophobia. Racism, educational privilege, and classism within nonprofits mirrors colonialism in the way that the direction of the work and decisions about its implementation are made by elites rather than by the people directly affected by the issues at hand. Nonprofits serving primarily poor and disproportionately people of color populations are frequently governed almost entirely by wealthy white people with college and graduate degrees. Staffing follows this pattern as well, with most nonprofits requiring formal education as a prerequisite to working in administrative or management-level positions. Thus, the nature of the infrastructure in many social justice nonprofits often leads to concentrated decision-making power and pay in the hands of

people with education, race, gender, and class privilege rather than in the hands of those bearing the brunt of the systems of maldistribution. Consequently, the priorities and implementation methods of such organizations frequently do not reflect the perspective or approach that might be taken by the people in whose name the organization operates. This dynamic leads to the reproduction of the very same systems of maldistribution that organizations are purportedly targeting. Inside those organizations, white elites determine the fates of the vulnerable and get paid to make decisions about their lives while people directly impacted are kept out of leadership.

Part of the reason that decision-making power in nonprofits becomes concentrated in the hands of elites is because of the way organizations secure funding. The foundation funding of nonprofits takes the direction of the work out of the hands of the people affected by it and concentrates it on the agendas and time lines of funders, discouraging long-term self-sustaining movements from emerging. The process of successfully applying for funding, including having 501(c)(3) status (the IRS code for nonprofit organizations that are exempt from federal taxes) or a fiscal sponsor, researching applicable grants, writing formal funding requests using specialized language, having an awareness of current trends in funding, and having personal relationships with funders requires skills, relationships, and networks that are concentrated among people with wealth and white privilege. Being able to direct work and spin it to a funder's values is, more often than not, the key to successful fundraising. Furthermore, as political strategist and author Suzanne Pharr has pointed out, the use of short-term funding cycles (often 1–5 years) and the focus on producing deliverables that demonstrate quantifiable impact in measures that funders believe to be significant has meant that nonprofit organizations have been encouraged to operate on short-term goals rather than being supported in building long-term sustainable structures to achieve transformative demands.¹¹ Under this model, funders seek to see concrete returns (e.g.,

statistics about numbers of clients served or clear evidence of policy change) on their investment within a limited grant period. Base-building work that involves less concretely tangible returns or changes that work on a longer time horizon—such as the growth of shared political analysis within a community or relationship building—is undervalued and discouraged. This model encourages organizations to identify goals that can be achieved quickly, not to implement the long-term strategies necessary for more transformative changes to politics and culture.

Another problem with the dominance of the nonprofit sector has been the creation of a cultural shift in social justice activism toward professionalization, corporatization, and competition between groups for scarce resources.

Funder-driven elitism led to a professionalization of social justice organizations where corporate business models are increasingly used to manage organizations. This trend is evidenced by a rise in nonprofits' use of such terms as CEO (chief executive officer) and CFO (chief financial officer) for top-level staff,¹² the prevalence of hierarchical pay scales in which people are compensated at very different rates based on valuations that are similar to those used in the private sector, and other white supremacist, classist, and often heterosexist labor practices that reflect capitalist business values rather than social justice values. Many critics have lamented that young activists are increasingly looking at social movement work as a career track and a paycheck; the expectation of being paid has become central to decisions about what kinds of activism and organizing these activists pursue.¹³ Business models of management that focus on top-down decision-making coupled with organizational structures in which educational, race, and class privilege often correspond to high positions in the hierarchy result in decision-making, compensation, and quality of life at work concentrated in the hands of white people with graduate educations (e.g., lawyers, social workers, people with degrees in nonprofit management).

The increasing centrality of the nonprofit model is also a concern because of its role in the maldistribution of wealth in the United States. Nonprofits are one way that wealthy people and corporations avoid tax liability. Most of the money that gets redirected out of the tax system by philanthropy does not go to social justice. Christine Ahn has provided an analysis that encourages taxpayers to recognize that money funneled into nonprofits by wealthy philanthropists is actually tax money diverted out of the government and into focused causes.¹⁴ Even those of us who are critical of how the government spends tax money at present (primarily on war, immigration enforcement, and criminalization) can recognize that giving wealthy people a way out of being taxed and a way to support their pet projects is unjust. Wealthy people can put their money into foundations that bear their name, invest it where they choose, and are required to pay out very little of the money in the foundations each year—only 5 percent. This means that wealthy people get to keep control of their pile of money; shelter it from taxation, and sprinkle small amounts of it on whatever they like. According to Ahn,

The fact that most private foundations are governed by wealthy white men may partially explain why only 1.9 percent of all grant dollars in 2002 were designated for Black/African Americans; 1.1 percent for Latina/os; 2.9 percent for the disabled; 1 percent for the homeless; 0.1 percent for single parents; and 0.1 percent for gays and lesbians. The majority of grants go to universities, hospitals, research, and the arts, while barely 1.7 percent goes to fund civil rights and social action.¹⁵

Even the tiny portion of philanthropic money that ends up in social justice organizations comes with strings attached that allow wealthy philanthropists to have a hand in directing the work. Ahn's analysis instructs social justice activists to remain critical of the trend of nonproftization—even, or especially, while

making use of nonprofit structures in our work—because of its role in reducing tax liability of the rich and placing decisions about wealth redistribution in the hands of the wealthy.¹⁶ Ahn encourages social justice activists to view redirected tax money as their money. While rich people keep large amounts of money out of the tax system by funneling money through foundations that allow them to spend it on their own interests, everyone else has their income and necessities taxed to pay for wars. Meanwhile, city, state, and federal governments are complaining of deficits and pulling support from education, health care, transportation, and other vital infrastructure necessities. Ahn's work points out how philanthropy and nonproftitization permits further theft of resources by the rich and increased loss of essentials to poor people.

