On June 28, 1970, Marsha P. Johnson and Sylvia Rivera, two trans women of color, along with thousands of other trans and queer people marched in celebration of the first anniversary of the Stonewall Uprising. The Christopher Street Liberation Day March began at the Stonewall Inn where the battle against police raids sparked a riot the year before. The march started small with just a few hundred people chanting “Whose streets? Our streets!” but grew as it made its way, collecting people along its route. One of the planned destinations was the Women’s House of Detention, which was then holding, among others, Joan Bird and Afeni Shakur, two of the defendants in the infamous Panther 21 Conspiracy case. When the march arrived at the jail, the chant changed and marchers began shouting “Free our sisters! Free ourselves!” In that moment, Marsha, Sylvia, and thousands of others formed a politics of solidarity that argued trans and queer liberation were coterminous with the struggle against the prison industrial complex (PIC).2

Rather than a relic of another time, how might we read this history as an analytic of the present? Or how might this seemingly unlikely solidarity give shape to contemporary queer and trans resistance? Three recently published books, Queer (In)Justice: The Criminalization of LGBT People in the United States (by Joey L. Mogul, Andrea J. Ritchie, Kay Whitlock), Normal Life: Administra-
tive Violence, Critical Trans Politics, and the Limits of Law (by Dean Spade), and Captive Genders: Trans Embodiment and the Prison Industrial Complex (edited by Eric A. Stanley and Nat Smith), seek, in distinct and overlapping ways, to understand the historical and contemporary connections between law, mass incarceration, and trans/queer lives.

—Eric A. Stanley

Why Queering Prison Abolition, Why Now?

Eric A. Stanley: Queering prison abolition might name a newly articulated analysis but a much older practice. As historically outlaw people in the context of the United States, many trans/queer people have found ways to exist beside, build community in spite of, and struggle against the police state. From alternative methods of accountability and organizing direct actions, to collective self-defense, including these forms of resistance helps build a more expansive definition of abolition. For example, in Captive Genders, Jennifer Worley wrote an amazing piece about Vanguard, a San Francisco–based trans and queer group active in the mid-1960s. As homeless youth, Vanguard’s members were routinely arrested, beaten, sexually assaulted, or otherwise harassed by the police. Although their organizing did not explicitly use the term abolition, they offered a fierce critique of policing and incarceration. One of their larger actions was a “street sweep” in which Vanguard members used shop brooms to literally sweep the streets, critiquing the frequent police tactic of street sweeps in which they would round up and jail large numbers of people. Moments like this, which often fall away from abolitionist histories, are important not simply as revisionist projects but because they help give form to new possibilities of the present.

One of the explicit aims of Captive Genders was to move larger LGBT discourse toward abolition and away from the law and order fantasies currently driving these conversations. Similarly, we wanted the emergent field of critical prison studies and those organizing around imprisonment to understand how enforcing gender conformity and heteronormativity are central, along with white supremacy, ableism, and xenophobia, features of maintaining a carceral state. I believe the publication of our three books in the same year does mark an important shift. I’m not sure if five to ten years ago, when we began these three projects, there was an opening for our work in the same way that there seems to be now. I also think it’s important to acknowledge that if there has been a cultural shift, it is primarily because of the organizing that has made, and continues to make, space for trans and queer critiques of imprisonment.
Dean Spade: It is really exciting to see these books coming out in the same year and being used as tools by queer and trans activists opposing criminalization and imprisonment and supporting prisoners. I think these books are part of a long tradition of work in this vein, whose origins I will not even guess at, but that includes the resistance to policing taken up by gender rule-breakers in the 1960s and 1970s that scholars like Jennifer Worley, Susan Stryker, and Christina Hanhardt have been giving us more and more insights into in recent years. For many of us concerned with these issues today, work that makes these historical trajectories visible is particularly important because we’re surrounded with images produced by a pro-police, pro-military gay and lesbian rights politics that has aimed to erase the historical and contemporary realities of queer and trans people’s targeting by law enforcement and resistance to state violence. Texts such as Angela Y. Davis’s Are Prisons Obsolete? and INCITE!’s anthology The Color of Violence have been central to the critique of that lesbian and gay rights politics (and the white feminist politics that has many parallels to it) and the development of clear responses to the growing call for antihomophobic and antitransphobic work to become just another site for expanding law enforcement. There is nothing new about police enforcing racialized gender norms with deadly violence, but as criminalization and imprisonment have drastically expanded in the last decades, we have needed to respond in new ways to calls for “law and order” that sometimes pretend to operate from a concern for protecting women, queer, and trans people from violence. We are confronted with a significant task of articulating a politics that refuses invitations to be included in laws and policies that supposedly promote the value of our lives, but actually operate to expand systems that we know target queer and trans poor people, people of color, immigrants, and people with disabilities. These books contribute to the thinking on queer and trans abolition politics, helping us imagine the locations where that politics lives, the tactics it engages, the populations it concerns, the traps it aims to evade, and the stakes of its existence.

