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JULIA SUDBURY

Maroon Abolitionists: Black Gender-oppressed Activists in the Anti- Prison Movement in the U.S. and Canada

ABSTRACT

This article examines the experiences of black, gender-oppressed women, and transgender activists in the anti-prison movement in the U.S. and Canada. By foregrounding the experiences of transgender and gender non-conforming activists, the author makes visible the reality of gender complexity and multiplicity within women's prisons and the anti-prison movement. The article explores the activists' motivations for involvement, and barriers to participation, and explores spirituality as a source of resilience and guidance. It examines the participants' political analysis and abolitionist visions and explores the possibility of "non-reformist reforms" that take up the challenge of a radical, antiracist, gender justice perspective. The article posits the existence of a unique abolitionist vision and praxis, centered on the participants' direct experience of gender oppression and racialized surveillance and punishment. This perspective works toward dismantling penal structures while simultaneously seeking the abolition of racialized gender policing and an end to violence against gender non-conforming prisoners.

This article is dedicated to the memory of Boitumelo "Tumi" McCallum. Her spirit is a continued inspiration in the struggle against intimate and state violence.

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Since the 1970s, the exponential growth in incarceration in the U.S., combined with racial targeting in the use of state surveillance and punishment, has marked the prison as a primary site of contemporary struggles for racial and economic justice. At the same time, U.S.-style penal politics have migrated across the border, generating resistance by disenfranchised communities in Canada (Roberts et al. 2002; Prisoners Justice Action Committee 2007). There are very significant differences in the scale and practice of imprisonment in the U.S. and Canada. The U.S. currently incarcerates approximately 2.3 million people, or 762 per 100,000, compared to approximately 35,000, or 108 per 100,000 in Canada (International Centre for Prison Studies 2008). Moreover, whereas “tough-on-crime” reforms over the past decades have led to the widespread construction of “warehouse” prisons (Irvin and Austin 1997), a range of alternatives—from “community corrections” to restorative justice—have limited prison expansion in Canada (Pate 1999). However, there are also important and growing synergies between sentencing and penal policy in both nations. At a provincial level, conservative politicians have vigorously pursued a neoliberal, tough-on-crime approach, leading to the emergence of “no frills” provincial superjails, some built or managed by U.S. corporations. At a federal level, critics have predicted a U.S.-style prison building boom as the Harper government has begun to fulfill its promise to “turn around” thirty to forty years of “soft” criminal justice policy (Roslin 2007; Whittington 2008). In both countries, anti-prison activists have developed an analysis and critique of the prison-industrial complex, its role in producing and maintaining racial inequalities and the need for abolition rather than reform, indicating the existence of an anti-prison movement that crosses national borders (Sudbury 2004a).

The contemporary anti-prison movement is made up of a wide range of organizations with diverse goals. These include ending the war on drugs; advocating for prisoners’ health needs; spiritual freedom; family integrity and basic human rights; challenging sexual violence in prisons; working for women, queer, and trans prisoners; releasing “war on terror” detainees; ending the criminalization and detention of immigrants; protesting police brutality and racial profiling; working for the freedom of political prisoners and exiles; opposing construction of new prisons; divesting from prison construction and prison privatization; ending the death penalty; and building community-based alternatives to incarceration. This

article examines the experiences of black gender-oppressed activists¹ in the anti-prison movement in the U.S. and Canada.²

During the past decade, I have developed a body of scholarship that seeks to elucidate the articulation of race, gender, and punishment through the lens of women of color's imprisonment and resistance.³ In this new work, I have expanded that focus to include transgender and gender non-conforming people.⁴ In so doing, I aim to mirror the reality of gender complexity and multiplicity both within the prison and in anti-prison organizing, and to reject the unquestioned compliance with the binary gender system in most feminist research on prisons, including my own. At the same time, I have chosen to focus on black activists rather than on activists of color in order to foreground the ways in which often overlooked African diasporic cultural and political legacies inform and undergird anti-prison work. The article explores the activists' motivations for involvement and barriers to participation, and explores spirituality as a source of resilience and guidance. It examines the participants' political analysis and abolitionist visions, and explores the possibility of "non-reformist reforms" that take up the challenge of a radical antiracist gender justice perspective. The article posits the existence of a unique abolitionist vision and praxis, centered on the participants' direct experience of gender oppression and racialized surveillance and punishment and rooted in African diasporic traditions of resistance and spirituality.⁵

