

Sexual Violence: Prevention, Consent, and the Law

A debate by students from Amherst College
and the Hampshire County Jail.

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Equality and Violence By Martha Saxton

The media has focused on campus rape in the past few years and the frightening information coming out of investigations, which shows that 20 to 25 per cent of college women will have unwanted sexual aggression during their years on campus. But, even greater numbers of sexual assault victims do not go to college and endure violence in their homes and communities. The fastest rising number of men and women pulled in to the criminal justice system are those involved in domestic violence.

This year an Amherst College Inside/Out course—Equality and Violence—took place at the Northampton Jail and House of Correction. The artists Harrell Fletcher, Wendy Ewald, and Professor Martha Saxton, worked with an equal number of Amherst College students and incarcerated students to understand the relationship between inequality and sexual and domestic violence.

Our students read about the economic causes of domestic violence around the globe as well as the more immediate kinds of pressures that ideals of masculinity and femininity create. They read studies on the treatment of domestic violence and sexual assault in the criminal justice system as well as programs outside that system that can provide help and hope. They discussed their readings in small groups and presented their findings to the group.

We also discussed the drawbacks to criminalizing sexual assault and the positive and the negative effects of prosecuting campus rape in the criminal justice system.

We studied the new laws governing consent in colleges and in schools as well as the effects of the Prison Rape Elimination Act that denies the possibility of consent to men and women inside. We read about the decades of cuts to our system of welfare and to our mental institutions where mental health disorders were addressed in the days before mass incarceration.

Students drafted position papers on changing the culture that creates sexual and domestic violence, which appear in this newspaper. They evaluate the ways in which we as a society treat these problems. Along with the articles are photographs illustrating their ideas. Wendy and the Amherst College students set up an impromptu studio in a classroom and the Inside/Out students shot their photos in the exercise yard of the Jail on a warm, sunny autumn day.

The brief essays that appear in this newspaper form the basis of the debate that we have organized for December 16th at the jail. At that time, students will explain, discuss, and sometimes disagree about the best ways to treat and prevent sexual assault on campuses, in homes and elsewhere. The debate will cover three main topics: whether or not consent in sexual matters should be legislated (*Legislating Consent: Yes or No?*); how to best change the culture that produces sexual assault and domestic violence—through education or economic support (*Changing the Culture of Sexual and Domestic Violence: Education vs. Economics*); and whether or not perpetrators of sexual violence should be put through the criminal justice system or treated in alternative ways (*Criminalizing Gender Violence: Pros, Cons and Alternatives*).

Say Yes to Affirmative Consent

By Amanda

Sexual consent should be legislated. If determining consent is left up to individuals instead of the government, people will be even more vulnerable to the negative physical and psychological effects of sexual assault. Affirmative consent laws assist in determining whether or not consent was given and facilitate investigations of sexual assault. These laws lead to increased communication among sexual partners.

In 2014, California adopted a new law that requires affirmative consent both on and off college campuses; New York, shortly after, signed a similar law into action, requiring affirmative consent on college campuses. These laws do not aim to micro-manage the sex lives of college students—as many critics argue—but serve to clarify how university disciplinary

boards should proceed in sexual assault investigations. This legislation crafts a line of questioning that focuses on the actions of the accused rather than focusing on whether or not the accuser said no. Instead of asking if and how the victim said no, and whether or not the no was good enough, the questions now include, “Did she want to have sex with you?” and “Did she want to do everything the two of you did?” This standard of investigation inspires increased communication among partners in order to prevent the risk of sexual assault.

Consent is typically thought of as “no means no.” Under “no means no” legislation, a sexual encounter may proceed until one party objects. This doesn’t take into account that one cannot object if one is unconscious or goes into shock. When confronted with an assault, victims often respond by shutting down, going silent, or lying motionless. In this case, they are not welcoming the sexual advances, but they are not actively objecting. Affirmative consent is “yes means yes” consent. It is much easier to determine if an advance is unwanted when you are waiting for a yes, instead of assuming not getting a “no” is an implied yes. By switching to “yes means yes” consent, we change the traditional sex script in which males and females typically communicate silently and ambiguously during sexual activity.

Affirmative consent requires “an affirmative, conscious and voluntary agreement to engage in sexual activity.” Critics worry that innocent people will be incriminated if they engage in sex after they and their partner have been drinking, or if their partner did not explicitly say, “I want to have sex with you.” These laws are in place to protect people, not to implicate more people. The law itself does not specify that the people engaging in sexual actions need to be stone sober, or that the agreement needs to be explicitly verbal, they just need to be in a mental state in which they can make decisions, and the consent needs to be mutually acknowledged-however it is given. These laws ask that you approach a sexual encounter with both partners understanding that you should not continue if you both don’t want to.

Despite its many critics, the new consent legislation in California and New York will have a positive effect. Sexual assault investigations will proceed more clearly. The laws encourage mutual consent, respect, and communication. The California and New York laws will be effective, and more states should adopt these practices to facilitate a safer, more consensual nation.



By Xavier

The states of New York and California have laws about consenting to sexual activities. New York uses “yes means yes”, which means you just ask, and if your partner says yes, you have consent for any sexual act. California has a similar law, “yes means yes”, but you have to get consent before each sexual act takes place. “Lack of protest or resistance does not mean consent,” the law states, “nor does silence mean consent. Affirmative consent must be ongoing and can be revoked at any time.” These laws have amazingly good intentions for the college campuses, but how can California and New York make these laws for college campuses?

Nationally, in 2012 there were 5,000 allegations of forcible offenses reported by college campuses to the U.S. Department of Education. So it’s risky nowadays when you hook up with someone. First, how do you

know the victims of sexual assaults and rapes are telling the truth? What if the perpetrator did get consent, but the victim didn’t like the choices he or she made and reports rape or sexual assault? If no one was there with them to witness what went down, it’s his word versus hers. So is this justice if a victim regrets their actions the night before or after they give consent to the so-called perpetrator?