Building Transformative Resistance: Tools and Strategies

Drawing on previous social movements that used a variety of strategies to build community resistance, the Miami Workers Center (MWC) developed a useful tool for analyzing the roles of various tactics in the project of mobilization: the Four Pillars of Social Justice Infrastructure. This model is helpful for understanding how multiple strategies can fit together to build participatory, mass-based movements. The model also illustrates how the dynamics of nonproftitization and foundation control have created important obstacles to movement building. The Four Pillars that MWC describe are the Pillar of Policy, the Pillar of Consciousness, the Pillar of Service, and the Pillar of Power. The Pillar of Policy includes work that changes policies and institutions using legislative and institutional strategies, with concrete gains and benchmarks for progress. The Pillar of Consciousness includes work that aims to shift political paradigms and alter public opinion and consciousness, including media advocacy work, the creation of independent media, and public education work. The Pillar of Service encompasses work that directly serves vulnerable people and helps stabilize their lives and promote their

survival, including work that provides critical services like food, legal help, medical care, and mental health support. Finally, the Pillar of Power is about achieving autonomous community power by building a base and developing leadership: building membership organizations of a large scale and influence (quantity) and developing the depth and capacity of grassroots leadership (quality).

The Four Pillars model is aimed at assisting social justice movements to understand how these seemingly different kinds of work—which often are located in disparate nonprofit organizations that do not collaborate extensively and sometimes cling narrowly to one or two strategies—are in fact intertwined, complementary, and essential. The Four Pillars model focuses on helping movements and organizations understand that the Pillar of Power—perhaps the most neglected area in the current nonprofit industrial complex-dominated social justice context—is the most essential pillar for change and that, to be effective and avoid just stabilizing the status quo, the other pillars must be engaged to support the Pillar of Power.

The Four Pillars model is useful for evaluating an organization's overall role in movement building, identifying areas of needed collaboration, and formulating a theory of change. If, for example, we acknowledge that depoliticized, stigmatizing direct service work that is disconnected from the Pillar of Power is the norm as part of the shadow state, we can develop ideas about what direct services that support base-building, leadership development, and mass mobilization might look like.

If survival services (food, shelter, legal services, and physical and mental health services) were part of a mobilization strategy, they would look very different from the social services models we see in nonprofit organizations today.

First, nonprofit organizations would have a goal of assisting vulnerable people to connect with others experiencing similar harms. Such connections help individuals build shared analysis about the conditions they are facing and gain leadership skills to contribute to resistance struggles. This might include making sure

people are receiving services from others in the affected population rather than from outsider elites. Such a strategy would also include aiding people who receive services to learn how to take part in providing those services, which often means having their provision governed by former and current recipients of those services. It would mean seeing services as part of the project of bringing more directly impacted people into organizational and movement leadership, and as vital to building opportunities to form relationships and connections between people coming in for services and people already working in the organization. This model moves people from a "client" role to a "member" role, creating space for members of vulnerable communities to acquire skills that will expand their participation and leadership in the struggles that concern them. Under the current social service model, people seeking services are often stigmatized for "dependency," treated disrespectfully by professional service providers who have race, education, class, ability, and gender privileges others do not have, and provided help only for individual problems, if at all. Service work that operates to support the Pillar of Power understands services as immediately urgent but also as only one part of a much larger strategy to address the underlying and root causes that produce such urgent need.

The Four Pillars model allows for recognition of the vital need for all four pillars: direct services are not simply a Band-Aid, as is sometimes argued, but instead can be understood as an essential part of building mass mobilization. Additionally, providing direct services not only allows the base of people most adversely affected to survive and politically participate, but also can serve as a road to participation in resistance work if those services are provided in a politicized context. People often come to political work through their own experiences and intimate knowledge of harm and need. Ensuring that direct services are locations for deepening the political understanding produced by interaction with systems of control, and mobilizing direct services as opportunities to join with others facing similar harms, are essential to

producing resistance strategies led and directed by those directly impacted by harmful systems.

Similarly, media justice work aimed at changing hearts and minds is not the single key strategy for change, as is sometimes presumed by those who are deeply invested in the idea that current political conditions are primarily the result of ignorance or misunderstanding on the part of voters or the public. However, critical media analysis and political education are important components of increasing political awareness and changing paradigms. This understanding can help us resist the belief that just getting that one "good" article about an issue in the *New York Times* will produce the change we want. The conditions under which we live do not result solely from ignorance or consent, and convincing elites to think about those conditions in a certain way is not the path to building meaningful transformation. The privileging of elite media strategies at the expense of other tactics can actually undermine the transformative potential of organizations. This view also reminds those of us committed to transformative change that elite strategies mired in a particular type of expertise, such as policy reform and work with the mainstream media, must always be engaged in service to the larger struggle to transform the underlying conditions that produce maldistribution. All strategies must work to build up the leadership of the most vulnerable people in the struggle. Realizing the interconnectedness of different strategies for change and their various roles in building mass movements allows organizations to resist the pressures created by competition for funding to operate competitively and separately from others engaging in different strategies.

We can engage a range of tactics in the Pillar of Consciousness in conjunction with work in the other pillars. Our paradigm-shifting work comes not only (if at all) through engaging with mainstream media, but also through making our own media, creating political education programs that simultaneously build the leadership abilities of our constituencies, and a variety of other mobilization tactics. We lose an enormous amount of capacity

for change when media work is limited to specific organizations that operate separately from other parts of the movement and that do not use membership models or engage directly impacted populations. Those organizations tend to be willing to water down messages to be palatable for conservative media outlets, or to use talking points that divide us by relying on tropes that assert norms of deservingness and undeservingness. Analyzing social justice movement infrastructure through the Four Pillars model helps integrate disparate, often competing strategies, and offers a chance to reframe the emphasis on elite media work, policy reform, and services created by the nonprofit industrial complex. It helps us recognize that power does not only reside in the boardrooms of the television networks or the offices of elected officials, but rather that transformation worth winning is accomplished through bottom-up mobilization.