Queer (In)Justice: For us, it was critical to reflect queer experiences and struggles within and against the PIC from its deep roots in colonialism and chattel slavery right through to the present—there can be no question that queers have always and consistently been a part of movements challenging colonial armies, police, and prisons, both directly and as part of the larger social and economic structures they enforce and uphold. The racialized policing and punishment of sexual and gender nonconformity more broadly can be definitively traced to the arrival of the first colonizers on this continent and in fact, we argue, was instrumental to the colonization of the United States,
the imposition and maintenance of chattel slavery, and the exclusion of “undesirables” at the borders. At the same time, there has always been resistance to and movements toward abolition of systems of domination that “queer” communities of color by projecting sexual and gender nonconformity onto them in service of these larger agendas. For us, it is essential to recognize that queering the conversation around abolition extends far beyond highlighting the ways LGBTQ people are targeted by and resist the criminal legal system to examining the ways in which gender, sex, and sexuality have been deployed within larger political, economic, and social processes driving mass incarceration in the United States.

At this particular moment of crisis for the PIC, where the mass incarceration of astronomical numbers of people, the vast majority of whom are people of color, is being challenged on all fronts—from the streets to the mainstream media to the floor of Congress to the halls of the Supreme Court—there is a tremendous need and opportunity to queer the conversation. These three books are critical companions to Michelle Alexander’s *The New Jim Crow*, and essential ingredients to the conversations her work and that of many others, including Davis and Julia Sudbury, to name just a few, has ignited. Not only are LGBTQ people—largely of color and gender nonconforming—among the 2 million people currently behind bars and 6 million under the control of the criminal legal system, but in order to appreciate the full scope and nature of the forces driving mass incarceration and facilitating the (re)creation of a racially coded criminal underclass, it is critical to examine policing and punishment of sexual and gender nonconformity as a central and essential tool in the policing and punishment of race and poverty, as well as an independent function of law enforcement.

As economic and political conditions change the face and form of policing and punishment to acutely heighten levels of violent classification and isolation inside prisons and dramatically expand surveillance and regulation outside prison walls, there is also an opportunity to weave together analyses from each of these texts to gain a better understanding of the operation of administrative regulation as a tool, function, and extension of the PIC—with particular ramifications for trans/queer and gender nonconforming folk who navigate these systems.
All three of these books suggest that we must pay attention to the specificity of trans/queer (and otherwise LGB) prisoners as those directly affected by the prison industrial complex. However, the analysis goes farther, suggesting that the PIC is a gendering apparatus; can you all expand on that?

Queer (In)Justice: In addition to recognizing their clear role as gendering institutions that police and enforce sexual and gender conformity, we also name prisons as queer spaces more broadly. Most obviously, prisons are sex-segregated institutions where options for “normal” sexual activity are unavailable, and therefore all sexual activity is banned, whether it is consensual sex among inmates or even masturbation, for fear that queer sexuality—and resistance to the dehumanization that denial of sexuality represents—will flourish. This denial of sexual intimacy and agency is a quintessential queer experience. The notion of prisons as queer spaces also reflects the critical role they play as mythmaking institutions, which serve “as a breeding ground for raced, gendered, and classed archetypal amalgam of criminality, disease, predation and out-of-control sexuality.” The archetypal queer criminalizing narratives incubated and fostered within their walls are then deployed to police and regulate all of us on the outside within the larger project of the carceral state. One need look no farther than the average TV crime drama to observe their almost banal operation: during an interrogation, a young suspect is compelled to confess by police officers who tell the youth to cut a deal, otherwise they will be sent to prison where they will become someone’s “bitch.” While often left unsaid, the images conjured up in the popular imagination are often that of a Black lesbian or gay man preying on and turning out an unconsenting individual—a myth that is belied by the facts and lived experiences of LGBTQ people in prison, where people who are or are perceived to be trans/queer are exponentially more likely to be targets of sexually assault by staff and prisoners alike. But this reality is almost irrelevant—the prison imagery has served its purpose as a weapon to secure compliance beyond trans/queer communities while painting all queers with the brush of sexual depredation that contributes to our criminalization and violation inside and outside prison walls.

