Abolition & the State

Responses Vol. 3

Abolition & the State Series

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Introduction

This is the third 'zine in a series responding to or engaging with questions relating to the role of the state in abolitionist futures. While previous 'zines in the series have been organized around the questions posed in IC's *Abolition and the State Discussion Tool* (available at bit.ly/abostatetool) this 'zine, also edited by Andrea J. Ritchie, focuses on a presentation from Nazan Üstündağ, an organizer in the Global South exploring the role of transformative justice in resistance to an occupying state and the insights this perspective can offer to abolitionist engagements with the state around the world.

The presentation was given by Nazan during the *Practicing for An Abolitionist World Virtual Transnational Gathering* for Transformative Justice, Restorative Justice, and and Community Accountability Practitioners hosted by Interrupting Criminalization, Project Nia, Just Practice Collaborative and Spring Up in May 2023.
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A View from the State and Beyond

Nazan Üstündağ is an academic, activist, and writer. Her work concerns feminist political theory, political imaginaries, gendered subjectivities, and state violence in Kurdistan. She is a member of Women for Peace, Academics for Peace, and Global Prison Abolitionist Coalition. Her first book with the title *Mother, Politician and Guerilla: Political Imagination in the Kurdish Women's Freedom Movement* has recently been published by Fordham University Press.

What follows is a lightly edited transcript of Nazan's remarks. In this piece, she explores how Kurdish communities have addressed the necessity of building beyond the state to shift systems and structures of power while promoting community autonomy, self-determination, and women's liberation in the context of resisting occupation. In so doing, she surfaces the challenges of advancing transformative justice strategies while simultaneously resisting attacks by the state and Right-wing armed forces, offering critical insights for abolitionist engagements with the state around the world

The most important aim for us is to make the state, the colonial state, the nation state, redundant. And how can you make it redundant without showing that it is not the center of justice, that it is not the provider of justice, it is not the sacred entity that will somehow, one day, actually, really, truthfully provide justice? We can become the actors that can establish a feeling of justice in the community and in the society. So that's how we started with experimenting, rather than in the framework of abolition or transformative justice.

My name is Nazan Üstündağ. I am an academic and a political activist from Turkey. I am not ethnically Turkish or Kurdish, but I identify myself with the Kurdish freedom movement and Kurdish women's movements. I'm also an activist in the global prison abolitionist network.

Today, I will be talking about Kurdish experiments with transitional justice. I will start first by situating them in context, and then I will pick up one example, which is women's houses, or *Mala Jin*, as we call them, and how these institutions that we have built in North Syria are dealing with violence against women. And then finally, I will talk about some difficulties we face because we

are operating as the Kurdish movement, as the Kurdish women's movement, in a situation and in a context of occupation and war.

So let me start with describing the context within which the transitional justice experiments have started in Kurdistan. And let me make it clear that this is not necessarily a term that we use, especially when it comes to our own practices. "Transitional justice" is a term that has been popularized in Kurdistan and in Turkey, during this short peace process that we have experienced, and has been associated with transforming the Turkish state, rather than thinking about how to achieve the justice we are pursuing in our own communal, community conflicts. So this is not a term that we use much outside of the peace process. It's usually used to refer to the peace process or the prospective peace process that can happen at some point in Kurdistan.

Kurdish people are spread throughout four different countries in the Middle East. They represent one of the largest populations that have no state of their own.
So they are colonized by four states: Syria, Iran, Iraq, and Turkey. The Kurdish Freedom Movement has actually emerged from the Kurdish struggle against the Turkish

state, against the oppressions of the Turkish state, but now has spread throughout the four countries. The example I will talk about will come from northeast Syria, but to further contextualize, experiences with transformative justice have developed in Kurdistan in a context where police violence against political people, against political activists, against politicians, and patriarchal violence against the women is very widespread.