My research methodology draws from the insights of feminist action research and participatory action research. The research is grounded in ten years of activist ethnography in the anti-prison movement in the U.S. and Canada.⁶ In addition, I interviewed eight black⁷ women and transgender activists between the ages of twenty and thirty-two from the U.S. and Canada during 2007. The participants had been involved in anti-prison activism in Ottawa, Vancouver, Toronto and environs, New York, the San Francisco Bay Area, Chicago, and Lagos, Nigeria.⁸ Most had been involved in more than one anti-prison organization, and several had held both volunteer and paid positions, although the paid positions were seldom full-time or well remunerated and tended to grow out of prior volunteer work. Participants represented considerable diversity in terms of gender and sexual orientation: four described their gender as woman or female, and four chose the following gender non-conforming labels: transsexual/trans-guy, trans/gender variant/faggot, gender-queer, and two-spirited.⁹ Three identified

their sexual orientation as hetero(sexual), with the remainder identifying as queer, gay, faggot, free-loving, bisexual, or fluid. Participants also had diverse experiences of class, social mobility, and the criminal justice system; two had personal experience of imprisonment, and all had family members or loved ones who had been in conflict with the law.

“Love and Anger”: Reasons for Resistance

The 1960s and 70s were marked by the rise of what have been labeled “new social movements” based on racial, gender, and sexual identities. Starting from these social locations, activists generated radical critiques of interlocking systems of capitalism, white supremacy, patriarchy, and compulsory heterosexuality (Melucci 1989; Combahee River Collective 1995). Despite recognizing the power of identity politics, commentators have also been critical of its tendency to promote a hierarchy of oppression and to separate oppressed groups along lines of race and gender, thus limiting possibilities for coalitional work, particularly around a common resistance to capitalist exploitation. The emergence of the global justice, anti-war, and anti-prison movements in the 1990s and 2000s marks a resurgence of movement-building based on a shared political analysis rather than on a shared social location.¹⁰ As an ideology-based rather than an identity-based movement, the anti-prison movement engages a wide range of activists, including those with relative privilege in relation to interlocking systems of oppression. By making visible the multifaceted ways in which the prison-industrial complex affects all of us, anti-prison organizations have successfully generated a wide base of support among those indirectly affected by mass incarceration, such as teachers and students affected by swollen corrections budgets and education funding cuts. This approach has been critically important in building a mass movement to resist the prison-industrial complex. At the same time, this research points to the importance of bringing social location back into ideology-based movements, in this instance by foregrounding the analysis and praxis of activists who have been directly affected by the prison-industrial complex.¹¹

All participants in this study testified that they had been directly affected by the prison-industrial complex. This occurred in three ways. First, participants spoke about their experiences of policing and surveillance. For several of the participants, these experiences constituted

powerful childhood memories that continued to be a source of trauma and a motivator for resistance. Jamila shared a painful memory of her father being pulled over by police in a Toronto suburb:

I thought my Dad was going to be taken to jail; I didn't know what was going on. I remember thinking I was never going to see him again and I also remember the look on his face. He was sitting in the back of the squad car and I was on the lawn and I just remember him looking at me and there was a look of shame and embarrassment . . . that I will never forget. And anger too. He wasn't given a ticket and he didn't go to jail, it was just a clear-cut case of racial profiling.

As a child, Jamila had no tools with which to understand her father's humiliation at the hands of the state. As she became more politicized, she was able to put the incident into a wider perspective and to understand it as part of a collective experience of racist policing. In so doing, she channeled the pain and anger as a source for resistance. Experiences of police harassment led participants to reject common beliefs taught to children growing up with race and class privilege. Rather than believing that the police were there to protect them, and that people are arrested because they have done something wrong, the participants learnt to fear the police as agents of social control and state violence.

