Consensus Models & Transformative Justice

Making Decisions at TJLP

At the Transformative Justice Law Project of Illinois (TJLP), we believe in the right to gender self-determination, a long-term goal of prison abolition, and transformative justice models as necessary alternatives to U.S. systems of mass incarceration. To live out these values, we make decisions on a consensus basis. This document explains the TJLP Collective’s philosophies behind consensus decision-making, as well as the mechanics of how consensus works within our project.

What is a Consensus Process?

A “consensus process” means that we make decisions together by seeking the voices and agreement of all participants. Consensus describes both general agreement and the process of getting to an agreement. It aims to develop one decision – through a process of synthesis that doesn’t require uniform thinking – that is best for the organization’s goals. Decisions are adopted when all participants consent to a proposal. People who do not agree with a proposal are responsible for expressing their concerns and decisions cannot be reached until every concern has been addressed.

Consensus does not mean that everyone thinks that the decision made is necessarily the best one possible, or even that they are sure it will work. What it does mean is that in coming to that decision, no one felt that their position on the matter was misunderstood or that it wasn’t given a proper hearing. Hopefully, everyone will think it is the best decision in the end; this often happens because, when it works, collective thoughts often lead to better and more intentional solutions than decisions made individually or in isolation from a larger community.

Consensus takes more time and member skill and uses a lot of resources. Unlike capitalism, it does not strive to be the most efficient process, but instead one that builds communities, fosters dialogue, and resists oppression – values that are all in line with our transformative justice values. Dedication to a consensus process often yields creative decisions and gives everyone some experience with new processes of interaction and conflict resolution, which is basic but important skill-building. For consensus to be a positive experience at our project, we’ve found that it is best if the group starts from a point of 1) a shared commitment to TJLP’s values, 2) a commitment to transformative models of conflict resolution, 3) commitment and responsibility to the group by its members, and 4) sufficient time for everyone to participate in the process. From there, a consensus process begins when a proposal...
for resolution is put forward during a discussion. It is amended and modified through more discussion, or withdrawn if after discussion it seems unnecessary.

When a proposal seems to be well understood by everyone, and there are no new desired changes, the facilitator(s) can ask if there are any objections or reservations to it. If there are no objections, there can be a call for consensus. Once consensus does appear to have been reached, it really helps to have someone repeat the decision to the group so everyone is clear on what has been decided, and then for the history-holder to document this in the notes from the conversation.

Roles In Consensus Processes

There are several roles which, if filled, can help consensus decision-making run smoothly. Ideally, these roles will be assigned on a rotating basis before every meeting. Even though individuals take on these roles, all participants in a meeting should be aware of and involved in the issues, process, and feelings of the group, and should share their individual expertise in helping the group run smoothly and reach a decision. This is especially true when it comes to finding compromises to seemingly contradictory positions.

The facilitator(s) aids the group in defining decisions that need to be made, helps them through the stages of reaching an agreement, keeps the meeting moving, focuses discussion to the point-at-hand, and makes sure everyone has the opportunity to participate. The final task of a facilitator is to test to see if consensus has been reached. Facilitators help to direct the process of the meeting, not its content. They never make decisions for the group. If a facilitator feels too emotionally involved in an issue or discussion and cannot remain neutral, they should ask someone to take over the task of facilitation for that agenda item, and they should be receptive to the suggestion from the group that they step back from this role.

A history-holder is responsible for taking notes during the meeting. In the context of movement-building, this job is far more important than simply “taking notes”, as the history-holder is documenting decisions made by the collective, the opinions and thoughts expressed to come to that decision, and the means of implementing the decision. It is especially important for the history-holder to document the history of how and why decisions were made as well as the reasons why people may stand aside, have reservations, and/or block consensus.

A capacity-keeper keeps things going on schedule so that each agenda item can be covered in the time allotted for it. If discussion runs over the time for an item, the group may or may not decide to agree to take more time until they can come to
consensus. It is important that in the consensus process we hold ourselves accountable to our own self-care and resist the idea that decisions need to happen quickly and efficiently. Thus, we might need to take breaks and come back to conversations as opposed to “pushing through” even when we are tired, cranky, or have other stuff going on in our lives that we also want to prioritize.

An energy-checker is someone besides the facilitator who observes and comments on individual and group feelings and patterns of participation. Energy-checkers need to be especially tuned in to group dynamics and energies, as deeply-held biases like sexism, transphobia, racism, and ableism can affect who is silenced, whose opinions are heard and validated by the group, and how much time each group member is allowed to speak. Further, communication styles can differ, and the group’s standards of what constitutes “good”, “clear”, “strong”, or “radical” communication may rely on oppressive assumptions about educational background, physical ability to speak audibly or write legibly, which words are acceptable, which languages we grew up speaking or signing, and the appropriate tone, pitch, and inflection of our voices. It is crucial that energy-checkers, like everyone else in the group, actively resist these norms and assumptions by making sure everyone has a fair chance to participate (or not) in a way that feels best to them. Thus, an energy-checker may help facilitate others understanding one another in the group and/or may check in with a group member whose opinion has not been shared yet. If an energy-checker feels too emotionally involved in an issue or discussion and cannot remain neutral, they should ask someone to take over the task of checking the energy for that agenda item (or the entire meeting), and they should be receptive to the suggestion from the group that they step back from this role.