There is no expectation of justice from the states. On the contrary, they're expecting injustice from the state. In a sense, "needing" justice from the state means losing autonomy as a community. So transformative justice has emerged as a practice within a vocabulary of autonomy and self-defense. In Kurdistan, we use the language of autonomy and self-defense to describe the practices that we have developed in relation to justice, in relation to peace, in relation to communal negotiation and communal peace practices, meaning that our aim is, first and foremost, to defend our society, to defend our communities from state intervention, and to build the capacity of society to solve their own problems, without depending on the state.

In 2012, with the emergence of the revolutionary movements in Syria, Kurdish people declared autonomy in northern and eastern Syria, which we now call the North and East autonomous region of Syria. And here, as in Turkey, parallel to the state justice system, we have experimented with different means of building justice within our communities without depending on the state, and these practices have become widespread and institutionalized. In the context of northeastern Syria, the first thing that was done was to write a new constitution, which is considered to be an agreement between different communities that live in this region. It sets out the basic principles according to which they will live in this region, together, as a people, as a nation consisting of irreducible diversity. And in this context of irreducible diversity, in this context of autonomy, the first question we were facing was how to make the state form, in general, redundant in our context, and how to develop our community's capacity, our community's defense against the state.

One response to that is by finding our own means of practicing justice, especially in the context of violence. Why is this so important? For two reasons. One, because we found ourselves in a situation where we want-

ed to encourage and empower our communities, but not at the expense of women's rights. These are mostly traditional communities that have codes of behaviors and conduct that are sometimes hostile to women's rights. So our first issue was how to build a means to provide justice for women, without disempowering our communities, and empowering our communities, but not at the expense of women's rights. So this was the context.

We started experimenting with means of transformative justice. One was building autonomy. How are we going to build autonomy, against the state? How are we going to make the state redundant? Second, how are we going to empower the community and the society, and show the community and society that they can solve their own problems without depending on the state's legal system? How can we educate men against patriarchy? These are very interrelated goals that we wanted to achieve.

When we started experimenting with the tools of transformative justice, the first thing was writing a constitution. And the second thing was, of course, convincing people slowly against incarceration, because in our regions, carceral feminism is very, very strong. How are we

going to convince women's rights activists that we can actually have effective solutions, even without a carceral state, relying on communities' capacities to solve problems on the ground?

First of all, we built communal peace committees. These are peace committees that are operating in every district, in every neighborhood, and on every street. And when there is a problem in the community, when there is some kind of disagreement, these peace committees intervene and try to solve issues.

But we have seen that, when it came to women's issues, usually in these communities and families patriarchal values were still strong. And usually, women's rights were not defended according to the principles that we had set out in the constitution. So what we did – and this was still during the first years of the revolution in 2013 – we built what we call women's houses, which are in Kurdish called *Mala Jin*. And today, we have *Mala Jin* in every big district. And these *Mala Jin*, these women's houses, are where all the violations against women and all the disagreements concerning women's issues are brought now, and women from the neighborhoods come together to address these issues and come up

with solutions which will actually empower the community and strengthen the social fabric, but again, not in the expense of women's rights.

These structures of solving communal conflict have always existed in Kurdistan. But they were male based, and consisted of tribal and religious leaders. But now we have women making this model feminist, and we have also made them accessible to all women. Of course, there are many teachers, including Abdullah Öcalan, who is the leader of the Kurdish Freedom Movement, who has written a lot about how justice can be exercised by women, based on the traditional practices of men, addressing the question: how can they become feminist? How can these structures be made feminist? And how can these structures be accessible? He has written a lot about that, again, in the context of autonomy and self -defense. But I must say all the women guerillas who have fought against the Turkish state have been an inspiration, because they have first built these structures within the guerrilla organization. And they have made them available to people. In Turkey, in the mountains, when, for example, the guerrillas during the peace process were retreating from Kurdistan, women were saying, you know, this is going to be really bad, because the

guerillas have provided us with an interesting infrastructure to pursue our own justice as women. But of course, under the conditions of occupation and colonization, it is very difficult in Turkey to pursue these experiments without the stronghold of the guerillas, without the guerrillas being a force in Kurdistan. I think there have been many teachers, and I think, when it comes to providing justice and care, at the same time, who are better teachers than our mothers, who have dealt with our fathers and who have spent all their lives to transform our fathers, so that, you know, we could achieve some justice in life, at least in the Middle East.