The second way in which participants had been directly affected by the prison-industrial complex is through having one or more family members imprisoned or working within the prison system. Six of the participants had had a family member in prison or on probation at some point in their life. Growing up poor and black in upstate New York, the prison was a central part of Jac's family landscape:

My Dad had been a prison guard at Attica for about eleven years. He was hired just after the uprising because one of the things they decided to do was hire more black guards, as if that would actually make any difference.¹² And I also have another uncle who was also a guard in New York State and I had another uncle, their brother, who was imprisoned in New York. So the prison-industrial complex was a huge part of our family understanding.

For Maya, the incarceration of family members was an everyday occurrence

creating immense challenges for those left caring for dependents on the outside:

Of course everyone I know has some sort of family or friend who is currently or has been incarcerated. Including myself, so I've had cousins in and out. Mainly all women and separated from their children. And seeing the impact that's had on our family has been horrific. So since very young, I've always known that there was something very wrong with this so-called correctional [system].

Maya's experience of the criminal punishment system was double-edged. At the same time that the criminal punishment system created havoc in their lives, her family also grasped at it as the only "solution" available for problems including addiction and gender violence. The solution offered, however, was, as she recognized, temporary and illusory, leaving the family further entrenched in a cycle of state and interpersonal violence:

The same cousin, her partner was extraordinarily abusive to her and to my great aunt, and we stepped in to separate them. But the only way to provide safety for the children and my great aunt, and my cousin to a certain extent, is to separate them, and unfortunately we ended up involving the state and he was arrested. So what are alternatives to that? So again he ends up coming out, they get back together, same thing happens all over again. Again the problem's not solved, so what do we do?

Like Jac's family, Maya's family was forced to rely for safety on the very system that was disappearing family members. Reflecting on the impact of his sister's imprisonment on his childhood experiences, Nathaniel pointed to the sometimes irreparable damage to relationships caused by these disappearances:

You just miss this whole part of somebody's life. That to me seems like the biggest thing, it's just missing time. To me that is one of the things that I think was so disastrous within my own family. Whether you go to Memphis and somebody's just not there. . . . Or like with my sister, there was a significant portion of her life and of my life that we just didn't get to know each other.

When he was first exposed to anti-prison activism, Nathaniel began to view his family history through the lens of what he was learning and went

back to talk to family members about their experiences of criminalization and imprisonment. This personal connection further fueled his commitment to the work.

The third way that participants had been affected was through personal experiences of arrest, prosecution, and incarceration. Two of the participants had been incarcerated. Although Bakari's father had been in prison, it was the experience of being imprisoned in the California state system for two years that s/he found radicalizing.¹³ When s/he was left in a cell moaning in pain all night after guards refused requests for medical attention, Bakari was shocked and surprised. Gradually, s/he awakened to the fact that as a prisoner s/he had lost any rights as a U.S. citizen. It was this realization that fueled a commitment to bring about change:

It was that instinctual feeling that you guys are crazy, something's wrong for you to be treating people like this. I would say things to the police inside like: do you understand that this is a violation of my civil rights, do you understand that I'm an American citizen? Because I didn't know that when I was incarcerated, I had no civil rights, I was not viewed as a citizen.

Multiple experiences of criminalization were a powerful motivator for the participants. But gaining access to a collective movement analysis was equally important. Trey was raised by his grandmother while his mother was in and out of jail for drug use, and was sent to Spofford Juvenile Facility in upstate New York at age thirteen for fighting in school. From there, he served time for a series of property and drug-related offenses before finding the Audre Lorde project, where he served as an intern. The political education he received there led to a lifelong commitment to penal abolition fueled by his personal experiences. When asked what motivated him, Trey responded:

My love and my anger. That I love my people and my heritage and what I know we can become too much to let it go down. And I'm angered by the oppression and the f*****g atrocities that I see every day that are committed against my people and myself. It makes me too mad to just sit down and let it happen. And it makes me too mad to just close my eyes and pretend it's not there.

The testimonies of black gender-oppressed activists reveal that even as we

come together to work for social change based on our shared political analysis, rather than shared identities, we can reintroduce some of the strengths of identity politics. This is not to fetishize racialized and gendered bodies, but to tap the mobilizing force of personal experience and to rebuild some of the community power stripped by daily encounters with state violence and repression.

