CrimethInc.
Kavanaugh Shouldn’t Be on the Supreme Court. Neither Should Anyone Else.
October 1, 2018

Retrieved on 17th June 2021 from crimethinc.com

usa.anarchistlibraries.net

Kavanaugh Shouldn’t Be on the Supreme Court. Neither Should Anyone Else.

CrimethInc.

October 1, 2018

Last week, millions watched the dramatic hearings pitting Supreme Court nominee Brett Kavanaugh against Christine Blasey Ford, who courageously narrated her experience of being sexually assaulted by him decades ago. Once again, Americans were confronted with the brazen entitlement of the male power establishment. The hearings stirred up traumatic memories for countless survivors, ratcheted up partisan tensions, and catalyzed furious responses from feminists and progressives in view of the implications of the court shifting further to the right. With Roe v. Wade hanging in the balance, critics point out the horrifying irony of an unrepentant sexual predator potentially casting the deciding vote to block abortion access to millions of women and others across the country.

We applaud the courage of Christine Blasey Ford and everyone who has supported her through this ordeal. We don’t want to see Kavanaugh on the Supreme Court, either. But should

any man be able to wield that much power over the lives of millions?

What if the Trump administration manages to find a judge with the same views, but with no history of sexual assault? Would that render the confirmation process legitimate and their decisions of the Supreme Court beyond question? Should people of conscience accept the sovereignty of a nine-person elite over the most intimate spheres of their lives?

If you don't think so either, you may already be an anarchist.

What does it look like to resist the nexus of rape culture and far-right power that Kavanaugh represents? The usual suspects propose the conventional solutions: calling representatives, canvassing for Democrats, taking to the streets to hold signs indicating our displeasure. But even if these efforts forestall Kavanaugh's nomination this time around, they won't disrupt the relations of power in which hundreds of millions are held hostage to the machinations of a small, mostly male elite. A victory against this particular nominee would only reset the clock; eventually, Trump will force through a new candidate who will rule the same way Kavanaugh intends to. And even if Trump is impeached or a Democrat is elected and a progressive nominee is sworn in—we're still in the same place we started, vulnerable to the whims of a judicial aristocracy and alienated from our own power and potential. We need an approach that challenges the foundations of the system that put us in this situation in the first place.

Meanwhile, progressive critics such as Amy Goodman have demanded an FBI investigation as a way to give official weight to Ford's testimony and hopefully discredit Kavanaugh as a candidate. Goodman points out, reasonably, that Trump's claim to be in favor of law enforcement while hesitating to order the FBI to look into Kavanaugh's sexual misconduct

which women are rallying against a Trump-esque misogynist politician running for president.

The struggle of Brazilian feminists to resist the extreme-right threat deserves our attention and support. Yet as anarchists, we can take that model further in responding to the Kavanaugh nomination. Rather than *Not Him,* we can assert *Not Anyone*—no man, rapist or not, deserves the power to decide the reproductive options for millions of women and others. Perhaps the more appropriate slogan for the struggle against patriarchy and the Supreme Court would be the rallying cry of Argentina's 2002 rebellion: *"Que se vayan todos!"*—get rid of all of them. They all must go.

The sooner we can do this—the more we can delegitimize the authority of Supreme Courts to shape our lives, and the more powerful and creative we can make our alternatives—the less we will have to fear from the Trumps and Kavanaughs of the world. Let's build a society that enables everyone to engage in genuine self-determination—in which no man can decide what all of us may do with our bodies—in which no state can take away our power to shape our future.

causes that enable the Kavanaughs of the world to do harm, we have to tear up patriarchy and toxic masculinity by the roots. This involves a process of ongoing education around sexuality, consent, and relationships, developing strategies to intervene when we see violence of any kind in our communities, creating culture that models alternative visions of gender and intimacy, and reimagining justice as restorative and transformative rather than adversarial.

We can see how pervasive the problem is when we look at the narratives that underpin support for Kavanaugh. Leading up to the hearings, supporters focused on portraying Kavanaugh as a devoted family man. As multiple allegations of sexual assault surfaced, many commentators framed the question as a contradiction between Kavanaugh the loving husband and father and Kavanaugh the callous rapist, implying that these roles are mutually exclusive. Yet gendered violence continues at epidemic levels *within* proper heterosexual families; shocking rates of spousal rape and domestic violence permeate American marriages, while statistics on child sexual abuse indicate that family members make up a substantial proportion of abusers. Bill Cosby, the archetypical television husband and father, was recently sentenced to prison for drugging and sexually assaulting numerous women. The false assumption that a history of sexual assault is somehow incompatible with adhering to the conventions of heterosexual family life reflects the persistence of patriarchal norms and homophobia, as well as a refusal to honestly address the extent of gendered violence in our society.