California has a consent contract for students: another good idea, but it can also create problems. The consent form says, “you can terminate this agreement at anytime during the period of consent agreed upon herein by mutual written consent of both proposer and consenter.” But if the proposer doesn’t listen to what his partner says when she asks to terminate the consent, since she already signed the consent form, how is she going to prove that he raped or assaulted her? The victim now has to prove she terminated the contract.

College peers feel more comfortable hooking up after a few drinks, but too many drinks lead to trouble, and the consent laws can also bring trouble. The law says that a person who is intoxicated or high is physically helpless to give consent. How do you decide another person is too drunk to have sex especially if you are drunk? Getting consent is very risky. At a certain stage your body and mind could be saying things you wouldn’t say or do if you were 100% substance free. The idea that it is unethical to hook up with a person who is too drunk is not widely respected. Who is the blame on, the woman for drinking too much or the man because he’s drunk too and can’t tell?

What are some ways to fix the problems with the consent laws so that victims can have a fair case and investigation? Now, most accused students have to prove they’re innocent. The consent laws certainly make it easier to find people guilty, but if they’re not guilty it really undermines the due process and rights of the accused students. So should college students be scared to be sexually involved with other students because of the consent laws?

The Problems with Consent Laws in New York and California





Against PREA

By Teresa

The Prison Rape Elimination Act (PREA) was enacted into law in 2003 to try to prevent prison rape. Instead of focusing on reducing incarceration or humanizing imprisonment, PREA insisted that prisons should be held accountable for rape and legislated that inmates as a whole were incapable of giving consent.

The Department of Justice estimated in 2008 that 216,000 inmates were sexually assaulted while serving time, compared to only 90, 479 rape cases outside of prison. PREA was drafted partly in response to the increasing rate of juvenile incarceration in adult prisons, as juveniles continue to be one of the most at-risk populations for sexual assault. The legislation was in part a response to a tragedy in 1996, when a 17-year-old inmate, Rodney Hulin Jr., committed suicide after having been raped and beaten within just three days of his arrival. His case was unexceptional. A 1989 study found that inmates under 18 in adult prisons reported being sexually attacked five times more often than their peers in juvenile detention.

American University law professor Brenda Smith, on the National Prison Rape Elimination Commission, argued putting a blanket ban on incarcerating individuals under the age of

18 in prisons would be one of the most effective legislative responses, but was not “politically realistic.” Hence the PREA act was signed into legislation without acknowledging that it does little to address the fact that underage inmates are unlikely to report sexual assault for fear of worse consequences than rape, while at the same time it continues to allow underage youths to be jailed in adult facilities. PREA only calls for jails to prove that they’re “working to comply” with its requirements, therefore, some think that PREA only provides an excuse for the government not to search for solutions that could be more effective but more difficult to implement.

PREA’s doctrine that “No means no and yes is not allowed” disenfranchises and dehumanizes prisoners by making them incapable of giving consent, regardless of their feelings or desires. This pushes same-sex relationships into hiding, possibly leading to abusive relationships that prisoners would be unwilling to report for fear of punishment under PREA. The legislation finally fails to permit consensual sexual acts by denying all prisoners the right to consent. PREA can also end up punishing victims in addition to perpetrators. Under PREA, a prison can deny exercise privileges to a prisoner who is

seeking protection from rape. LGBT inmates, who are very vulnerable to prison rape, are often housed in LGBT units that may lack access to basic human rights like educational, vocational, medical, and rehabilitative services.

Although the overall goal of PREA was admirable, I think that preventing prison rape requires reducing mass incarceration and lowering levels of violence, as well as offering therapy, rehabilitation, and resources to both violent inmates and potential victims. PREA fails to protect prisoners and can hurt victims and members of the LGBT community. It also illustrates the problems that arise with legislating consent, including the disempowerment and sometimes punishment of victims and collapsing the distinction between violent manipulative rape and consensual sexual encounters.

The Effectiveness of the Prison Rape Elimination Act

By Philip

George Bush signed the Prison Rape Elimination Act to go into law on Sept 4, 2003 to fight the ugly effects of rapes and sexual assaults in prisons and confinement facilities. The law requires corrections agencies to have a written policy mandating zero tolerance toward all forms of sexual abuse for men and women. It also puts restrictions on cross-gender pat down searches of female inmates. The law says that a prisoner may shower, perform bodily functions, and change clothes without non-medical staff of the opposite gender viewing the body or genitalia.

PREA helps female victims of sexual abuse to report incidents without retaliation. The law also gives access to forensic examinations to victims of both genders and states that abusers will be investigated, prosecuted and terminated from employment if found guilty.

That is, of course, if abusers are staff, but other inmates can be charged and prosecuted, too. Staff should undergo PREA training. Each corrections agency is required to make its best efforts to comply on a regular basis with a staffing plan that provides for adequate levels of staffing and video monitoring.

The decline in reported prison rapes has not been much yet, but the law is still a deterrent to sexual assault for two reasons. First, Federal facilities are forced to comply with PREA. County jails and private prisons have many more loopholes to compliance, but many prisons are seeking out funding to run the PREA successfully. The Department of Justice estimates the cost of covering PREA standards in all facilities will be around \$6.9 billion between 2012-2016, or \$468.5 million a year—annually that’s \$55,000 for each prison, \$50,000 for a jail, \$24,000 for a community confinement facility, \$54,000 for a juvenile facility, and \$16,000 for a police lockup.