Maroon Abolitionism: Visions of Freedom

[W]hat makes me the most angry is that everybody's sitting there kicking it. Not knowing that they're building plantations (Bakari).

The second distinct characteristic of anti-prison activism by black gender-oppressed activists is the development of an abolitionist vision shaped by direct confrontations with the prison-industrial complex and imbued with the historical memory of slavery and rebellion. In the 1970s, political prisoners like Angela Y. Davis and Assata Shakur in conjunction with other radical activists and scholars in the U.S., Canada, and Europe began to shape a new anti-prison politics that combined campaigns for freedom for political prisoners with a call for the dismantling of prisons (Knopp et al. 1976). The explosion in political prisoners, fueled by the Federal Bureau of Investigation (FBI)'s Counter Intelligence Program (COINTELPRO) and targeting of black liberation, American Indian, and Puerto Rican independence movements in the U.S. and First Nations resistance in Canada as "threats" to national security, fed into an understanding of the role of the prison in perpetuating state repression against insurgent communities (Churchill and Wall 1996; López 1996; James 2003). The new anti-prison politics were also shaped by a decade of prisoner litigation and radical prison uprisings, including the Attica Rebellion in 1971, which was brutally crushed by New York Governor Nelson Rockefeller. The "Attica Brothers"—working-class people of color imprisoned for everyday acts of survival—challenged the state's legitimacy by declaring imprisonment a form of cruel and unusual punishment and confronting the brute force of state power (Parenti 1999; Gilmore 2000).

By adopting the term "abolition," activists in the U.S. and Canada drew deliberate links between the dismantling of prisons and the abolition of slavery. Through historical excavations, the "new abolitionists" identified

the abolition of prisons as the logical completion of the unfinished liberation marked by the Thirteenth Amendment to the United States Constitution, which regulated rather than ended slavery (James 2005). Learning the truth about this “enslaving anti-enslavement document” (Gilmore 2000, xxi) was a galvanizing experience for several of the participants in this study. Maya viewed her work for freedom from persecution for political exile Assata Shakur as part of a broader struggle against penal slavery:

The first time I found out about the Thirteenth Amendment was in Assata’s book, and a lot of people didn’t know that the Thirteenth Amendment had a “but” clause. So that means that people are still legally enslaved in this country. That’s what inspired me also. . . . If you are against enslavement, how are you for prison? When legally they say that you can be enslaved.

Some scholars have critiqued the slavery–prison analogy, arguing that since work is a “privilege” coveted by and denied many prisoners, the prison should be considered a warehouse rather than a new form of slavery, subjecting its captives to incapacitation rather than forced labor (Gilmore 2007, 21). However, in focusing narrowly on slavery as a mode of labor, this critique minimizes the continuities between ideologies and practices of slavery and mass incarceration that make slavery a useful interpretive frame (Sudbury 2004b; Rodriguez 2006, 225–29). As Joy James argues:

Prison is the modern-day manifestation of the plantation. The antebellum plantation ethos of dehumanization was marked by master–slave relations revolving about sexual terror and domination, beatings, regimentation of bodies, exploited labor, denial of religious and cultural practices, substandard food, health care and housing, forced migration, isolation in “lockdown” for punishment and control, denial of birth family and kin. That ethos is routinely practiced and reinscribed in contemporary penal sites. (James 2005, xxiii)

Participants in this study frequently referenced the institution of slavery as a framework for understanding contemporary experiences of surveillance, policing, and criminalization. Trey explained the continuing enslavement of poor black communities through the story of her birth:

One day when my mother was in the house by herself, the police knocked on the door, and my mother . . . let them in and the police officer who's my father raped my mother. That's how I got here. . . . When we talk about slavery I don't have to go back three hundred odd years, I can go back to 1980 and have a real case of slave rape, the overseer/master raping the slave who in this case would be my mother who is a slave to the narcotics that were pushed into our community.