The Four Pillars model and the critique of nonprofitization are useful for situating the role of legal work in trans resistance. Examining how nonprofitization concentrates agenda-setting and strategic decision-making power can reveal how and why law reform demands have reached such prominence in organizations run by lawyers and other people with privileges that make them more invested in formal legal equality. These interventions also help us identify what roles legal work should have in a critical trans politics focused on developing and mobilizing a base to create transformative change. These roles include:⁷

Providing legal services to the most vulnerable trans people. Providing free legal assistance to trans people experiencing violence at the hands of administrative and legal systems (immigrants, prisoners, people entangled in the child welfare system, people with disabilities, people receiving public benefits) can be an important Pillar of Service activity if it is tied into a mobilization strategy. Services can be an entry point into political organizing if the services are part of a strategy of enabling people to build relationships with others experiencing similar harm, building

leadership skills, and developing the shared political analysis that allows people to participate and lead in governing the provision of the services themselves.

Demystifying legal systems. Because legal and administrative systems cause enormous harm in the lives of trans people, lawyers and others with knowledge of and experience in legal systems can play a role in demystifying legal systems and collaborating with resistance organizations to build a shared analysis about how the law operates. Redistributing legal "expertise" is essential, since part of what legal systems aim to do is deskill and silence those most targeted by them, anointing only certain privileged people to operate as recognized actors within them. Lawyers in particular need to be careful of how we wield our expertise. We tend to take up disproportionate space in decision-making processes, and are trained in a professional culture that tends to enhance internalized domination behaviors. We are also some of the people most likely to be paid for social movement work. Sometimes lawyers can help movement leaders strategize around who the targets of various campaigns could be, or help locate the weak points in certain legal systems. However, this role is easily overstated; people targeted by violent legal systems usually know more about how those systems actually work, and lawyers often only know how they work on paper (and sometimes mistakenly believe that to be how they actually work). Legal training can often make people less rather than more adept at strategizing change because we get overly invested in how systems purport to work. In general, law school teaches people how to stop thinking outside of legal solutions to problems, which often means we can only think of ways to slightly tinker with harmful systems, thereby strengthening, stabilizing, and legitimizing them. The focus of legal education is working inside the existing legal system. Even the small part of legal education that addresses poor people's struggles is concerned with narrow reforms and courtroom strategies, not supporting rent strikes or squatting or prison abolition or indigenous land struggles. Essentially, legal education is not about actually challenging the root causes of maldistribution.¹⁸

Developing law and policy reform targets as campaign issues. Because administrative systems cause enormous harm to trans people every day, issues related to how these systems operate tend to be deeply felt and broadly applicable to our constituencies. For that reason, law and policy reform targets can sometimes be a good place to direct our organizing. This organizing can provide opportunities to reframe an issue, bring directly impacted people who have not previously been part of political organizing into leadership, build shared political analysis about important forms of systemic harm, and establish and advance relationships within and between constituencies. When these law/policy reform campaigns are chosen, they can build momentum and membership in a movement organization. Winning certain reforms may even provide some relief to members experiencing harm. The limited effect of law and policy reform victories can also often build shared analysis among organizers about how empty legal equality can be, and can generate enhanced demands for transformation as organizing continues. Taking up law and policy targets can make sense when deployed as a tactic in service to a larger strategy of mass mobilization. If law and policy changes are won solely through the work of a few white lawyers meeting with bureaucrats or elected officials behind closed doors, this does not achieve the mobilization goals that require building a demand (and momentum behind that demand) across a broad spectrum of directly impacted people and winning it through collective efforts of a large group. The goals of this work should not be merely about changing what laws and policies say. Instead, the work should build the capacity of directly impacted people to work together and push for change that will significantly improve their lives. Ideally, those who are propelled into political action by involvement in a campaign stay with the work, continue to develop skills and analysis, and bring others to organizing. Together, people can construct increasingly broad imaginations of transformative change. Even after small victories, enormous harms must still be addressed as newly won policies are often not followed or

implemented, and important lessons are learned about sustained struggle and the effectiveness of collective action.

Providing technical assistance. A final important role for legal workers is to provide technical assistance to movements. Movement organizations run into many legal questions that lawyers can use their training to answer. Sometimes it is about filling out forms to create a collective or cooperative business that employs members and raises money for our struggles. Sometimes it is about defending against government attacks that include illegal surveillance and criminal prosecution. Movement organizations are often targets of local and state governments, either in carefully planned offensives or sudden police attacks on organizational events, and the legal assistance that organizations can end up needing can be costly or difficult to procure. Having lawyers engaged with resistance organizations in ways that are focused on being of service to those organizations and their constituents instead of dominating their political agendas with legal expertise can be useful to forwarding transformative work.

The analysis provided by the Four Pillars model helps us think about the ways that so much social change work has become separated from mobilization in the context of nonprofitization. The model helps us re-evaluate our work, including our legal strategies, in order to re-center participatory movement building focused on leadership by and for those directly impacted. This analysis can also help us evaluate organizational and movement structures to ensure they produce space for political demands to emerge from the bottom up. As we let go of elite, liberal notions like the conviction that getting the right article placed in the *New York Times* or winning the right lawsuit will create equality, we can create broader social movement infrastructure that leads to transformation of the root causes of maldistribution of life chances. Rather than concentrate our limited resources on narrow demands for inclusion that imagine that people experience transphobia separate from other systems of meaning and control,

demands for deeper transformation emerge when we build participatory movements based in racial and economic justice values, and centralize the leadership of those most vulnerable to multiple vectors of control.