The second reason that the law is a deterrent is that it makes it available for victims of sexual abuse behind the wall to sue for their pain and suffering. Thirty-two women prisoners who claimed they had been sexually assaulted were awarded \$2.8 million by a federal court. Michigan Attorney Deborah LaBelle offered to settle a similar case involving 250 women prisoners for \$25 million. In 2007, that number grew to 381. LaBelle made another offer to settle, this time for \$47 million. In 2009, the state of Michigan paid \$100 million to thousands of female prisoners who endured years of sexual abuse by prison staff. Currently, prisoners are suing again because the improvements have not been sufficient.

Protecting prisoners from sexual abuse remains a challenge in correctional facilities across the country. Despite the apparent shortcomings of the PREA standards, if adopted and enforced they will have a significant impact on reducing prison rape and sexual abuse.



A Legacy of Legislative Failures

By Rachael

Raping indigenous and black women are two of the longest lasting legacies of colonialism and racism in the United States. This history of dehumanization and subjugation relied in large part on sexual domination. These two groups of women still experience the highest rates of sexual assault of any population in the U.S. Both indigenous and black women were, and continue to be, forced to rely on a legal system and definition of rape that has denied their humanity. Until the cultural understandings of who these women are change, consent laws will be irrelevant.

Consent laws require that both parties actively and affirmatively, consent to any and all sexual activities that they engage in. Although this may seem positive, it is flawed because it relies on a false notion of an individual's ability to consent. Inequality makes real consent

improbable and the idea that consent can be freely given, despite differences in power can further harm the people whom the legislation is supposed to protect.

Legislating consent will do nothing to change deeply engrained gendered and racialized stereotypes about who can be raped. It will do nothing to stop the rapists who hold these beliefs or the jurors who don't convict rapists. Women of color, through cultural justifications and legal protections for attackers, remain incapable of being raped under the law because of the way society constructs them as sexually available. History reveals law's inability to prevent or penalize rape, regardless of how it is articulated.

Colonizers and slave owners constructed racialized stereotypes that affirmed that women of color welcomed their advances, or rather assaults, because of their supposed sexual insatiability. This understanding of Black and Native women's sexuality assumes their consent simply on the basis of their race, not what they say or do.

These caricatures lead to the frequent dismissal of their claims, if they report the rape at all, even though the Department of Justice has found that less than 4% of rape allegations are false. Studies have shown that jurors assume black women are more sexually active than white women and less harmed by sexual assault.

Before the institutionalization of Anglo-American jurisprudence, the legal systems in indigenous communities were widely used. But as a result of the 1885 Major Crimes Act, tribal courts now lack the authority to prosecute rape cases, and indigenous people are forced to rely upon the federal government, prosecutors, and U.S. laws. Given that rape is one of the hardest crimes to try, attorneys often reject these cases, leaving the survivors with little legal recourse. If their cases are heard, indigenous people are, like black women, often harmed by the process. Given its origins, this cannot be surprising. When the system that is meant to distinguish right from wrong and deliver justice disregards the crime of rape, it simultaneously condones it and affirms the dehumanizing beliefs upon which the assault took place.

In the same way consent is irrelevant to rapists, so, too, would any laws be in protecting survivors and their voices. Legislation on consent would further disempower and degrade the women for whom the legislation is purportedly created. All too often rape victims, as opposed to rapists, are the ones put on trial and forced to prove their sexual innocence. Consent, in particular, is a dangerous concept to legislate for it places further responsibility on survivors and removes the rapists from the story.

More important than reframing rape-related laws and adding on consent is addressing the intention and ideas of rapists and the impact of rape, not only on survivors but also on their communities.



By Tylor

Admittedly, the idea of "legislating consent" seemed both redundant and foolish to me. I wondered how can men in prison—for example—who break the law continuously and have little respect for authority, be expected to follow a new law meant to support a law that is already being broken? This seemed insane. I decided to research the true goals of affirmative consent.

Initially, as a I man, I assumed that the consent standard was a typical law makers' effort to increase penalties and jail sentences on those who don't obtain affirmative sexual consent—in other words, more charges, more jail time for a rapist, but no preventive measures to keep women safe and men rational. I admit, I was wrong.

Obtaining affirmative consent gives power back to the words we use to communicate our wishes. A man may sag his pants, wear jewelry, speak slang, yet he would be indignant to learn that he has been stereotyped as a thug or a criminal. Similarly, a woman wearing tight

clothes and acting flirtatious would feel objectified to learn that men only talk to her until they learn that she is not "easy" and does not intend to go further than flirting. A poll found that a surprising percent of women have initially said "no" to sex, while still intending to have sex with that person. The reason given for this coy behavior was the societal standards by which a woman is considered "easy" or "loose" if she agrees to sex too quickly. This kind of behavior can cause a person to falsely believe that her "no" means "yes," and more dangerously, that any "no" from any woman can be overridden with force or physical "persuasions." Affirmative consent takes power away from assumptions and assumers and gives the power back to the words "yes" and "no."

Some who are opposed to setting a legislated consent standard boldly state they won't "get what I want" if they have to ask clearly if the person they are pursuing wants to have sex. It should not be a person's sole priority to obtain a "hook-up" at the cost of his or her integrity, or another person's rights. A sexual fling should not be so important that we are willing to forget our morals; forego common sense; forego safety; and forego another's human rights.

I recently read a blog in which a young man stated that it would ruin it for him to have to stop a "hot and heavy" moment to ask very formally for consent to continue. Really? Is there something I am missing? Is there a difference between asking "does this feel good?" and "do you like that?" from "do you want me to stop?" Or "You're turning me on, we should stop now if you don't want this to go any further?" If you truly care about the rights of others, this is a small compliance, a small consultation that can save people from pain and suffering.