Trey brings our attention to the extension of state surveillance and punishment throughout poor communities of color that occurred from the late 1970s under the guise of the war on drugs.¹⁴ Reinforced by state power, the police officer/overseer turned Trey's mother's house into a site of captivity and sexual-racial terror, marking a set of continuities among the prison, the urban 'hood, and the slave plantation.

By linking slavery and prisons, the concept of abolition also highlights the interaction of racial and economic dynamics in processes of mass incarceration. Participants were acutely aware of the role of prisons in sustaining the current mode of capitalist exploitation. Samia continued the slavery-prison analogy at a global level, pointing to the attenuated privilege awarded U.S. blacks in comparison to black people elsewhere:

Globalization has created an international plantation. . . . I've begun to see symbolically that black people in the U.S. represent house-slaves and that black people in the diaspora represent field-slaves. And that globalization has made that plantation of racist relationships a global one. And prisons are for the people that don't fit in the field or the house.

Samia's social location as a black woman from Canada with roots in North Africa acts as a site of epistemic privilege producing an insightful and nuanced analysis of U.S. empire. As an African Canadian who has moved to the U.S., Samia is an "outsider-within" in relation to both U.S. global power and African American discourses of oppression and resistance (Collins 2000, 11–13). This critical lens enables her to identify the simultaneity of racial subordination and imperial privilege, suggesting that transnational solidarities must be formed not around an assumed sameness of racial oppression, but around a complex understanding of differential racisms in the context of global inequalities. These unequal positionalities rest upon both violent colonial histories and contemporary

geopolitical and economic formations. This means that while black people in the U.S., Canada, Africa, and the Caribbean are all affected by the neoliberal economic reforms and cutbacks in spending on social welfare and education that have accompanied the globalization of capital, the impact is refracted through the particularities of local socioeconomic conditions (Steady 2002). These systemic cutbacks, coupled with inflated spending on forms of global and domestic social control, indicate the continued devaluing and dehumanization of black people and other people of color.¹⁵ Maya pointed to this contradiction:

We have horrifically dilapidated schools with inadequate resources, no computers, no materials, teachers underpaid, we don't have health clinics. There are so many resources we need in our poor communities, communities of color. How do we have billions of dollars for this war? How do we have a million dollars to try to re-enslave a woman who fought for her political beliefs?¹⁶

Just as the dehumanization of captives was central to maintaining the economic system of plantation slavery, the dehumanization of people of color through racialized and criminalizing ideologies legitimates the devastation wrought by capitalist globalization. Abolition is therefore not only about ending the violence of imprisonment, but also about claiming public resources and declaring the value of human life over corporate profit.

I have chosen to name the political vision of black gender-oppressed anti-prison activists "maroon abolitionism" for two reasons. First, "maroon" serves to identify the tactics of those directly affected by slavery/incarceration. The word "maroon" refers to the communities of runaway slaves, indigenous peoples, and their descendants that formed throughout the Americas beginning in the seventeenth century (Price 1996).¹⁷ While maroon communities existed outside of the violent social control of the slave state, they were both under threat by and at war with re-enslaving forces.¹⁸ As maroon abolitionists, black gender-oppressed activists know that the consequences of failing to achieve abolition are that they themselves, their family members, and their loved ones will continue to be disappeared. Bakari articulated the maroon experience of constant threat from the penal/slave system: "We like the free Negroes in Alabama down South. Some of us scared because hell they going to come and get us too."

Whereas white abolitionists were guided by moral convictions, for

ex-slaves and their loved ones abolition was the only avenue for liberation from the threat of captivity, torture, and social death. Hence, slaves and those who had escaped slavery rejected white abolitionists' calls for gradual emancipation through indentureship that would keep formerly enslaved African Americans tied to the land; they demanded nothing less than the immediate end of slavery. Popular histories tend to focus on formerly enslaved African Americans who sought to win white support through speeches and slave narratives, while less attention is paid to the slave rebellions, mass escapes, and maroon insurgencies that fundamentally challenged the viability and hastened the demise/restriction of chattel slavery. Twenty-first-century maroon abolitionism is also rooted in the survival imperative, guided by a sense of urgency and informed by an understanding of the prison-industrial complex as a war on black communities. Samia articulated her vision of abolitionist work as a form of self-defense:

In terms of prisons and the penal system, I think that it's at the center of a lot of our oppression. So my options are to live oppressed or to fight this. So I prefer to fight it. I think that as people of color we have no option but to fight it. It's a matter of survival. I also think that we are at war, that we are under attack, through different institutions and cultures and social practices. And when you are at war you have no option but to fight back.

