

Counter-Archiving the Prison-Industrial Complex in Toronto

Kenley Ku Ferris

Queer and trans Black, Indigenous and people of colour (QTBIPOC) in and around Toronto have made countless important contributions organizing against the carceral logics, apparatuses, mechanics, cycles of harm, violence, and exploitation that we often refer to as the prison industrial complex (PIC). As illustrated by social movements in Toronto more broadly (documented in earlier collections by the Marvellous Grounds collective), QTBIPOC activists, organizers, and ways of knowing are crucial to any substantive theory, history, or practice of abolition and critical resistance, in the city and elsewhere.

The “prison-industrial complex” (PIC) has emerged as a conceptual framework to comprehend the increasing rates of incarceration in light of prison privatization, carceral-corporate collusion, racialized modes of surveillance and oppression, neoliberal political economy, labour markets, systemic violence, and governance strategies. The term “prison industrial complex” originates from the Prison Research Education Action Project’s 1976 abolitionist handbook, *Instead of Prisons*. In addition to highlighting the profitability of incarceration in a post-Fordist regime, the framework also explains who goes to prison and why. For example, Angela Davis and Cassandra Shaylor elucidate that “the proliferation of prisons and prisoners is more clearly linked to larger economic and political structures and ideologies than to individual criminal conduct and efforts to curb ‘crime’”.¹ Other activist scholars, too, have highlighted how the state and the law have historically defined “crime” as belonging to Black and brown bodies, communities and spaces, often punishing trans women of colour and

¹ Angela Davis and Cassandra Shaylor, “Race, Gender, and the Prison Industrial Complex: California and Beyond,” *Meridians* 2, no. 1 (2011): 2.

others ‘offending’ against the colonial gender binary to deadly effect.² Ruth Wilson Gilmore puts it very simply: “While common sense suggests a natural connection between ‘crime’ and ‘prison,’ what counts as a crime in fact changes ... Defined in the simple terms of the secular state, crime means a violation of the law. Laws change, depending on what, in a social order, counts as stability, and who, in a social order, needs to be controlled”.³

It has been argued that the very act of incarceration—that is, punishing an individual by detaining them in a location away from society and under surveillance—came to prominence as the practice of corporal punishment (i.e. whipping, flogging, execution, and so on) fell out of favour amongst “liberal” states (i.e., Canada, the US, Europe). This turn toward imprisonment came as the result of Enlightenment discourses of human rights and “humanitarianism” that spread across Europe and North America throughout the eighteenth and nineteenth centuries, and were promptly exported globally as a tool of supposedly “humanitarian” colonial governance.^{4 5} In these contexts, incarceration and detention practices have served colonial nation-state projects such as Canada by relegating those deemed exterior to acceptable forms of citizenship not only “civilly dead” (deprived of rights), but “socially dead”.⁶ These conditions of “social death” (alongside the very literal horrors of death and torture within prisons) engendered by the prison system and its many cousin institutions—psychiatric hospitals, residential schools, etc.—unto BIPOC peoples have coalesced into a “genocidal carcerality”, a carcerality inherent in the PIC that is disproportionately and specifically inflicted upon BIPOC individuals, and particularly

² Eric A. Stanley and Nate Smith, *Captive Genders: Trans Embodiment and the Prison Industrial Complex* (AK Press, 2015).

³ Ruth W. Gilmore, *Golden Gulag: Prisons, Surplus, Crisis, and Oppositions in Globalizing California* (University of California Press, 2007): 12.

⁴ Angela Davis, *Are Prisons Obsolete?* (Seven Sisters Press, 2003).

⁵ Michel Foucault, *Discipline and Punish* (Pantheon Books, 1977).

⁶ Joshua M. Price, *Prison and Social Death* (Rutgers University Press, 2015).

upon Black and Indigenous peoples.⁷ Numerous scholars have argued that in the era of purported legislative colour evasiveness, the prison industrial complex and the turn toward mass incarceration function as vestigial proxies of anti-Black violence, drawing incisive comparisons between the North American PIC and the “Jim Crow” laws in the southern United States,⁸ the racialized geographies of the “ghetto”,⁹ and [chattel slavery](#).^{10 11}