No Supreme Court could solve this problem, even if it consisted of the nine wisest and gentlest people in the world. When it comes to social change, there's no substitute for widespread grassroots action.

Some American feminists have drawn parallels between the Kavanaugh case and the #NotHim movement in Brazil, in

reveals his hypocrisy. This logic positions progressives and feminists as the honest proponents of law enforcement—and police as protectors of women. Have we learned nothing from decades of rape crisis organizers explaining how the police and courts so often serve to retraumatize survivors, putting them on trial rather than those who attacked them? Can we ignore the feminists of color from INCITE to Angela Davis who call on us to remember that police and prisons do not stop rape but rather intensify poverty, racism, and injustice?

Democrats are trying to recast themselves as the real "law and order" candidates. This is not so much a change in strategy as a revealing of their true colors. Between the blue of "blue states" and the blue of "blue lives matter," it's only a matter of tone, not content.

In TV newsrooms and around water coolers across the country, the discussions about this case have focused on how "believable" or "credible" Ford's testimony is versus that of Kavanaugh. Taking this approach, we become an entire nation of judges and juries, debating evidence and scrutinizing witnesses, choosing whose experience to legitimize and whose to reject. This adversarial framework has always benefitted those who wield privilege and hold institutionalized power. Even if we rule in favor of Ford, we are reproducing the logic of a legal system based in patriarchal notions of truth, judgment, and objectivity, a way of understanding reality that has always suppressed the voices and experiences of the marginalized, preserving the conditions that enable powerful men to sexually abuse others with impunity.

Unfortunately, calls for FBI investigations reinforce this logic and legitimize the murderous regime of surveillance, policing, and prisons as a means of obtaining justice rather than a source of harm. Rejecting the rape culture that Kavanaugh and his supporters represent necessarily means rejecting the patriarchal institutions through which they wield power. If we legitimize any of those institutions in the course

of trying to be pragmatic in our efforts to discredit specific officials, we will only undercut our efforts: one step forward, two steps back.

This has broader implications for how we address rape culture in general. When we reduce the issue of sexual violence to the question of whether specific men have committed sexual assault or abuse, we frame these as crimes carried out in a vacuum by deviant individuals. As a result, entertainment corporations and government agencies can pretend to solve the problem by finding men who do not have sexual assaults on their record rather than addressing the misogynistic dynamics and power imbalances that are inherent in government, the workplace, and society at large. This confuses the social question of addressing sexual violence with the matter of finding candidates and nominees who can present a clean résumé; should they later turn out to also be implicated in doing harm, they can be replaced, just as the electoral system replaces politicians every few years without ever giving the rest of us self-determination.

Rape, abuse, and other forms of violence are a systemic problem within our society, not a matter of individual deviance. We need a way of addressing rape culture that cuts to the root.

Are there other ways that we can think about how to respond to the threat that a judge like Kavanaugh poses to our bodies and communities?

As anarchists, we reject the idea that judges or politicians deserve the authority to determine the course of our lives. Rather than only trying to pressure leaders to vote one way or the other in a winner-take-all system that reduces us to spectators in the decisions that affect us, we propose solutions based in *direct action:* taking power back into our hands by enacting our needs and solving our problems ourselves, without representatives.

As long as legislators and judges can determine the scope of our reproductive options, our bodies and lives will be subject

to the shifting winds of politics rather than our own immediate needs and values. Instead of validating their authority by limiting ourselves to calling for better legislators and judges, we should organize to secure and defend the means to make decisions regarding what we do with our bodies regardless of what courts or legislators decree.

In practice, this could mean networking with health workers who have the necessary skills, and sharing them widely; stockpiling and manufacturing the supplies we need for all sorts of health care; defending spaces where we can operate our own clinics; fundraising resources to secure access to health care and birth control options for all, regardless of ability to pay; and developing models for reproductive autonomy that draw on past precedents but address our current problems. We can do our best to render the decisions of would-be patriarchs like Kavanaugh irrelevant.

All this has already happened before. For example, from the late 1960s to the early 1970s, the Jane network, a vast clandestine effort centered in Chicago, provided illegal abortions to thousands of women. The fact that abortion was already accessible to so many women was a major factor in compelling the US court system to finally legalize abortion access in order to be able to regulate it. The most effective way to pressure the authorities to permit us access to the resources and care that we need is to present them with a fait accompli. Unfortunately, when it comes to standing up to elites like the Supreme Court and the police who enforce its decisions, there are no shortcuts.

We can extend the logic of direct action to every area in which a right-wing Supreme Court might inflict harm, from environmental destruction to indigenous sovereignty to labor organizing. *All* of the rights we have today are derived from the grassroots struggles of ordinary people who came before us, not from the wisdom or generosity of powerful officials.

FBI investigations and court processes will not end sexual violence or bring healing to survivors. To strike at the root