In trans political spaces led by low-income people and people of color, demands are emerging that far exceed the possibilities of legal reform. Racial and economic justice struggles that call for prison abolition, health care and housing for all, an end to immigration enforcement, and the end of poverty and wealth are significantly different goals than the inclusion and recognition-focused demands that typify litigation and legislation strategies. These emerging broader demands focus on the deep transformations required to improve the life chances of those facing multiple intersecting vulnerabilities and violences. These demands are shaped by a commitment to refuse compromises that divide constituencies with reforms that offer increased access to people with certain privileges while leaving others without access—or even more marginalized than before. This critical trans politics is emerging from membership-based organizations, including Southerners on New Ground (SONG), The Audre Lorde Project (ALP), Fabulous Independent Educated Radicals for Community Empowerment (FIERCE!), the Sylvia Rivera Law Project (SRLP), and Communities United Against Violence (CUAV). These organizations have developed shared values about building participatory movements, and are innovating and building on structures modeled in various historical and contemporary movements in the United States and abroad, especially women of color feminism. These organizations share certain key principles for structuring their work to be participatory and centered in racial and economic justice, and to resist some of the tropes of nonprofitization. Some of the key principles that underlie and shape this work include

- Ensuring that work is led by those most directly impacted;
- Using an intersectional framework for understanding the multiple vectors of vulnerability converging in the harms

members face (such as racism, sexism, xenophobia, transphobia, homophobia, ableism);

- Striving to model the transformative change that an organization imagines for the world in the day-to-day operations of the organization itself, also known as practicing what we preach;
- Remaining process-oriented rather than end-oriented, practicing ongoing critical reflection rather than assuming there is a moment of finishing or arriving;
- Continually developing new leaders, ever-expanding participation, and focusing on building the leadership skills of those who face the greatest barriers to participation and leadership;
- Rooting work in the understanding that meaningful change comes from below, deep change is not top-down or granted by elites;
- Striving for accountability and transparency within and between organizations, so that an organization's constituency knows how decisions are made and where money is spent so that allied organizations and movements know what to expect from each other and can challenge each other to work according to shared principles of social justice and collaboration;
- Recognizing relationships as the underlying support system of the work and the change we seek and need and focusing resources on strengthening and building relationships.¹⁹

Several key strategies are being taken up by the various organizations that are shaping their work through these shared values. First, the use of nonhierarchical governance models, including collective structures, is valued as a way of addressing the problematic concentration of decision-making power in a small number of elite leaders, such as executive directors and boards.²⁰ Consensus decision-making is often a feature of such structures because it focuses on maximum participation and rejects the majority-rules

approach that so often permeates nonprofit organizations and social movements, creating greater barriers to participation in governance for people experiencing intersecting vectors of vulnerability. Consensus decision-making also assists groups in focusing their process on building shared understandings and ensuring no important concerns are ignored simply because they are held by a minority of people.²¹

Second, many organizations are experimenting with ways to make the social movement organization workplace more fair to workers. This includes flattening pay scales, ensuring that all positions come with benefits such as health insurance, and working to guarantee that the workplace and benefits are accessible to people who frequently face barriers to participation and leadership in social justice-related employment, particularly people without formal education, people with criminal convictions, people with disabilities, indigenous people, people of color, trans people, and immigrants. This also includes making sure that trans health care, reproductive health care, and mental health care are covered by insurance plans; creating flexible work schedules for people with disabilities and/or dependents; eliminating higher education requirements wherever possible; and providing extensive job training rather than requiring applicants to already have developed professional skills. The aim of these initiatives is to avoid replicating and entrenching disparities in educational, health care, and other systems within the organization.

Third, many of these organizations have implemented highly structured leadership development models and programs aimed at increasing the leadership and governance capacity of their constituents. For example, FIERCE!, an organization dedicated to building "the leadership and power of lesbian, gay, bisexual, transgender, and queer (LGBTQ) youth of color," has created and implemented the Education for Liberation Project (ELP). This program offers stipends to trans and queer youth of color to enable them to participate in political workshops and internships aimed at skill-sharing, analysis-building, and leadership

development.²² Participants work through semester-long ELP program levels, starting with ELP 1, where they learn basic political history and basic organizing theory such as how campaigns are developed and implemented. Participants then move on to increased leadership and governance power in the organization as they move through additional ELP program levels. The goal is to develop ELP members into leader-organizers who then work to develop the leadership of other trans and queer youth of color. Leadership development programs like ELP work to identify potential leaders from the constituency, focusing on members whose experiences of intersectional vulnerability give them particular insight into the operation of systems of control and power, and providing development training to deepen their capacity to lead. Some organizations stipend freedom school programs and internships²³ to ensure that low-income and youth members can afford to come and learn political history, analysis, and organizing strategies.²⁴ Many such leadership development programs are tiered, providing low-commitment entry points to encourage new members to become involved and eventually move into deeper, more committed leadership roles as their knowledge of the issues and connection with the organization grows. These models focus on maximizing the participation of the most directly impacted people, deepening their leadership skills by helping them participate in every aspect of the organization's work.