While the bulk of studies of mass incarceration and the prison-industrial complex center the United States, these racialized histories and modes of power operate as perniciously in Canada. Scholars and activists such as Robyn Maynard and Akwatu Khenti have demonstrated how the Canadian state, police, and criminal justice system rely upon criminalizing, detaining, and violencing Black Canadians.^{12 13} In addition, despite certain remedial measures undertaken by Canadian courts (Aboriginal courts, Gladue reports, healing plans, etc.), scholars have shown how Canadian carcerality operates as a function of settler colonial projects to subjugate and oppress Indigenous peoples, knowledges, and communities.^{14 15}

QTBIPOC people have become specific targets of the prison industrial complex. Pursuant to this, Che Gossett (2014) argues that carceral state practices of “HIV criminalization” have disproportionately worked to aggrieve, detain, brutalize, and murder QTBIPOC communities

⁷ Andrew Woolford & James Gacek, “Genocidal Carcerality and Indian Residential Schools in Canada,” *Punishment and Society* 18, no. 4 (2016): 400-19.

⁸ Michelle Alexander, *The New Jim Crow: Mass Incarceration in the Age of Colorblindness* (The New Press, 2010).

⁹ Lois Wacquant, “The New Peculiar Institution: On the Prison as Surrogate Ghetto,” *Theoretical Criminology* 4, no. 3 (2000): 377-389.

¹⁰ Dennis Childs, “‘You Ain’t Seen Nothin’ Yet’: ‘Beloved,’ the American Chain Gang, and the Middle Passage Remix,” *American Quarterly* 61, no. 2 (2009): 271-297.

¹¹ Viviane Saleh-Hanna, “Black Feminist Hauntology: Rememory the Ghosts of Abolition?,” *Penal Field* 12 (2015). Online.

¹² Robyn Maynard, *Policing Black Lives: State Violence in Canada from Slavery to the Present* (Fernwood Publishing, 2017).

¹³ Akwatu Khenti, “The Canadian War on Drugs: Structural Violence and Unequal Treatment of Black Canadians,” *International Journal of Drug Policy* 25, no. 2 (2014): 190-195.

¹⁴ Robert Nichols, “The Colonialism of Incarceration,” *Radical Philosophy Review* 17, no. 2 (2014): 435-455.

¹⁵ Patricia Monture-Okanee & Mary-Ellen Turpel, “Aboriginal Peoples and Canadian Criminal Law: Rethinking Justice,” *University of British Columbia Law Review* 26 (1992): 239-279.

since the 1970s.¹⁶ Carceral logics of policing sex work create necropolitical “death worlds” for transgender women of colour in particular,¹⁷ and, [“trans women of color are stopped, harassed, assaulted and murdered by police with impunity”](#).¹⁸ As Eric Stanley and Nat Smith argue in *Captive Genders*, the harmful imposition of incarceration and policing onto QTBIPOC lives works in tandem with the routine surveillance, institutionalization, and marginalization QTBIPOC people already face at the hands of the state.¹⁹

Furthermore, the PIC is best understood as a transnational project, one that encompasses, intertwines, and perhaps flattens spatiotemporal contexts of states, borders, citizenship, identity, empire, colonialism, and transnational circuits of dependence. Hence, any critical analyses of the prison-industrial complex are inextricable from migration, diaspora, queerness, and settler colonialism, particularly in light of state and NGO narratives painting North America as a haven for queer migrants.^{20 21}

As the rhetoric of activism, abolition, and social justice become increasingly mainstream, we must resist notions that carceral logics have the power to solve oppression. Elizabeth

¹⁶ Che Gossett, “We Will Not Rest in Peace: AIDS Activism, Black Radicalism, Queer and/or Trans Resistance,” in *Queer Necropolitics*, ed. Jin Haritaworn, Silvia Posocco, and Adi Kuntsman (Taylor & Francis, 2014): pp. 31-50.

¹⁷ Elijah Adiv Edelman, “Walking While Transgender’: Necropolitical Regulations of Trans Feminine Bodies of Colour in the Nation’s Capital,” in *Queer Necropolitics*, ed. Haritaworn, Posocco, and Kuntsman. (Taylor & Francis, 2014): 172-190.

¹⁸ Princess Harmony Rodriguez, “Whose Lives Matter?: Trans Women of Color and Police Violence,” *BGD* (blog), December 9 2014: par. 1.

¹⁹ Stanley and Smith, *Captive Genders*.

²⁰ Yasmin Nair, “How to Make Prisons Disappear: Queer Immigrants, the Shackles of Love, and the Invisibility of the Prison Industrial Complex,” in *Captive Genders*, ed. Stanley and Smith.