Stanley: For me, one of the central ethics of working in solidarity with imprisoned people is to understand them as experts on imprisonment. I think it is important for any nonimprisoned person to work to amplify the voices of those currently or formally incarcerated in hopes of disrupting their forced silence and disappearance. While holding on to this reality I also wanted to
expand the idea of “most impacted,” a term that has recently come into use in antiprison organizing. The problem with this term is that it can, and sometimes does, assume to know in advance who inhabits the category of most impacted, which helps obscure the ways the prison industrial complex is a shifting set of relations. This is not to say that we turn away from the theory produced by those in prison, but that we work to build a more complex analysis that might account for the multiple points of intersection that often go unnoticed. This more complicated understanding of the PIC points toward its productive powers. In this I mean to suggest that while we must attend to the specificity of trans/queer folks on the inside, we must also understand how the prison, as one of the primary ordering principles of modernity, produces the gender binary. Building this analysis, as Dean suggests, highlights how an abolitionist politic is necessary if we want more than to simply exchange some bodies for others. Indeed, it is not enough that we work toward better conditions and the freedom of trans/queer imprisoned folks, although we must work for both, but if we leave the structure of the PIC intact it will, and must, find new ways to (over)fill its walls.

Spade: An important part of understanding the limits of the contemporary gay and lesbian rights politics framework is understanding how it has made the mistake of uncritically adopting and centering a legal equality strategy. There are many problems with that strategy and many factors that contribute to its inability to produce meaningful transformative change to the conditions that most significantly harm queer and trans people. One of those problems is that it, at best, addresses sites of explicit legal exclusion, but does not touch the broader administrative frameworks that structure the most significant violence being faced by queer and trans people. Equality law reforms, such as the Employment Non-Discrimination Act or the Matthew Shepard and James Byrd, Jr. Hate Crimes Prevention Act or the quest for same-sex marriage recognition, that have been the main targets of lesbian and gay rights politics and sucked up most of the resources of that work in recent decades, do not address the violent imposition of racialized gender norms that structure all the forms of confinement where poor people and people of color are concentrated under various administrative regimes—foster care group homes, juvenile punishment facilities, psychiatric hospitals, immigration prisons, adult criminal punishment facilities, and homeless shelters. Gender segregation, gendered dress codes, gendered behavioral codes, and hierarchical systems of gender violence organize these spaces, under and through the work of various structures and agents of law enforcement, and all of that violence remains unremarked and untouched by the kinds of law reform agendas produced in calls for “equality.”
When we put those violent disciplinary spaces at the center of our inquiries about the relationships between law and people who violate norms of gender and sexuality, we get a very different image of how resistance to homophobia and transphobia might concern law and order, and we better understand the direct, constant, relentless gendered violence that imprisonment produces and relies on. Thinking about imprisonment as gender violence helps us get out of the false idea that we can have a government that promotes “gender equality” while we still have imprisonment, and helps clear up the fantasy that we could have some kind of prison system that is safe for queer or trans people or women.

From many points of the political spectrum people are now willing to argue that the current criminal justice system is “broken.” Reformers often suggest prisons are wasteful and do not act as deterrents, while others argue the criminal justice system is racist, classist, homophobic, and more. However, in contrast, an abolitionist analysis argues that the system is not broken but, according to its own logics, it is working perfectly. How has this discussion affected your thinking, and how do you analyze this debate?