Many of these organizations aim to be staffed entirely by members of the organization who come directly from the constituency impacted by its work, often proceeding through internal leadership development programs and into staff roles. Many also aim to have staffing consistently turn over as new members develop leadership capacities. In this way, the organization itself becomes a vehicle for developing skilled leaders while simultaneously undertaking organizing campaigns, providing services, and/or advancing advocacy. These organizations also often create and maintain explicit criteria to ensure governance by the most directly affected people. Many

implement guidelines regarding race, ability, gender, identity, immigration status, or other quotas to guide hiring and membership growth.²⁵ These guidelines help concretize organizational commitments about governance and leadership that can often erode as organizations are flooded with volunteers with race and educational privilege who want to help but who also often end up taking over due to their increased access to skills and professional development, their quantity of free time, and the dominating habits and attitudes that are often developed in people with such privileges. These organizations also often maintain a critique of "founders' syndrome," the dynamic that occurs when an organization's founder stays in a paid leadership position too long, becoming a repository of organizational knowledge and control regardless of what the organization's structure says about the democratic participation of all members. Keeping an eye on that dynamic, openly dialoguing about decision-making and leadership development, and encouraging staff turnover can ensure that the leadership and ownership of the organization do not become concentrated.

Grassroots fundraising is also highly valued by these organizations as an alternative and/or supplement to foundation funding.²⁶ Raising money in small amounts from the directly impacted populations, from individual allies, and through revenue generating activities and events can increase the autonomy of organizations, releasing them from the limitations created by reliance on corporate funders and foundations. Some organizations use membership dues, often available on a sliding scale, as a fundraising tool that also contributes to organizational accountability as members have ownership of their work and a commitment to govern.²⁷

These strategies reflect an awareness of the ways that nonprofiteization, foundation control, and the replication of racist, sexist, ableist, transphobic, and classist models of organization and governance restrict and contain social justice work. As trans politics continues institutionalizing in various ways, these models provide

a way to avoid replicating the pitfalls of lesbian and gay rights and other political formations that have centralized the leadership of people with privilege and formulated strategies and demands that fail to improve the life chances of those most vulnerable to poverty, imprisonment, and violence. Political work rooted in broad participation, committed to centering the experiences of the most vulnerable, and focused on practicing resistance values at all levels is less likely to be co-opted by legal reform agendas that strengthen and legitimate systems of control and derail demands for meaningful transformation.

The critiques of nonprofiteization and the innovative methods of building movement infrastructure that many resistance organizations are engaged in developing are particularly important given an analysis of neoliberalism and the central role of the population-management mode of power in producing political and economic arrangements. The context of neoliberalism has shifted and constrained resistance in many ways, including co-opting social movement work as a source of ideas and justifications for harmful state/corporate projects (e.g., the expansion of increasingly privatized prison and punishment systems). Social justice work has been shaped into shadow state work that stabilizes and legitimizes the maldistribution of life chances. As Paul Kivel points out, nonprofit work often operates as a "buffer zone." This work provides very minimal services to those most disserved by the enormous wealth divide, "mask[ing] the inequitable distribution of jobs, food, housing and other valuable resources . . . shift[ing] attention from the redistribution of wealth to the temporary provision of social services to keep people alive." It also "keeps people in their place in the hierarchy" by directing dissatisfaction with or resistance to unfair conditions into narrow channels that do not fundamentally disrupt the status quo.²⁸ For these reasons, there is an urgent necessity to create movement infrastructure that has critical capacities to examine sites of co-optation, interrogate impact rather than simply intent, and avoid siloed and divisive methods and strategies.

At the same time, it is evident that the very operations of power we critique in the broader world also need to be constantly examined within movement organizations and other resistance formations. Building institutions of any kind includes confronting the dangers of stagnation of leadership, ideas, ways of knowing, and mechanisms of distribution. As we create social movement infrastructure, we constantly risk falling into the very modes of population-management power that we critique in state and corporate formations. Many resistant and self-declared "revolutionary" movements and formations have demonstrated that the capacity to create an imagined population in need of protection and imagined "threats" and "drains" is not solely an activity of nation-states and governments. Resistance organizations and movements also frame deserving and undeserving populations, frequently collect standardized data that makes certain populations inconceivable or impossible, and establish modes of distribution that make some people more secure at the expense of others. Foucault warned that socialists have not dealt with the problem that the kind of population-focused power their models of governance wield has an inherent "state racism"—his term for illuminating the ways that power, when mobilized to cultivate the life of the population, always includes a process identifying "threats" and "drains" who must be killed through abandonment, massacre, or other means in order to protect that population.²⁹ Anarchist formations also face these dangers. We must remember that whenever we propose new systems of distribution and imagine a better world, we also—often unknowingly—establish disciplinary and population-management norms that marginalize and/or vilify. Even if we reject certain existing state forms, process-oriented and relentlessly self-reflective practice must attend all of our work if we are to resist the dangers of new norms that we invariably produce.

Women of color feminism is a political tradition that has confronted this danger head-on by analyzing the challenges that differences of all kinds present when politics is based on

universalizing experiences. In Chela Sandoval's study of "oppositional consciousness," she describes how women of color have resisted and critiqued white feminist thought, pointing to how it has tended to make the gender binary the central axis of critique while ignoring the impact that race, class, culture, and other vectors of subjection have on experiences of gendered control.³⁰ By talking about gender and sexism without examining and accounting for how race and other attributes mediate experiences of gender and sexism, white feminists constructed a purportedly universal category of women's experience that actually hides and erases the experiences of women of color. Sandoval looks to the divides that emerged in feminist politics in the 1970s as a place to understand how social movements are commonly split amongst various groups who gravitate toward and rigidly cling to certain truth claims. These particular frames of "oppositional consciousness" become mutually exclusive, producing significant struggle between various wings of the movement. Sandoval argues that US feminists of color have created a different form of oppositional consciousness, which she calls "the differential form," that resists the absolutism that often produces rigidity and stagnation in social movements. The differential form of oppositional consciousness utilizes various articulations of truths as tactics practiced through a commitment to resisting violence and subordination, allowing practitioners to switch between them as necessary.³¹