The most frequent issue that comes to these bodies is, first of all, underage marriage. The second issue is polygamy. The third issue is violence against women. And the fourth issue is divorce. So we have these four issues usually brought by women to the women's houses, and women in the neighborhoods negotiate, talk about them, and call different parties to the house to resolve the problem. And women in general try to make decisions that the community will accept, but again, that also will be beneficial to women. I can give an example that I have witnessed when I was in Jazeera conducting research on the *Mala Jin*, and there was a case of

polygamy, which is unconstitutional. A man wanted to marry a second woman. And the first wife came to the *Mala Jin* and wanted *Mala Jin* members to talk with the man and with the woman that he's going to marry and to bring a solution to the situation. The managing members talked to the man, and they also talked to the woman who wanted to marry him as the second wife. And they both said they want to continue with this marriage, so what the *Mala Jin* members did was actually go to the marriage ceremony and interrupt it and prevent it from happening. Because women had decided that this would be disadvantageous for both women. This was an interesting case because it carried risks of hostility from the community, but it was also interesting because afterwards *Mala Jin* members sat down with the woman who wanted to be a second wife and talked about why she wanted to do that because they also wanted to protect her interests. It came out that it was because she was a woman who had passed the age of marriage, and she wanted to have stability and safety. So the *Mala Jin* had to think about possible jobs and possibilities for her to feel that without the means of marriage. So, I mean, this shows the deeply complicated situation of women in the region, because on the one hand, we want to pursue this solution of conflicts to the benefit of women, but

on the other hand, there can be conflicts between them because of the operation of patriarchy at different levels of society.

I will conclude with the different problems we face. I mean, the success of the *Mala Jin* is that 80% of cases concerning women do not go to formal judicial process anymore. They are 80% resolved at the level of the *Mala Jin*, and the community is convinced that *Mala Jin* and the transformative justice processes that it uses, and the negotiation processes that it uses, are effective in solving problems and in pursuing the different interests of the parties. But we still feel we are experiencing a lot of problems. Most importantly, as I have said, families intervene. Traditional values are very difficult to fight against, and in order to become popular and spread, the *Mala Jin* cannot afford to alienate the community. So the goals of not alienating the community and pursuing women's rights have to be met through education, collective education, education where a community feels like their traditions, their heritages, and their practices are important and valued. Therefore, we have also established academies next to these *Mala Jins* and we have found that we need to create a web of institutions. Transformative justice cannot be practiced by itself, but

it has to be embedded in a field, where different institutions complement each other, and one of them is educational.

Academies are educational centers that are separate from the formal education system and are the means by which ideas about autonomy, women's freedom, and ecological life, these three concepts, are taught. Some of them are mixed academies; some of them are women only. And there are also small academies that are held once a year for women who want to understand or want to deepen their understanding of justice, how justice can be pursued, through the institution of *Mala Jin* or through communities, through peace committees, and so on. Most of the academies address all these topics. What is autonomy? What is women's revolution? What does it mean to have structures of self-defense? What are cooperatives? Can we actually build a system in Syria that will not benefit only one ethnicity, but make it possible for all of us to live together? How do we create a multilingual society? Because in Syria, there are so many different languages spoken: Syrian, Arabic, Turkish, Kurdish. I mean, all these languages, how can we live with them? These are all the questions that are addressed in the academies, and we are trying to build

a society together with people based on their experiences. But I must say, this education is very difficult. Sometimes deep-seated knowledge that is so valuable comes out, and it becomes a model for all the people. But sometimes, of course, very traditional reflexes, very patriarchal reflexes also come out. So education is definitely a very important niche to build this web of structures that will bring about self-autonomy and self-defense, and women's freedom and ecological life. But as I said, it's not easy.