Spade: It’s interesting to think about the parallel conversation going on about whether our immigration system is “broken.” These conversations about these two “broken” systems that operate to exile, cage, and torture immigrants, poor people, people of color, and people with disabilities always seem to rely on an idea that we need these systems, we just need to clean them up or fix them up somehow. I think that abolitionists are asking, in a variety of ways, if we can imagine letting go of the idea that some people need to be caged, exiled, or kept out. If we know that the logics that support criminalization and immigration enforcement are lies—these systems do not keep us safer but actually increase and perform violence, these systems do not improve our economic well-being but actually enhance exploitation and consume enormous resources, these systems do not heal harm but in fact cause and exacerbate harm—then our advocacy cannot and should not participate in those logics by assuming that exile and caging are, indeed, necessary. When we decide that there is no problem that is best solved by exile or caging, we get to ask all the other questions about how we want to actually solve complex, serious problems, some of which we have really well-developed answers to and some of which people are still working to build responses to. Some have clear models that have worked historically or in other places, others require innovative thinking. Abolition is the commitment to engage in those creative processes rather than to continue to
assume the necessity of a set of practices that have always been and will always be, as long as they are in use, harmful, targeted at certain populations because of processes of racialization and gendering, rationalized through patriarchy, ableism, settler-colonialism and white supremacy, and unredeemable.

Stanley: Organizations like Transgender, Gender Variant, Intersex Justice Project, Critical Resistance, and others have helped give language to the embodied knowledge many already live. In other words, carceral life is haunted by the presence of suspended death. Thus prisons function precisely through being overcrowded, violent places with deadly health care, insufficient food, and widespread physical and sexual assault. Prison reform, while often necessary, if done without a larger abolitionist analysis, helps maintain the common sense that prisons are both necessary and can be made better. For example, recently in California we have seen conversations and proposed legislation that uses feminist rhetorics of reform to suggest that we need to move toward “gender responsive prisons.” The basic idea is that the current prison system is harming “women” (as defined by the state) because it does not account for their specific needs. We have even seen the call for transgender-specific prisons as a remedy to the transphobia experienced by trans and gender nonconforming people on the inside. What abolition helps us understand, and why I believe it to be a central pedagogical and organizing optic, is that the only prison that would be responsive to gender is one that ceases to exist.

Queer (In)Justice: Right—racism, sexism, homophobia, and transphobia in the criminal legal system cannot be excised because they are foundational to it—there is no way it exists without these systems of domination, and it was established to enforce them. So while we might engage in strategic “harm reduction” aimed at offering relief to queers caught in its web and wresting more of us from its maw, we can’t stop there—queer liberation and sexual and gender self-determination require that we reach toward abolition, not just of prisons, and for some of us, police, but of the systems that produce them, and which replicate systems of policing and punishment beyond prison walls. There was some particularly illuminating discussion at the recent Drug Policy Alliance conference in Los Angeles about how legislation implementing the Supreme Court’s mandate to reduce prison population in California is producing and reproducing systems of surveillance and policing outside prisons, and ultimately draining rather than increasing resources to individuals and communities affected by the “war on drugs”—and the ways in which each “reform” to the criminal legal system carries the seeds of new systems of control and domination. These experiences and realities confirm that we must look beyond reform to transformation of our very ways of thinking. It always
seems important to place work on immediate harm reduction within a larger strategic context so that each step along the way signals progress toward the deeper goal of fundamental change and transformation. The danger comes when we focus so exclusively on short-term change that we lose sight of the deeper goal. If we’re working in solidarity with hunger-striking prisoners at Pelican Bay to end the brutality and torture so foundational to extended solitary confinement, for example, we can do so in ways that both address/support the immediate needs of prisoners and use that work to expose, educate around, and organize against the evil of the system itself.

In the wake of the more recently reported queer and trans youth suicides, antibullying legislation has gained much traction. While acknowledging the daily violence many youth face, how might a queer abolition analysis press on this conversation?