This attention to resisting absolutism and practicing a flexible, thoughtful, reflective, tactical approach to resistance is an enormously useful model for resisting the dangers of institution-building and "state racism" outlined earlier. Women of color feminists have developed resistance practices focused on process, evaluation, consensus, transparency, and a healthy suspicion of universal claims about what constitutes liberation. These values and practices have heavily influenced much contemporary people of color-led queer and trans activism. These organizations often aim to operate with the assumption that their work is imperfect, that they are likely to have unintentionally overlooked or

excluded highly vulnerable groups, and that their strategies and structures require perpetual re-evaluation and adjustment. Self-critique and nondefensiveness are highly valued in these settings. A critique of institutionalization has become a central feature of the women of color-led analysis of nonprofitization.³²

Many scholars and activists have asserted that we need to examine whether we are working to keep an organization going or whether we are working toward the transformative changes we seek, in order to recognize and re-strategize when those two goals are at odds. This work has illustrated how and why resistance movements must be careful not to replicate business model approaches to organizational growth that encourage us to chase any and all opportunities for funding in order to sustain and grow the organization by any means, even if we lose sight of our missions. This critical contribution also reminds us that the ultimate aim of social service organizations in particular is to put themselves out of business; ideally, their work aspires to reach and resolve the root causes of the need for services.

Prison abolition activists, many of whom ground their work in women of color feminism, offer an important analysis of how the societal norms and values that uphold and bolster practices of mass imprisonment in the United States also directly impact interpersonal and activist realms. Organizations like Critical Resistance, the Audre Lorde Project, INCITE!, Communities United Against Violence, and generationFIVE have been leading national and local work that includes an analysis of how the racist, classist, patriarchal, and ableist frameworks that undergird the idea of imprisonment are also part of the consciousness of people who live in a culture based on imprisonment and criminalization. These frameworks have to be transformed in our bodies, minds, and lives, as well as in government structures. The framing of harm as a problem of bad individuals who need to be exiled is one that appears again and again, not just in our criminal punishment systems, but in schools, employment settings, organizations, activist formations, neighborhoods, groups of friends, and

families. Abolitionists are trying to build models for dealing with harm that do not rely on exile, expulsion, or caging, but instead examine the root causes of harm and seek healing and transformation for both people experiencing and people responsible for harm. This strategy is visible in "transformative justice" work that seeks alternative processes that do not use policing or criminal courts to address harm. GenerationFIVE, an organization whose mission was to "end child sexual abuse in five generations" has developed an approach to transformative justice based in their recognition that "state and systemic responses to violence, including the criminal legal system and child welfare agencies, not only fail to advance individual and collective justice but also condone and perpetuate cycles of violence."³³ They worked to develop responses to violence, including intimate violence, that "transform inequity and power abuses . . . [provide] survivor[s] safety, healing and agency, [create] community response and accountability . . . [and] transform[] . . . community and societal conditions that create and perpetuate violence."³⁴ Many scholars and organizers are working to develop these principles and practices in a variety of settings, including in social and activist communities and networks. The "no exile" principle is challenging to implement in a context where everyone has been socialized through the perpetrator-perspective to believe that the caging of people classified as "dangerous" and targeted for banishment is a cornerstone of societal organization. Building practices to address harm while resisting exile as a solution is the kind of seemingly impossible political project that is not only attainable but has deeply transformative potential.

Racial, gender, disability, and economic justice activists around the United States and the globe are working on innovative organizational structures and practices that resist many of the worst dangers and obstacles presented to people struggling against the harms and violences of neoliberalism. These methods of analysis and models of organizing offer important, thought-provoking critiques of disciplinary and population-management

power, illustrating the possibility of developing practices that can help build transformative change while avoiding the traps that have caught and destroyed many large-scale resistance projects. Focusing our critical political analysis on our own daily work and lives just as rigorously as we focus it on the large-scale operations of government and corporate systems is essential to building resistance work with the potential to meaningfully transform the existing distribution of life chances. As Foucault suggests,

the real political task in a society such as ours is to criticize the workings of institutions that appear to be both neutral and independent; to criticize and attack them in such a manner that political violence that has always exercised itself through them will be unmasked so that one can fight against them. If we want right away to define the profile and the formula of our future society without criticizing all the forms of political power that are exerted in our society, there is a risk that they reconstitute themselves.³⁵

An emerging critical trans politics must take up these calls for innovation and creative engagement and offer our particular experiences with and perspectives on the operations of power and normalization to the resistant imaginations that are emerging.

NOTES

1. According to their mission statement, the Miami Workers Center "helps working class people build grassroots organizations and develop their leadership capacity through aggressive community organizing campaigns and education programs [and] also actively builds coalitions and enters alliances to amplify progressive power and win racial, community, social, and economic justice. [T]he Center has taken on issues around welfare reform, affordable housing, tenants and voter rights, racial justice, gentrification and economic development, and fair trade. We have spoken out against war and empire, greed, racist policies, and discriminatory initiatives against immigrants and gay and lesbian people."

www.miamiworkerscenter.org.