If you don't care about other people's rights, and the pain you can cause—perhaps human interaction is not for you. There will be times when a one-night stand goes off without a hitch, and both parties get what they are seeking. For every other time, where a man or woman is not sure, feeling pressured, or incapacitated, there is the consent standard. It prevents lurking predators from taking advantage of the weak or inebriated. It gives powerful words to the lips of the meek....

This will not be a "fix-all" solution, but the beginning of creating an awareness of a problem and a step in the correct direction—toward the safety of our youth, both males and females.



Consent Laws Can Change Sexual Culture

Assisting Re-Entry

By Mae

Transitioning to an employed, stable life outside of prison is a huge predictor of whether or not the 700,000 Americans, who leave prison each year, will go back. Former offenders whose crimes include sexual violence—crimes of power and control, need to stabilize their lives through *both* re-education and economic aid: reforming their patterns of violence and finding jobs.

One widely used re-education program is a batterer intervention program called Manalive (Men Allied Nationally Against Living in Violent Environments). Participants learn to recognize moments of “fatal peril—the crucial period between a negative experience and the reaction to it.” This program has become a mandated parole condition in many states for sexual offenders re-entering society. Another sexual offender reform program, Domestic Abuse Intervention Project, focuses on self-awareness and behavioral modification through changing the internalized gender roles created

by society. Many long-term studies have found that abusers often reoffend at another point in their lives, but these efforts to break the cycle can be effective.

As scholar Jacqui True writes, “The destabilization of social and economic life is associated with growing inequalities and increasing levels of violence against women.” Economic support that eases the re-entry of former prisoners into the workforce and invests in their reform and education can turn them from further violence and recidivism. While 270 million dollars were invested in these programs through the Second Chance Act, current incarceration costs are \$65 billion. Second Chance programs fight further incarceration and further violence against women, by aiding former prisoners in finding a stable income and helping them break their patterns of violence.

One important strategy that involves economic support is called “rapid attachment” or “work first,” to help former prisoners look for jobs and provide work experience, while also offering education. For example, the Gain Avenues of Independence (GAIN) Program supports former sexual offenders by offering one-on-one training sessions and “job clubs” for resume writing, job applications, and interview skills. The rapid attachment strategy is effective in helping people re-enter the work world quickly.

“Transitional Jobs,” another strategy, places former prisoners in programs as well as in jobs where the program subsidizes wages. The program, *in Action*: Center for Employment Opportunities (CEO) provides people supportive services and a place on a work crew in which participants provide service to organizations or in the community. The program itself is the employer. Work-crew members are paid daily, providing an incentive to return each day. After a successful stint on a work crew, the program helps people find more long-term employment. Another program called “Occupational Training” studies the specific needs of local employers and offers relevant training. Though it does not provide an immediate source of income, in the long run participants get better and higher-wage jobs.

Although these programs can provide returning inmates with useful and timely training for higher quality, long-term work, it is still difficult to find employers who will hire former prisoners once they have checked the, “Have you ever been convicted of a crime?” box. This raises the risk of recidivism. Many states are adopting the Ban the Box law, which prohibits employers from asking about criminal records in initial steps of the hiring process. This law gives people a chance to show their capabilities for a job, before being rejected for their past.



Early Sex Education

By Pete

By getting adolescents involved earlier in sex education, might we be able to lower the rate of violence and change the entire culture around sex in this country? A recent study out of Georgetown University recommends that sex education begin before puberty. This is when children are most responsive to material that can shape their attitudes towards sex. It is also when they can be better guided through this life stage by education, supportive families and the community.

In an article by the World Health Organization (WHO) about primary prevention of intimate-partner violence and sexual violence, WHO states that early childhood experiences and discussions have a major effect on the development of a child sexually, emotionally, and socially. When they learn healthy emotional, physical, social habits through families and a community environment, this has the potential to reduce the prevalence of all forms of violence, including sexual violence.

As the children progress in grades and age, topics of sexuality become more perplexing, so questions need to be addressed along the

way, allowing each child to grow and gain knowledge from life experiences and the media.

Allowing children to explore their attitudes, values, and ask questions concerning sex and relationships should give them more information and choices upon reaching the confusing time of puberty. Opening up topics, such as family relationships, sexuality, preferences, and love can give these children a better grounding for issues they will face.

Sometimes states in America teach basic reproduction topics along with some sex education, beginning in the 5th grade. However, this doesn't function to lower sexual violence towards women. Sex education is so much more than just information. It can encompass self-image, identity development, boundaries, gender roles, and learning how to express oneself appropriately in relationships. By beginning the process of communication with adults early, children can begin to feel more comfortable with opening up and asking questions.

The Guidelines for Comprehensive Sexual Education-K-12th grade state the primary goal of sexual education is to promote adult sexual health—healthy relationships, interpersonal skills, and the decision-making ability needed to build relationships. If sex education,

understood as about human relations, not just biological information, begins early in life and is built on throughout the formative years, students will be comfortable in navigating discussions about safe sex, sexual abuse, reproduction, and consent. They will also carry those tools home and into relationships where the real tests are.



The Cost of Domestic Violence in America

By Billy

The current state of handling domestic violence in American costs far more than preventive programming and assistance would. Social costs, medical billing, and lost workplace productivity are reasons to begin implementing programming in order to avoid such heavy expenses.

The physical costs of domestic violence come with economic costs. Domestic violence leads to reduced education, loss of workplace productivity, and medical treatment. Medical issues such as chronic pain, central nervous system disorders, and reproductive problems are all effects of domestic violence victims.

The issue of domestic violence needs to be common in our culture. The victim is just that, a victim; they are not at fault for what happened to them. "When people are educated about the frequency of domestic violence, they are more comfortable talking with others."