Stanley: Both the media’s fascination and their deaths, whose ends are ascribed under the sign of “suicide,” open up important questions around the relationship between public education and the ways we comprehend violence. For many trans/queer youth (including myself), physical confrontation and psychic torture built the architecture of our educational years. This is also the same reason so many of us drop out or are kicked out of school and our homes at an early age. Other students often commit these harms as ambassadors of the larger cultures of white supremacy, gender normativity, and homophobia they exist in. However, in my case, and the case of many others, school officials, from teachers to high-level administrators, either knowingly ignore this violence or actively participate in and support it. Much like “hate crimes enhancements,” most antibullying measures are only retrospective and symptomatic. After harm is done, they might extend the length or severity of the punishment yet do not, and I would argue, cannot, prevent violence. They also support the idea that placing people in prisons, which are sites of pure violence, will someone make people less hostile.

Furthermore, there are no guarantees that the laws that are passed, even with good intention, have the effects we desire. For example, in November 2011 Michigan passed the “Matt’s Safer Schools” bill named after Matt Epling, an “openly gay” eighth grader who committed suicide after experiencing intense bullying and threats of violence in 2002. Through amendment, the law was transformed adding a protection for those who bully because of “moral or religious values.” In effect, this antibullying law forms a new legal protection for those who work toward the death of trans/queer youth. I think this is a
clear example of how structures of violence, like the law, are methodologically antithetical in producing liberation and safety. It seems, from our historical vantage point, almost impossible to even imagine what an actual safe school would look like for trans/gender nonconforming and queer youth (along with many others). The force of the PIC, here taking the form of antibullying legislation, maintains its power through the constriction of our ability to envision a world beyond or against its reach.

**Queer (In)Justice:** And without the ability to imagine other pathways to safety and security for LGBTQ folks, what is posited as our best hope is that bullying laws will finally place the state on “our” side and the side of LGBTQ youth who navigate and confront soul-destroying violence and violation in families, schools, and communities, and unequivocally signal that society will no longer tolerate violence and hatred against us. But, like other “get tough on crime” measures supporting intensified policing and harsher punishments, it is inevitable that this latest manifestation will produce more rather than less violence and injustice for queers—both by failing to protect so many of us who fall outside the state’s view of “deserving victim” and by increasing the presence and power of law enforcement in our midst. What have we learned from hate crimes legislation? Are we safer? Is the violence diminishing? No. Anti-queer violence—especially for queers of color (including immigrants and Indigenous people); queers who are poor, homeless, and low income; and transgender and gender nonconforming people—remains a depressingly consistent, though seriously underreported, feature of the political and social landscape and of efforts to place our safety in the hands of the very criminal legal system that is a major perpetrator of anti-LGBTQ violence. Law enforcement officials charged with enforcing these laws remain among the top categories of perpetrators of homophobic and transphobic violence, according to data collected by the National Coalition of Anti-Violence Programs—including the ever-increasing number of armed police officers flooding our schools, particularly in communities of color, in the name of preventing violence, including violence against queer and trans youth.

Standing with queer and trans youth requires us to push ourselves to imagine responses to homophobic and transphobic violence that place individual incidents within the broader contexts that inform them and that actually produce increased safety rather than increased punishment in our names.

**Spade:** I echo the concern that antibullying measures primarily operate, like hate crime laws, through an individualizing punishment lens—trying to find the “bad people” and punish them. This kind of approach obscures the systemic and structural nature of violence in schools and instead scapegoats
individual kids who happen to get caught saying the purportedly forbidden but actually foundational messages. Given that punishment apparatuses in schools, like all punishment apparatuses, are targeted at poor kids and kids of color, and that those are the students who are already subjected to disproportionate suspension and expulsion and police involvement in disciplinary matters, adding more punishing power through antibullying legislation will result in further barriers to education for the populations already facing the most obstacles in public education systems. We need to figure out how to move away from punishment in this realm as in others, transforming the culture of schools and families to prevent the crises facing queer and trans youth rather than trying to find bad kids and kick them out of school.