The other thing we have learned, for example, is how to organize self-defense and self-defense units within the society. That is how to provide security and safety in the community without police.

But I want to finish my talk with a big problem that we are facing. That is, as I said earlier, that from within the Kurdish movement, these practices have not developed through a vocabulary of evolution, of transformative justice, of the carceral state. Our practices have developed in relation to other needs in relation to autonomy, most importantly, and in relation to defending ourselves against pressures and against dispossession, against the cultural assimilation of the state form, of the colonial

state form. And we are still facing the threat of occupation, for example, and of course, the Turkish part of Kurdistan is occupied, as is Rojava. Northeastern Syria is under attack by ISIS, and ISIS members have committed atrocious crimes against women. They have enslaved women, sold women to different regions; we are still trying to find those women who have been stalked. And ISIS members are still cooperating with certain parts of society to come back. So how are you going to use transformative justice means in spheres other than communal disagreements and communal violence against women? And how can we deal with ISIS members without an encounter with the carceral state? This has been a big question. And in Rojava, next to *Mala Jin*, next to practices of transformative justice, institutions of incarceration are also growing, I must confess, in order to control forces, like ISIS and Turkish occupation, in order to feel security against this. There is also this whole trend of militarization because of war and occupation.

The enslavement of women by ISIS is not necessarily something that is solved in the *Mala Jin*. But other very harmful violence against women is solved within the *Mala Jin*. There are different solutions. One of them is exile, like excluding a person for a while from the community,

but also very frequently accompanied by education of the person and requiring him to go to one of the academies, convincing the parents and the neighbors and other people in the community about the harmfulness of the act so that they also play a role in the transformation of the person in question.

Power dynamics are very difficult to deal with. On a one-on-one basis, I must say that these power dynamics are addressed. For example, there can be a family who has lost many children to the war against ISIS, or to the war against the Turkish state; they might ask for some type of leeway, some time off, favors. How are you going to deal with that? It's not easy, but case by case, never alienating the community, always in negotiation with them, these problems are addressed. But many times, they are not resolved. They are ongoing. And I think that's one thing that many understand: when one experiments with means of transformative justice, there is no justice that will occur. It's a process of learning and teaching and changing and transforming the community as a whole. And there is no single moment when we are satisfied and we feel like, okay, we have accomplished something. No, it's a process. And without an end, it's a road. And I think that makes the difference from state

justice and state structures. Because state justice and state structure promises this fantasy of justice that will never ever be actually satisfactory to the community. And it's a fantasy we are trying to fight against. And we are trying to actually develop a fantasy of communal happiness and processes and so on and so forth.

So you have to deal with this impasse, this dilemma, but I think, although this is specific to us, it's also a general phenomena with major state atrocities that came from state bureaucrats, state officials. And applying the means of transformative justice requires that we think of society at different scales – community, society, nation, global world. And for all of these, we need to develop different means of transformative justice. And at this point, at least in Kurdistan, we are only experimenting. And I think we have developed a lot of experience when it comes to disagreements within the community. Those are the things I wanted to contribute today.

If we could establish, somehow, a global coalition, where we can regularly educate each other, we can regularly talk about our problems, where we can bring the folks that are at home actually practicing these things together with other folks who are trying to practice, to talk about how they solve specific examples, that would be helpful.

We need a global movement where we can actually, really compare our experiences, learn from each other, but also advocate and show how we succeed to the world so we can also convince others to do it. Because one thing I've learned in Kurdistan and in the Kurdish freedom movement is, really, if there are no allies – no, I don't want to say allies, I want to say partners in crime, rather than allies – if there are no partners in crime in other places in the world, then we end up really consuming ourselves. There is a community dimension – a local dimension, and always the global dimension – to renewing ourselves.

Nazan Üstündağ, 2023