The monetary costs of domestic violence in the U.S. have a major economic impact. Annual spending on social issues and medical

costs can be decreased by allotting funds for programming and intervention. \$5.8 billion is spent on medical costs, and \$2.5 on lost productivity. Domestic violence victimization averages \$954 per incident; this includes medical and mental health care and 9.5 days of lost work.

Preventing domestic violence will not only save lives, but it will also save us a large financial burden. The net benefit of the Violence Against Women Act of 1994 was \$14.8 billion. The initial cost was \$1.6 billion while \$16.4 billion was saved through the services this bill provided. Investing just \$15.50 per U.S. woman can save \$159 per U.S. woman in averted costs.

Education and the Prevention of Sexual Violence

By Sylvia

We need to create an environment where sexual assault is less common and where people are equipped to address it when it does happen. According to the Center for Disease Control's 2013 Youth Risk Behavior Surveillance, among high school students surveyed, 10.5% of female and 4.2% of male students had been forced to have intercourse. Additionally, in the previous 12 months, about 10% of students (14.4% of women and 6.2% of men) had experienced physical dating violence, and the same percentage had experienced sexual dating violence. Studies show that it requires attitude changes to decrease acquaintance rape. Specific programs, like one in London high schools to target intimate relationship violence, have positive influences on attitudes and knowledge. School programs for bullying prevention also show positive attitude changes.

Almost half of students have had sex in high school, and the majority (over 70 percent) have had sex by the time they are twenty. Studies show that discussing sex with children does not lead to more students having sex or having it earlier. If students do not hear about sex from a class, they are more likely to get all of their information—or misinformation—from friends or partners. This may make kids more likely to be susceptible to pressure to engage in unsafe practices or be taken advantage of. In a recent poll, many college sexual assault survivors said they believed that more information on consent and relationships before college would have helped them be safer in college.

Sex education should stress that people do not need to be sexually active if they do not want to be and give students the confidence and skills to say no as well as assert personal boundaries. In the Netherlands, where sex

education starts in kindergarten (although sex itself is not talked about at such a young age), students "develop skills to protect against sexual coercion, intimidation and abuse." Students in the Netherlands are more likely to have safe sex and more likely than students in the U.S. to have had their first sexual activity be enjoyable and to take place when they were ready. They were also found to be "more assertive and better communicators" when it came to sex. Being able to speak up and ask questions in class can normalize conversations about sex.

There is no federally mandated sex education, and state laws vary tremendously. In one study, 58% of public school principals reported that the main message of their sex education was comprehensive, while 34% reported that it was abstinence-only. Twenty-two states require sex education in public schools, but only 19 states stipulate that if sex education is provided it must be medically accurate, and "35 states and the District of Columbia allow parents to opt-out on behalf of their children." Clearly, kids are receiving very different messages about sex and health.

The United States *does* have a set of national guidelines for comprehensive K-12 sex education, called the National Sexuality Education Standards, but few school districts have fully adopted them. With models already available, if schools adopted them (and they receive funding), it would not only empower students, but begin to change the larger culture.

We must educate children on consent and positive ways to interact with others. They need the tools and opportunities to be able to discuss sex and relationships issues openly and assert their individual rights, agency, and humanity.



Family Welfare

By Sean

In 1935, in response to the Great Depression and as part of Roosevelt's New Deal, Congress created the initial safety-nets—Social Security, Unemployment Insurance, and Aid to Dependent Children (then ADFA now AFDC). Since then, our country's poor have benefitted from some form of federal and state stimulus aid.

Welfare was formed in a period where racial segregation was a factor in the social, economic, and political agendas of liberal and conservative parties alike. The New Deal not only extended social rights but also changed the racial divide in American democracy and economy, as "the act created two tiers of racially segregated benefits".

By the 1960s, Lyndon Johnson, after the Civil Rights movement, tried to eradicate poverty and racial inequality. Our nation's cities were full of impoverished ghettos, heavily populated from the migration of southern blacks over years past. His solution was the War on Poverty that funded education, housing, and community action in urban ghettos, but because of the political turmoil of the time, they failed to become effective. Urban poverty grew, as did the rate of people seeking public assistance. Meanwhile, "angry suburban home owners" resisted opening their communities to minorities, forcing federal officials to "retreat from a commitment to low-income housing and to back away from fair-housing laws."

In the 1960s, the AFDC finally included black women. By 1992, many AFDC recipients were single black mothers. This rise, coupled with the resonating attitudes from the ongoing civil rights backlash, formed a very unfortunately yet common idea that people using these program were simply taking advantage of the system. "Those drawing on government benefits were derided as 'Welfare Queens.'"

In 1992, Bill Clinton pledged to "end welfare as we know it." The idea was to shift the emphasis from dependence to empowerment, though the result was far from that. "A five year limit was introduced and single mothers were required to work at least 30 hours per week or risk losing their benefits." The result was that thousands of single moms, predominantly inner city black women, were promptly shoved off the program. Now one in every four low-income single mothers is unemployed without any cash aid. By allowing our children to be raised in such conditions, we are perpetuating poverty. Governments should be putting programs in place that secure the economic stability of all families.

Another form of political policy that serves to keep people stuck in poverty is mass incarceration. "Mass incarceration is not just

(or even mainly) a response to crime, but rather a perverse form of social spending that uses state power to address a host of social problems at the back end, from poverty to drug addiction to misbehavior in school." During and after the civil rights movement, policy makers began to turn to criminalization as a way to clean up the streets in America. Instead of addressing racism and its relationship to poverty throughout our country, our local and state governments turned to expansion of the criminal justice system "in the name of law and order". What the government did not realize is how this perpetuates the problem. When you take the sole provider out of an already financially suffering family, you only make matters worse. It also has a multi-generational impact: children of imprisoned folks are far more likely to become incarcerated as adults. "Mass incarceration can be seen as racial policy." As Ta Nehisi Coates shows, "the association of black and criminality in the white mind is so deeply rooted in American history as to be virtually unassailable."