2. Lisa Duggan, *The Twilight of Equality? Neoliberalism, Cultural Politics, and the Attack on Democracy* (Boston: Beacon Press: 2004).
3. INCITE! Women of Color Against Violence, ed., *The Revolution Will Not Be Funded: Beyond the Non-Profit Industrial Complex* (Cambridge, MA: South End Press, 2007).
4. Some of the text in the sections that immediately follow this note is adapted from "The NPIC and Trans Resistance," Dean Spade and Rickke Mananzala, *Sexuality Research and Social Policy: Journal of NSRC* 5, no. 1 (March 2008): 53-71.
5. Ruth Wilson Gilmore, "In the Shadow of the Shadow State," in *The Revolution Will Not Be Funded: Beyond the Non-Profit Industrial Complex*, ed. INCITE! Women of Color Against Violence (Cambridge, MA: South End Press, 2007), 41-52.
6. Dylan Rodríguez, "The Political Logic of the Non-Profit Industrial Complex" in *The Revolution Will Not Be Funded: Beyond the Non-Profit Industrial Complex*, ed. INCITE! Women of Color Against Violence (Cambridge, MA: South End Press, 2007), 21-40; Ward Churchill and Jim Vander Wall, *The COINTELPRO Papers: Documents from the FBI's Secret Wars against Dissent in the United States* (Cambridge, MA: South End Press, 2002), 1-20.
7. Rodríguez, "The Political Logic of the Non-Profit Industrial Complex," 27.
8. See Rodríguez, "The Political Logic of the Non-Profit Industrial Complex"; Andrea Smith, "Heteropatriarchy and the Three Pillars of White Supremacy: Rethinking Women of Color Organizing," in *Color of Violence: The INCITE! Anthology*, ed. INCITE! Women of Color Against Violence (Cambridge, MA: South End Press, 2006), 66-73; Robert L. Allen, "Black Awakening in Capitalist America," in *The Revolution Will Not Be Funded: Beyond the Non-Profit Industrial Complex*, ed. INCITE! Women of Color Against Violence (Cambridge, MA: South End Press, 2007), 53-62; Gilmore, "In the Shadow of the Shadow State"; Spade and Mananzala, "The NPIC and Trans Resistance," *Sexuality Research and Social Policy: Journal of NSRC* 5, no. 1 (March 2008): 53-71; Madonna Thunder Hawk, "Native Organizing Before the Non-Profit Industrial

Complex" in *The Revolution Will Not Be Funded: Beyond the Non-Profit Industrial Complex*, ed. INCITE! Women of Color Against Violence (Cambridge, MA: South End Press, 2007), 101–106.

9. Paul Kivel, "Social Service or Social Change?" in *The Revolution Will Not Be Funded: Beyond the Non-Profit Industrial Complex*, ed. INCITE! Women of Color Against Violence (Cambridge, MA: South End Press, 2007), 129–150. It is important to note that only a small percentage of people seeking services generally receive them. A study in Washington State found that 88 percent of low-income people cannot get the help of an attorney for their civil legal problems. Poverty legal services are constantly severely underfunded and overrun with clients whose needs they cannot meet. Task Force on Civil Equal Justice Funding, Washington Supreme Court, *The Washington State Civil Legal Needs Assessment Executive Summary* (Seattle: Task Force on Civil Equal Justice Funding, 2003). Another study showed that for every person who seeks poverty legal services, another is turned away—which is significant considering that many people in need never seek services because they do not know they are available or they face other obstacles related to language, ability, transportation, or imprisonment. Other research has shown that 99 percent of defendants in eviction cases in Washington, DC, and New Jersey go to court without a lawyer. Legal Services Corporation, *Documenting the Justice Gap in America: The Current Unmet Civil Legal Needs of Low-Income Americans*, 2nd ed. (Washington, DC: Legal Services Corporation, 2007), www.lsc.gov/justicegap.pdf. Again, considering how many people never even make it to housing court to try to fight an eviction, these numbers are particularly concerning. The existence of poverty legal services legitimizes legal systems that target poor people and people of color by suggesting that legal help is available, while the reality is that they provide help to only a few of those few who meet their criteria (i.e., you cannot get immigration help if you have no legal avenues to immigrate or eviction help if you will not have the money for rent). Wealthy funders of poverty legal services can rely on good public relations for their contributions to this work while resting assured that these inadequate resources will never significantly threaten business as usual.

10. Christine Ahn, "Democratizing American Philanthropy," in *The Revolution Will Not Be Funded: Beyond the Non-Profit Industrial Complex*, ed. INCITE! Women of Color Against Violence (Cambridge, MA: South End Press, 2007), 63–76; Suzanne Pharr, "Social Justice Movements and Non-Profits: Historical Contexts," address presented at INCITE! and the University of California Santa Barbara Women's Studies Department, *The Revolution Will Not Be Funded: Beyond the Non-Profit Industrial Complex*, University of California Santa Barbara, April 30–May 1, 2004. Conference proceedings, CD-ROM, disk one, www.incite-national.org/index.php?s=101.

11. Suzanne Pharr, *The Revolution Will Not Be Funded conference*, 2004.

12. Suzanne Pharr, *The Revolution Will Not Be Funded conference*, 2004.

13. Thunder Hawk, "Native Organizing Before the Non-Profit Industrial Complex."

14. Ahn, "Democratizing American Philanthropy."

15. Ahn, "Democratizing American Philanthropy," 68.

16. Ahn also points out how gender and race coincide with foundation decision-making. A 2000 study found that 66 percent of foundation board members were male and 90 percent were white. Ahn, "Democratizing American Philanthropy," 66, citing US Senate Committee on Finance, *Recommendations for Reform of the United States Philanthropic Sector* (statement by the National Committee for Responsive Philanthropy), June 22, 2004, 12, www.senate.gov/finance/hearings/testimony/2004test/062204rctest.pdf.

17. Some of the text below is adapted from an essay I wrote, "For Those Considering Law School," *Unbound: Harvard Journal of the Legal Left* (2010), <http://www.legalleft.org/category/2010-issue/>.

18. Dean Spade, "Be Professional!" *Harvard Journal of Law & Gender* 33 (2010): 71–86.

19. These points are based on an analysis of data gathered by a research group that I participated in. The research group interviewed membership-based organizations during 2008–2009 to learn more about their membership models and the reasons why these organizations used

report that I authored.