²¹ Kusha Dadui, “Queer and Trans Migration and Canadian Border Imperialism,” in *Marvellous Grounds: Queer of Colour Histories in Toonto*, ed. Jin Haritaworn, Ghaida Moussa, and Syrus Marcus Ware (Between the Lines, 2018): 105-115.

Bernstein,²² [Kamala Kempadoo](#),²³ [Victoria Law](#)²⁴ and others have pointed out how “carceral feminism”—the logic that human trafficking, anti-sex worker violence, etc. ought to be solved by punitive state action—only serves to bolster state carceral regimes with a visibly deleterious effect on already-marginalized BIPOC, migrant, and/or queer and trans women. [Lee Ann Wang](#) examines how immigration policing laws (like the “U visa” in the United States) capture immigrant women in a double bind, leveraging tropes of victimhood, and “innocence” in order to expand carceral regimes against Asian migrant communities.²⁵ Locating this in the Canadian context, [Robyn Maynard](#) elucidates Canada’s history of policing sex work as tied to systemic state racism and xenophobia, as well as how Canada’s recent adoption of the supposedly-humanitarian “Nordic model” of sex work legislation (criminalizing only the *clients* of sex work) often creates markedly less safe labour conditions for sex workers.²⁶ Similarly, Jin Haritaworn²⁷ and Sarah Lamble²⁸ track the integration of dominant queer politics into carceral logics of policing and imprisonment through the rhetoric of “hate crimes,” “rights” and inclusion, often at the expense of BIPOC, including QTBIPOC, people and communities. In addition to this, as abolitionists like Syrus Marcus Ware, Joan Ruzsa, and Giselle Dias have articulated through a critical disability lens, a critique and course of action against the PIC also requires an interrogation of state psychiatric institutions and care homes, and of “disability” and

²² Elizabeth Bernstein, “Militarized Humanitarianism Meets Carceral Feminism: The Politics of Sex, Rights, and Freedom in Contemporary Antitrafficking Campaigns,” *Signs* 36, no. 1 (2010): 45-71.

²³ Kamala Kempadoo. "Revitalizing imperialism: contemporary campaigns against sex trafficking and modern slavery." *cadernos pagu* (2016).

²⁴ Victoria Law, “Against Carceral Feminism,” *Jacobin*, October 2014. Online.

²⁵ Lee Ann Wang, “Unsettling Innocence: Rewriting The Law’s Invention of Immigrant Woman as Cooperator and Criminal Enforcer,” *S&F Online* 13, no. 2 (2016). Online.

²⁶ Robyn Maynard, “Carceral Feminism: The Failure of Sex Work Prohibition,” *FUSE Magazine* 35, no. 3 (2012). Online.

²⁷ Jin Haritaworn, “Queer Injuries: The Racial Politics of "Homophobic Hate Crime" in Germany,” *Social Justice* 37, no. 1 (2010): 69-89.

²⁸ Sarah Lamble, “Queer Investments in Punitiveness: Sexual Citizenship, Social Movements and the Expanding Carceral State,” in *Queer Necropolitics*, ed. Haritaworn, Posocco, and Kuntsman: 151-171.

“mental health” discourses that are irrevocably mediated by violent formations of race, gender, sexuality, class, labour, and citizenship.²⁹

QTBIPOC folks in Toronto create radically different cultures that resist white heteronormativity and challenge dominant versions of criminality that are prescribed to us. As argued by Haritaworn, Moussa, and Ware (2018a), the colonial archive excludes queer, trans, Black, Indigenous and people of colour in order to maintain a history that is both whitewashed and pinkwashed. The capacity of QTBIPOC to make history and rewrite the archive is constantly and actively erased, through murders and disappearances, police violence and gentrification. QTBIPOC acts of agency are further tamed through selective, tokenistic inclusion, appropriation and divide and rule. In order to assert our presence and nourish the possibility of QTBIPOC futures, we nevertheless actively rebuild, re/create and re-invent ourselves and our communities.

²⁹ Syrus Marcus Ware, Joan Rusza, and Giselle Dias, “Interlocking Oppressions, Contemporary Lockdown, and Contested Futures,” in *Disability Incarcerated; Imprisonment and Disability in the United States and Canada*, ed. Liat Ben-Moshe, Chris Chapman, and Allison C. Carey (Palgrave MacMillan US: 2014).