Sexual violence and domestic abuse are social issues that are prevalent in areas of poverty. We can dramatically decrease their rates merely by addressing poverty through a more humane welfare policy and ending mass incarceration.



By Caroline

About two months into my first year at Amherst, *The Amherst Student* published Angie Epifano's account of her rape and its fallout from her time at Amherst. The story quickly went viral. It seemed as if college students across the nation were shocked. It was strange to think that two months earlier I had arrived at Amherst, bright-eyed, and excited for the beginning of college; that during our orientation, Student Health Educators (SHEs), squad leaders, administrators, professors, and coaches talked at us about sex, sexual respect, and consent. We were inundated with "ways to practice safe sex" and "how to get and give consent," while at night, we hit the party dorms for the first time discovering what it meant to "go out" at Amherst.

Over the past four years, a national conversation has taken off about sexual assault

on college campuses. Students everywhere are familiar with the startling statistic that one in four women will be the victim of sexual assault during her time in college. The safety and health of students' lives are at stake in the actions the U.S. government, colleges, and universities are taking to address the prevalence of sexual assault. President Obama's administration launched the "It's On Us" campaign, schools have revamped their orientation schedules to include "awareness workshops" and bystander training to teach students not only how to protect themselves, but also how to help their friends out of potentially harmful situations.

Underlying the conversations is a simmering debate: is there a "rape culture" on college campuses? If yes, then current efforts are not enough to change the culture. Amherst College is an example. The College is making solid efforts: active bystander

training has become required for all freshmen, and over the past four years the resources like the Counseling Center and Peer Advocates for Sexual Respect (PAs) have increased on campus, but the engagement of the entire community is still missing. To change a culture, everyone must participate, men and women, students, faculty, and staff.

Amherst has sought to increase students' awareness of the College's policies concerning Title IX and cases of sexual assault. The details of the policies are available to students through the website and Student Handbook. However, opportunities to meet with the deans who deal with Title IX or student behavior *before* something happens are lacking; such interactions could build trust and make students more comfortable to reach out in cases when something goes wrong like in cases of rape or sexual assault. The College should offer clarity and transparency in both the policies and the cases.

The College has also changed its disciplinary procedures to make it easier for victims to report anonymously, and if they wish, to set in motion the adjudication process. The Dean's office can order a no contact order to give the survivor other protections while an investigation takes place. Members of the disciplinary panel are no longer solely from Amherst College, but trained members of the Five Colleges community. Still, given the very low percentage of assaults reported at the time they happen, the procedures could be improved.

20.2 million students attend colleges and universities nationwide. Given those numbers, if schools committed to making a few changes the culture would begin to change as well. These changes could include campuses adopting affirmative consent ("yes means yes"), or providing follow-up with orientation presentations in a more meaningful way. Rather than just at the beginning of a students' first year, students could be required to attend a presentation or workshop *every* semester to learn and discuss issues of consent or sexual respect. Professors can add classes to educate students. Going forward, Amherst, and all colleges and universities should do what they do best: educate. And with education, so too will come change.

A Call for Greater Efforts at Colleges and Universities

Criminalization Works

By Grace

The United States has a justice system set in place to handle law-breaking. Domestic violence falls under this category. People who beat their wives, partners or significant others are breaking the law, and the justice system is there to ensure they receive the correct punishment for their crime. Eighty-five percent of the victims are women. Every day, 3 women are killed by their partners in domestic violence. This number needs to be brought down and the way to do that is to guarantee that domestic violence perpetrators are taken off the street and out of society.

If a man walks up and kills another man, he gets tried through the justice system. Domestic violence should be no different. Some have argued that the home is a private sphere, and the law should stay out, but laws were put in

place to protect citizens, all citizens, from violence, no matter where it might occur.

The criminal justice system succeeds in separating the perpetrators from the victims, which is necessary to ensure the safety of the victim.

Over the past years the justice system has taken drastic steps to improve domestic violence laws within the United States. In 1994, the Violence Against Woman Act was passed which allotted "\$1.62 billion in federal funding to improve prevention, protection, victim services, law enforcement and data collection." Criminalizing domestic violence includes steps like victims being able to obtain restraining orders against their attacker, which guarantees their safety without necessarily putting the perpetrator in jail.

While restraining orders can work, sometimes jail time is necessary. Now, mandatory arrest policies "require police to arrest anyone who they have probable cause to believe has committed domestic violence." This policy immediately removes the aggressor while allowing the victim to remain at home. Shelters and other domestic violence outreach programs require the victim to move, sometimes resulting in loss of jobs, missing of doctors' appointments, or lack of contact with outside family for women who seek help. Kelly Dunne, chief operating officer at the Jeanne Crisis Center outside of Boston, says shelters are often a "ticket to welfare." While victims do have to go through a trial, they get to do so from their own homes while their perpetrators are locked away.

Criminalization does not necessarily mean perpetrators are locked away forever. The Duluth program, for example, after an arrest, trial and conviction, works with the batterer through the criminal justice system to educate and hold him or her accountable before re-entering society. Research shows that "by applying all the components of the Duluth Model, 68% of offenders who move through Duluth's criminal justice system and men's nonviolence classes do not reappear in the system eight years out." This program works *with* the criminal justice system to ensure the safety of women. Our justice system has been in place for years with the goal of protecting citizens of the United States, and it has worked. When the process is followed, perpetrators get off the streets and women remain at home with the peace of mind that their attacker no longer has access to them.