**Consensus *Does Not* Mean That We All Agree**

Even if it seems like consensus has been reached, there are many ways that, as a member of a collective or a consensus-driven project, you can show critique, non-support, or some form of objection. Some examples are:

- **Non-support** -- "I don’t see the need for this decision, but I won’t stop it from happening."

- **Reservations** -- “I think this may be a mistake for ____ reasons but I can live with us doing it anyway.”

- **Standing aside** -- "I have no opinions about this and thus I’ll remove myself from the decision making on this issue."
Blocking -- "I cannot support this or allow the group to support this." If a final decision violates someone's values they are obligated to block consensus.

If half the group or more is in non-support or stands aside, the group should check-in as to whether further discussion is warranted. If consensus is blocked and no new consensus can be reached, the group stays with whatever the previous decision was on the subject, or does nothing if that is applicable. If the consensus process brings up questions as to the core values of the project, major philosophical or moral questions should be worked through as soon as possible.

### Why Does TJLP Use a Consensus Process?

TJLP uses a consensus process because it is in line with our values of intersectional anti-oppression, anti-capitalism, transformative justice, gender self-determination, and prison abolition. Consensus models actively resist the typical hierarchies of whose opinions are validated and who makes decisions, which tend to favor those with gender, class, race, ability, criminal/legal, economic, and body-size privilege. In other words, consensus requires that all participants be critical of the ways in which we are all socialized to value masculinity over femininity, white people over people of color, people who are not criminalized over people who are, etc. This is the only way to gather everyone’s honest feedback and come to a decision that truly feels good to the whole group.

Consensus also rejects the capitalist notion that progress means we all get to a place of complete agreement, have the same experience, and think the same way about the world around us. For example, capitalism demands assimilation to societal norms of race, gender, dis/ability, body size, and sexuality, for the purposes of control, making money, and enforcing a legal system rooted in white supremacy. This forced expectation brings on a culture of shame and violence when we can’t or don’t want to assimilate. Instead of valuing uniformity in our abilities, bodies, and world-views, TJLP’s consensus model seeks to resist internalizing capitalism by creating an environment in which all contributions are valued and participation is encouraged -- even when (or especially if) our voices, experiences, and values differ from those of others. This is particularly relevant to us as advocates of gender self-determination, because standards of what constitutes a “valuable” contribution and “good” communication often rely on gendered norms about clothing, mannerisms, and the
“appropriate” tone, pitch, and inflection of our voices.

A consensus model is also one way that we apply transformative justice practice in our own TJLP family. In line with transformative justice, we believe we must try to do the work in our “homes” that we want to see in our larger communities. As advocates of transformative justice, we believe that consensus is the best way to focus on the root causes of problems, and to ultimately replace State systems of control with community empowerment in matters of conflict resolution. Through consensus, we are not only working to achieve better solutions, but also to promote the growth of communities and trust by valuing difference, embracing dissent and call-outs, and following through with decisions that everyone has agreed to and is invested in. We believe that this process is the best way to uncover, understand, and confront the root causes of violence and inequality in our communities. In other words, consensus prioritizes our process, and not just the products, of our dialogue.

By using consensus to foster community, reject State systems of conflict resolution, and value our process over our products, we are taking active steps toward our long-term goal of prison abolition. At TJLP, we believe that the abolition of the prison-industrial complex (PIC) can only be achieved through the mass mobilization of everyone who is impacted -- directly or indirectly -- by the PIC. We believe that this mass mobilization starts with a process that values collective input, that distributes leadership among many, that embraces self-determination, and that promotes community-empowerment and trust.

How are Consensus and Voting Different?

Voting and consensus are not the same thing. TJLP intentionally does not make decisions based on popular vote for three primary reasons:

1) Voting is historically exclusive and maintains hierarchies. Voting processes in the U.S. are something that communities are still fighting long and hard to have access to. Historically, people of color, women of all races, poor people, and people with disabilities have been excluded or suppressed from accessing voting as a means to political participation.

Currently, folks of color, people who are not U.S. citizens, young people, elderly people, people who do not speak English, people who cannot physically access voting locations due to disability, people who are serving criminal sentences, people who are in detention, and (in some states) people who have been released but have felony(ies) on their records are all excluded...
or suppressed from participation in voting. Current struggles for immigrant and prisoner rights recognize that disallowing participation to noncitizens, folks with felony convictions, folks serving sentences, and folks in detention denies access to the political pathways that supposedly hold the State accountable.

Voting in the U.S. has never been universally accessible, which has contributed to the lack of fundamental changes in who holds power in this country, and how that power is used. By contrast, consensus challenges hierarchical power structures, and actively resists the domination by a privileged few by embracing call-outs, loving difference, sharing leadership among all group members, and promoting transformative dialogue over either/or decisions.