*Much of the mainstream LGBT movement’s politics (gay marriage, gays in the military, adoption) argue for “rights” through discourses of equality and American exceptionalism. How might you all characterize the relationship between these arguments and the cultural logics of the PIC?*

*Spade:* An important pitfall of rights discourse is that it tends to require those advocating for rights to produce narratives of deservingness, asserting that the population said to be seeking equality wants “the same rights” that others already have. This population must also distinguish itself from those who do not deserve these “same rights.” This means that rights seekers tend to frame themselves as “hard workers,” “citizens,” “family members,” “taxpayers,” and “law abiding.” These claims explicitly or implicitly declare that the group is *not* criminalized people, people depending on stigmatized state benefits, people excluded from the workforce by ableism, undocumented immigrants, and people whose sexual/gender behaviors and/or caregiving and caretaking arrangements defy family formation norms. These rights strategies tend to affirm the law’s role in creating and maintaining classes of undeserving outsiders marked for death. When gay and lesbian rights activists push for immigration reform that would allow gay and lesbian citizens to apply for immigration status for their long-term partners “like straight citizens can,” their talking points affirm the immigration system’s brutal enforcement of family formation norms as well as the existence of a system in which most undocumented queer and trans people will not have a path to legal immigration status, since most do not have a citizen partner. When gay and lesbian rights advocates push for hate crimes legislation, they affirm the notion that policing and punishment produces safety, and they cast gay and lesbian people as “not criminals” and invoke the
violence of police and prosecutors for protection. All rights strategies require these kinds of deservingness frameworks and invoke the same logic of sorting the population into those whose lives should be promoted and protected and those who constitute a threat and must be abandoned or caged. For this reason, rights strategies both fail to offer relief to those facing the worst conditions, and simultaneously affirm and legitimize the systems producing those violent conditions.

**Queer (In)Justice**: Legal equality purports to remedy injustice, but takes no account of historic power differentials, or the roots and impacts of long-term structural violence and institutionalized discrimination over generations. Both formal and informal policing and punishment of sexual and gender nonconformity can and will continue, even when “legal equality” is the law of the land—indeed, as Dean points out, it is already present within arguments for “rights” and “equality.” Efforts to obtain equal rights for LGBT people in the United States explicitly silence and distance themselves from the realities of criminalized queers—who in fact remain the vast majority of LGBT people. In *Queer (In)Justice* we quote Ruthann Robson’s critique of LGBT rights agendas as being premised on an understanding that “distance from criminality is a necessary condition of equality.” The reality is that controlling narratives deploying imagery of LGBTQ people as inherently criminal, immoral, and pathological will never simply fade away once legal equality for LGBT people is achieved, no matter how hard we try to wash them off and erase the members of our communities who bear their brunt. Until they are directly confronted and we work to dismantle them, these mythic political/cultural constructs—and the systems of domination they serve—will continue to undermine and limit possibilities. Our goals must extend beyond “rights” and “equality” within a system established to deny the humanity of so many of us to nothing short of liberation for all of us. That, and nothing less, is the promise of queering abolition.

**Stanley**: As many others have observed, the larger LGBT moment’s resources, energies, and desires have been funneled into a narrow set of “rights” that, through the mobilization of “equality,” attempt to argue for LGBT inclusion. We can look at the organizations crafting these politics (Human Rights Campaign, the National Gay and Lesbian Taskforce, Marriage Equality, and others) and make a fairly simple, and somewhat accurate, argument that these campaigns are an attempt to extend normative power to (some) LGBT people, at the expense of others. While it might seem surprising to us that people who have historically been the objects of state repression are now
clambering to become part of these same structures, we know that people often work politically against their own needs and desires. Indeed, the “political” as such might be characterized by this antagonism. However, what seems to be important to address here is the ways the individualism of rights claims and rights discourse at large mirrors the logic of the PIC that argues that violence is only and always locatable on the level of the individual. In other words, I see a connection between the campaigns for gay marriage, which argue (only) married gays and lesbians deserve the same “privileges” as heterosexuals and the individualism that fuels the mirage of justice signified by the persistence of the PIC. Here then we have the neoliberalization of “freedom” via individual claims made both in the name of, and against, the state. An abolitionist politics can expand our political vision and make clear the violence of the PIC as well as the limits of the mainstream LGBT moment. To this end, we must not only queer prison abolition but also abolish hegemonic LGBT politics.

Notes
2. We are grateful for Reina Gossett’s retelling of this history, most recently at Occupy Wall Street on October 26, 2011. See also Regina Kunzel, “Lessons in Being Gay: Queer Encounters in Gay and Lesbian Prison Activism,” Queer Futures, special issue, Radical History Review, no. 100 (Winter 2008): 11–37.