20. The Sylvia Rivera Law Project is an example of a racial and economic justice-focused organization using a collective governance model developed and based on other collectively run organizations such as Sista II Sista (www.sistaista.org), Manavi (www.manavi.org), the Asian Women's Shelter (www.sfaws.org), and the May First Technology Collective (operational from 1999-2005).

21. *On Conflict and Consensus*, a tool often used by organizations to learn consensus decision-making and to train members on how to participate in it. C. T. Lawrence Butler and Ann Rothstein, *On Conflict and Consensus: A Handbook on Formal Consensus Decisionmaking* (Takoma Park, MD: Foods Not Bombs Publishing, 1987).

22. FIERCE!, www.fiercenyc.org.

23. Freedom Schools were first established by the Student Non-Violent Coordinating Committee (SNCC) during the civil rights movement in the 1960s. These institutions were aimed at providing free education for African American students in the southern United States and promoting socio-political and socio-economic racial justice. Perhaps the most prominent examples of Freedom Schools were established in Mississippi in 1964.

24. Other organizations that explicitly stipend members and provide access to education, analysis, and organizing through their programs include Queers for Economic Justice, <http://q4ej.org/>; the School of Unity and Liberation (SOUL), <http://www.schoolofunityandliberation.org/>; and FIERCE!, www.fiercenyc.org/index.php?s=102.

25. For example, the Sylvia Rivera Law Project *Collective Member Handbook* requires the organization to have the staff, the collective, and each specific team within the organization be at least 50 percent plus one person of color and at least 50 percent plus one trans, intersex, or gender nonconforming person.

26. Tyrone Boucher and Tiny aka Lisa Gray-Garcia, "Community Reparations Now! Tyrone Boucher and Tiny aka Lisa Gray-Garcia Talk

boucher-and-tiny-aka-lisa-gray-garcia-talk-revolutionary-giving-class-privilege-and-more/; Dean Spade, "Getting It Right from the Start: Building a Grassroots Fundraising Program," *Grassroots Fundraising Journal* (January/February 2005): 10-12.

27. Two examples of grassroots organizations using a membership dues model to generate revenue are the Ontario Coalition Against Poverty (OCAP), who "mount campaigns against regressive government policies as they affect poor and working people [and] provide direct-action advocacy for individuals against welfare and ODSP [Ontario Disability Support Program], public housing and others who deny poor people what they are entitled to; believ[ing] in the power of people to organize themselves," www.ocap.ca; and Desis Rising Up and Moving (DRUM), a "multigenerational, membership led organization of working class South Asian immigrants" founded to "build power of South Asian low wage immigrant workers, families fighting deportation and profiling as Muslims, and youth in New York City," www.drumnation.org.

28. Kivel, "Social Service or Social Change?" 134-135.

29. Michel Foucault, *Society Must Be Defended: Lectures at the Collège de France, 1975-76*, Trans. David Macey (New York: Picador, 2003), 256, 262-263.

30. Chela Sandoval, *Methodology of the Oppressed* (Minneapolis: University of Minnesota Press, 2000), 45-47.

31. Sandoval, *Methodology of the Oppressed*, 59, 60.

32. It is no surprise, then, that the anthology that has brought this critique to the fore of grassroots organizing in the United States in the last several years was edited by INCITE! Women of Color Against Violence and came out of their 2004 conference, *The Revolution Will Not Be Funded*. See also INCITE! Women of Color Against Violence, ed. *The Revolution Will Not Be Funded: Beyond the Non-Profit Industrial Complex* (Cambridge, MA: South End Press, 2007).

33. "generationFIVE's mission is to end the sexual abuse of children within five generations. Through survivor leadership, community organizing, and public action, generationFIVE works to interrupt and mend

the intergenerational impact of child sexual abuse on individuals, families, and communities. We integrate child sexual abuse prevention into social movements and community organizing targeting family violence, economic oppression, and gender, age-based and cultural discrimination, rather than continuing to perpetuate the isolation of the issue. It is our belief that meaningful community response is the key to effective prevention." From www.generationfive.org (organization now defunct).

34. generationFIVE, "Towards Transformative Justice: Why a Liberatory Response to Violence Is Necessary for a Just World," *RESIST* 17, no. 5 (September/October 2008), www.resistinc.org/newsletters/articles/towards-transformative-justice.

35. Noam Chomsky and Michel Foucault, *Human Nature: Justice vs. Power* (Dutch television, 1971), online video, <http://video.google.com/videoplay?docid=-1634494870703391080#>; see also Noam Chomsky and Michel Foucault, *The Chomsky-Foucault Debate: On Human Nature* (New York: The New Press, 2006).

Conclusion

"This Is a Protest, Not a Parade!"¹

IN 2005, TRANS]USTICE, A PEOPLE OF COLOR TRANS organizing initiative at the Audre Lorde Project, organized and led the first annual New York City (NYC) Trans Day of Action for Social and Economic Justice.² Since its inception, the event has taken place on every Friday before New York City's Pride weekend in June, with the Dyke March following on Saturday and the Pride Parade on Sunday. The Trans Day of Action brings together organizations and individuals from across the New York City area who are unified around a set of demands centered in racial, economic, and gender justice. The statement announcing the first Trans Day of Action provided a stark analysis of racialized-gendered state violence in the United States:

Gender policing has always been a part of the United States' bloody history. State-sanctioned gender policing targets Trans and Gender Non-Conforming [TGNC] people first by dehumanizing our identities. It denies our basic rights to gender self-determination, and considers our bodies to be property of the state. Gender policing isolates TGNC people from our communities, many of which have been socialized with these oppressive definitions of gender. As a result, we all too often fall victim to verbal and physical violence. This transphobic violence is justified using medical