Thoughts Against Domestic Violence

By ToBi

Holding a perpetrator of sexual assault accountable by standards of current law is not effective; it only ignores the problem by isolating the offender from the public. We instead need to carefully try to re-integrate the individual back into society, while instilling in that person a sense of why their act of aggression was wrong and should not be repeated. In some anti-domestic violence organizations such as the Battered Women's Project, "staff members [work to] maximize victim safety and offender accountability." But, maximizing offender accountability results in more offenders going through the criminal justice pipeline, often increasing their anger and increasing the likelihood of repeat offenses.

A clear pattern exists of victims who experienced various forms of abuse: child abuse, sexual abuse, and domestic violence, of becoming abusers themselves. The Adverse Childhood Experience (ACE) study indicates that there is a dramatically increased likelihood of negative mental and physical health for

children who have suffered various forms of abuse when they become adults. Approximately 60% of individuals are affected—this is why we need to rehabilitate the offenders.

Development of a program for offenders should not be seen as a privilege bestowed upon them, but as a preventative measure, decreasing the likelihood of further offenses. When you put offenders in jail, they are not being conditioned to re-enter the community, nor are they being taught why their actions were wrong. Being imprisoned without really understanding the error of one's own ways will inevitably cause frustration. Such frustration will find an outlet (perhaps after release from prison) and another act of aggression is more likely to be committed.

This is by no means a call to end of support services for victims; they are a necessary remedy for getting the victim to be independent and stronger. Multiple programs already offer victim support—Battered Women's Project, National Coalition Against Domestic Violence, Futures Without Violence, and INCITE—however, they do not prevent

the abusers from committing further acts of aggression upon release from the criminal justice system.

With the high recidivism rates for released prisoners, our current criminalization methods do not work and need to be replaced with new forms of behavioral correction. For this to be successful, the perpetrator needs to be isolated from their community of origin and then be gradually reintroduced once counseled back to being a functional member of society. These programs need to take three major steps: (1) Assessment of the individual, (2) the treatment of individual, and (3) the reintroduction of the individual to society. Programs of this kind should focus on the social-psychology behind the origins of whatever pushed them to violence. The stress factors in the perpetrators lives need to be discovered through intense counseling and therapy. The response to domestic violence should not be punishment or extended isolation from society; intense counseling and rehabilitation should help break the cycle of domestic violence.

The Facts on Adjudication of Sexual Assault

By Chloe

In past decades, victims of sexual assault in college had many reasons not to report an assault to police. Accusers risked social ostracism, a lack of sympathy from officials, the prospect of a long, public trial, and continued threats from their attacker.

Opponents of the criminal justice approach to adjudicating sexual assault hold that victims can avoid these menaces by resolving complaints through a college disciplinary board. Because these boards have little oversight, they possess a power and agility fundamentally absent in the criminal justice system. Boards are enabled to resolve cases quickly, minimize social ostracization of the victim, and protect the victim physically and emotionally through no-contact orders and schoolwork extensions. After conviction, sentencing is also far more flexible: a perpetrator cannot be jailed, but can face a range of punishments such as expulsion, suspension, or a ban from student housing.

While this process offers protections to the victim, it is fundamentally prejudiced against the accuser. Due to the lower burden of proof (a “preponderance of evidence”), the accused is likelier to receive a black mark on his or her record without an extensive trial or comprehensive review of evidence. The accused is also typically kept intentionally uninformed of his or her case in the name of protecting the victim. In recent years, Amherst College has seen serious accusations that it has treated both parties in sexual assault cases unfairly, including a high-profile case picked up by several media outlets in which most reported mistreatment of the accused.

Unlike the college adjudication process, the criminal justice system affords the accused his or her full constitutional rights. There is some evidence that being convicted of sexual assault, even by a college judicial board, may diminish students’ odds of graduating, transferring, or getting a job. Critics see the possibility that a student might face these consequences without a fair hearing, in which he or she is afforded legal representation, access to evidence, and the presumption of innocence, as a violation

of that student’s rights. Though many colleges have taken steps to improve their previously flawed judicial processes in the wake of negative publicity, the evolution has tended towards victim protection at the expense of justice for the accused. The “quick and dirty” investigations that result often end in noncommittal verdicts like suspensions instead of more definitive judgments. However, because adjudication in one system does not preclude adjudication in another, it is theoretically possible for a victim to adjudicate her case through the courts while receiving protections from her school. Title IX empowers schools to offer students these protections, which range from no-contact orders to interventions with professors. This recipe proved successful in the recent case of a Stanford University swimmer, who was barred from living on-campus after his arrest, and could provide a model for moving forward.



By Ernest

In poor communities, women in particular, rate safety as their number one concern. They face crime, violence, and drugs in their neighborhoods. Poor communities are homes to single parents, and havens to addicts, drug-dealers, gangs and people back from the prison system without re-entry resources. In poor communities, it is more difficult for victims of violence to report their abuse for fear of retaliation or being labeled a “traitor,” especially in neighborhoods subject to drug activity. Many black women also feel compromised when reporting black men as “violent,” from a deep historical resistance to opening up black family life to scrutiny. Black women often see family life as a respite from a deeply racist world and hesitate to call the authorities.

According to the Police Executive Research Forum a poor economy is driving an increase of domestic violence up 56% from 40%. Unemployment and other stresses can trigger domestic violence, and the reduction of income and status can cause upheavals in every day life. People in the upper classes don’t face these same challenges.

Adverse childhood experiences (ACE) have a disproportionate impact on poor communities. These experiences include emotional, physical, and sexual abuse, emotional and physical neglect, growing up with domestic violence, parental discord, substance abuse, mental illness, and the incarceration of a household member. When a home is broken, and the environment is unsafe, as is so often true in poor communities, children are more likely to grow up with serious emotional and physical problems themselves.