However, while we prefer to use consensus over voting for our purposes, we do not want to dismiss the fierce legacy of freedom fighting for voting equality. Many activists have created positive change or lost their lives fighting for fair and equal access to the U.S. electoral system, and many activists today would not be where they are without the work of these preceding generations. We want to honor and embrace this history, while also exploring new decision-making processes that have been historically devalued. Like suffrage movements, consensus also has a rich history, particularly when voting has not been accessible, and when the electoral system has failed to meet the needs of activists. Alongside and within the history of suffrage battles, activists have been developing consensus models - from the prisoner-led Walpole Penitentiary strike of 1972, to the Landless Workers movement in Brazil, to the ACT UP chapter of New York, to the Occupy Wall Street movement. Voting and consensus have both played overlapping roles in our activist histories, and we seek to build on the legacies of our movements.

2) Voting does not take into account individual feelings or needs. Voting is a means by which we choose one alternative from several. Voting is a win or lose model, in which people are more often concerned with the numbers it takes to "win" than with the issue itself. In essence, it is a quantitative, rather than qualitative, method of decision-making. Consensus, on the other hand, is a process of synthesizing many diverse elements together. In a consensus model, people can and should work through differences and reach a mutually satisfactory position. It is always possible for one person's insights or strongly held beliefs to sway the whole group, but unlike voting, one
individual or group is not required to “win” the debate in order for the group to move forward. In consensus, no ideas are lost, and each member's input is valued as part of the solution.

3) **Consensus is in line with our three core values, and voting is not.** The fact that voting is historically exclusive and does not take into account individual needs is particularly concerning to us as prison abolitionists. The PIC has been allowed to grow and flourish under an electoral system that denies participation to folks of color, folks with criminal convictions, non-citizens, young people, and folks serving detention -- none of whom can check the power of the State that controls their futures. Further, the War on Drugs and all other “tough on crime” legislation have been instituted by popular vote or through the work of elected officials. In other words, the electoral system has been a mechanism of mass incarceration by privileging the voices of those who are not targeted by the PIC over voices who are, and by preventing transformative dialogue among these voices. At TJLP, we do not believe that abolition can be achieved through this system, but only through the mass mobilization of everyone who is impacted -- directly or indirectly -- by the prison-industrial complex.
Quick-Guide to Consensus at TJLP

In one sentence, what is consensus?

A “consensus process” means that we make decisions together by seeking the voices and agreement of all participants. Consensus describes both general agreement and the process of getting to an agreement.

That was two sentences.

That wasn’t a question.

Who makes consensus-based decisions at TJLP?

Everybody!!!

Okay, cute. But specifically, who makes consensus-based decisions at TJLP?

Collective members, clients, attorneys, interns, and volunteers who are in one or several of the following groups: Collective, Abolitionist Legal Team, Collective Conscious Team, Advocacy Support Team, Creative Resource Gathering Team, Organizing Support Team, Self-Care Team, and Admin Team

What types of decisions will me and my team make using consensus?

All decisions at TJLP are made using consensus. It is the responsibility of each team to work with the Collective to determine which decisions can be made without consensus from the Collective, and which decisions must be made with consensus from the Collective. If you want to know more about this process, check out the document that explains TJLP’s structure.

What do we need before beginning a consensus process?

For consensus to be a positive experience, we've found that it is best if the group has 1) a shared commitment to common values, 2) a commitment to transformative models of conflict resolution, 3) commitment and responsibility to the group by its members, and 4) sufficient time for everyone to participate in the process.

What are the roles in a consensus process?

Facilitator(s), history holder, capacity keeper, and energy checker.
How do we get to a final decision?

During discussion a proposal for resolution is put forward. It is amended and modified through more discussion, or withdrawn if it seems to be a dead end. During this discussion period it is important to articulate differences clearly. It is the responsibility of those who are having trouble with a proposal to put forth alternative suggestions.

If we aren't voting, how do I show that I approve or disapprove of an idea?

Non-support ("I don't see the need for this, but I'll go along.")

Reservations ("I think this may be a mistake but I can live with it.")

Standing aside ("I personally can't do this, but I won't stop others from doing it.")

Blocking ("I cannot support this or allow the group to support this.")

What happens when someone blocks a decision?

If consensus is blocked and no new consensus can be reached, the group stays with whatever the previous decision was on the subject, or does nothing if that is applicable. If the consensus process brings up questions as to the core values of the project, major philosophical or moral questions should be worked through as soon as possible.

When are decisions adopted?

When every concern has been resolved and everybody consents to the proposal.

Does everybody have to agree for it to be consensus?

No. Consensus does not mean that everyone thinks that the decision made is necessarily the best one possible, or even that they are sure it will work. What it does mean is that in coming to that decision, no one felt that their position on the matter was misunderstood or that it wasn't given a proper hearing.

Our collective understanding of consensus would not have been possible without the information, wisdom, and activism of ActUP, Critical Resistance, and Occupy Wall Street.