For too long, the philosophy regarding domestic violence has been to “arrest now and talk later.” Without healthier alternatives, people will continue to behave as products of poverty, adverse childhood experiences, and the prison system. In severe cases of violence, some individuals may have to be removed from society for the victim’s safety. However, as an overall strategy for ending violence, criminalization has not worked. Too many domestic violence victims have come to regret



the outcome of police intervention, realizing that they want to save the relationship. I believe that victims and perpetrators should have access to education and programs that prepare them for reintegration in on the model of in-patient and out-patient services.

Effective reintegration programs for formerly incarcerated people should include healthcare, counseling, housing, substance abuse treatment, employment and business/career development. Minorities with criminal records have a very hard time finding jobs at a competitive wage. One organization that helps build communities and assist with re-entry is The Prison Entrepreneurship Program. PEP is Houston-based and has graduated more than 1,100 students, has helped inmates to launch over 165 businesses and reduced the recidivism rate to 7% (compared with a 23% overall for Texas).

I am also in favor of programs that concentrate on counseling and communication in relationships. There should be romance courses that reintroduce the “old fashioned” customs of how to treat each other, emphasizing the relevance of respect, the proper way to communicate during disagreements, and showing appreciation through romantic words and gestures. Children should learn from adults the importance of healthy communication and interaction.

When broken people are returned to an environment, the environment remains broken. There seems to be more concern for investing in stocks than in people. Only when the need to invest in people becomes a priority, can we work on fixing the ill effects of poverty and how it creates violence in our communities and especially against women.

Community Solutions and Alternatives to Criminalization



By Jean

From 1998 to 2008, the number of people incarcerated has almost doubled—from 1.8 million to 2.3 million. That does not include the number of juveniles locked up. In less than thirty years our prison population has grown to be six to ten times higher than the prison population of any other industrialized nation in the world. Many of these people are imprisoned because of the war on drugs and many others for domestic violence.

I believe in reforming our prison systems. The National Advisory Commission on Criminal Justice Standards and Goals has announced that prisons unmistakably create crime rather than prevent it. I oppose, however, prison abolition because without any consequences for crime, our justice system would ultimately fail.

Cedar Junction, a prison in Walpole, Massachusetts once was the murder capitol of the US. In Florida, about 300 inmates get murdered every year. In Texas prisons 550 people have died so far this year. It costs about

\$40,000 to send a person to prison, more than it costs to attend many colleges and universities.

Prisons and jails that were once owned by the federal and state governments are now being bought for profit by private owners, such as the Correctional Corporation of America. Once privately owned, prisons usually lose programming for rehabilitation, and prisoners maintain the prison for free. About 16% of federal prisoners, (33,830) and nearly 7 percent of state inmates (94,365) are currently being housed in these privately owned prisons.

I believe that the overcrowded prison population is not only caused by crime, but also because prisoners are not being rehabilitated. To reform prisons, first I would have specialists diagnose the inmate in the first month to find the cause of the incarceration instead of generalizing the rehabilitation needs of the inmates and prescribing one system of treatment for addiction, anger, and domestic violence and teaching life skills. In my view, a lot of inmates have physical, psychological, behavioral, substance abuse, and relationship problems. If we were to sort these inmates case by case and treat them according to their issues, not only would the incarceration rate decrease substantially, but also the government would have more money to better structure these treatment programs in the future.

I believe that we don't need to abolish prisons. That would be a radical decision. But I believe, from first hand experience in state and county institutions that we need to reform the system—not for profit, but for a healthier future.

Prison Abolition or Reform?

Recognizing Family Violence as a Crime

By Johnathan

The focus on domestic violence as a crime is crucial for family violence to be taken seriously as a social problem. Before the battered women's movement of the 1960s and 1970s, domestic violence was seen as a private issue outside of the jurisdiction of the state. Each husband had the right to control and own his wife as property. The state either condoned intimate abuse or saw it as a private matter, completely different from the violence of a stranger. Both English common law and the 1824 *Bradley v. State* case in Mississippi supported the right to privacy in the home and a husband's right to "chastise" or abuse his wife. Though wife abuse became criminalized in the United States in the 1880s, state sexism created an environment in which domestic violence was not taken seriously as a public problem until the 1970s feminist movement promoted criminal justice intervention.

American society relies heavily on criminalization and the American legal system as a solution to social problems. The cultural

preference in the US for criminalization has meant that policy makers, politicians, and the public can most easily embrace and understand domestic violence as a problem of individual criminals who should be punished and abused women who must be protected.

Putting money and emphasis on a criminal and penal response, the feminist movement, in conjunction with the state, cemented the legal system as the primary response system for domestic violence. As the U.S. Attorney General's Task Force on Family Violence recommended, "family violence should be recognized and responded to as a criminal act" and the state should "establish arrest as the preferred response." Under the Violence Against Women Act (VAWA), money has been funneled to federal programs that are designed to strengthen law enforcement response to domestic violence such as Services for Training Officers and Prosecutors (STOP) and the Grants to Encourage Arrest Policies. Policy that has legitimated domestic violence as a public problem and social responsibility has been centered on criminalization as a positive element.

The success of domestic violence intervention and policy is measured by arrests, prosecutions, and the criminal justice response. For example, urging the Senate to reauthorize the VAWA in 2000, Wisconsin Senator Russell Dean Feingold cited the fact that "police are participating in training programs to arrest and bring abusers to justice," arguing that "women are safer today because of this legislation." Though far from ideal, criminalization has been a key element in bringing domestic violence and sexual abuse into policy conversations and is a necessary legitimating factor in political discourse.



December 16, 2–4pm, Visitors' Room, Hampshire County Jail and House of Corrections, Northampton, Ma.

ADDITIONAL READINGS

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Photography by Wendy Ewald and the students in Equality and Violence, an Inside/Out course.

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