By conceptualizing state policies toward disenfranchised communities as a war, Samia implicitly refutes a prison-reform agenda, and pushes us to adopt an uncompromising position against the prison-industrial complex. As Dylan Rodríguez points out, the state has long declared a series of domestic "wars"—against crime, drugs, gangs, and now terror—involving official declarations, mobilizations, and body counts, which have been waged in the streets and homes of low-income communities of color and immigrant communities (Rodríguez 2008). In claiming the language of war and mobilizing it against the state, Samia brings a radical positionality and sense of urgency common to the political visions articulated by the participants in the study.

Second, while it honors the participants' understanding of contemporary incarceration as a continuation of slavery, the concept "maroon abolitionist" avoids implying that the society outside the prison is "free." Joy James argues that we must reject the illusion that a return to civil

society via parole or clemency constitutes an escape to the liberated “North” (James 2005, xxx). Instead, state penal practices exist on a continuum from the prison, the juvenile hall, and the detention center to the urban ‘hood, the reservation, the school, and the welfare office where surveillance, policing, and punishment extend far beyond the prison walls. Trey’s story told above is one example of the extension of captivity beyond the prison walls. Continuing her analysis, Trey argues that prison abolition involves far more than the abolition of the physical prison building:

When I say the prisons, I mean the physical prison itself, but also the prisons we create in our communities. Whether those are physical like the projects that the government keeps building up and locking us in, and also the mental ones that we put ourselves in, all the social constructs that society projects on us. . . . If we have so many drug crimes and we have so many property crimes, then let’s start addressing the mental health of our people and the economic development of our communities. Let’s get to the root causes of why people commit crimes.

Jamila elaborated on this expansive vision of maroon abolitionist politics by distinguishing between emancipation and abolition. Rather than ending imprisonment in an otherwise unchanged society, emancipation indicates the transformation of society and an end to racism and capitalist inequality.

We’ve seen abolition of slavery but the ramification of sanctioned apartheid still remains. Abolition literally means the end of something, whereas emancipation means to free or liberate. So how we understand that is critical to how we do anti-prison work. So a world without prisons would mean a world with healing, it would mean a world that had alternatives, it would mean forgiveness, it would mean justice, it would mean the eradication of poverty. . . .

One limitation of the slavery–prison analogy is that it tends to erase the presence of non-black prisoners. This is problematic both in Canada, where First Nations prisoners suffer the most dramatic rates of incarceration, and in the U.S., where Latinas/os are a rapidly growing incarcerated population (Díaz-Cotto 2006).¹⁹ While slavery was premised on the black/white binary, maroon communities rejected this racist logic. Maroon settlements incorporated resisting Indians and exiled whites as well as runaway slaves, and offered a radical multiracial alternative to North

American apartheid.²⁰ As such, marronage offers a model for “black-brown” coalitions and reminds black activists of the value of learning from indigenous knowledges. Women from the Native Sisterhood at Grand Valley Institution for Women, for example, taught Jamila about “a form of accountability, an alternative form of justice that is grounded in the teachings from different Native nations.” Although some of the participants reported not having worked with indigenous people or Latinos/as, activists like Jamila demonstrate the importance of non-black “outlyer” knowledges for contemporary abolitionist work.

Maroon abolitionism is dedicated to the creation of a world in which prison is obsolete.²¹ However, the participants did not limit their activism to this long-term goal. Instead, they were involved in challenging human rights abuses and advocating for the immediate needs of prisoners. For Bakari, this meant working to challenge overcrowding and medical neglect in California women’s prisons:

Of course we have to deal with what’s going on right now. So right now I want for people to live in humane conditions until we can figure out a way to get rid of prison as a form of social control. So right now what I want is all the beds off the day room. To have people treated in a humane way. But my goal is not to have prisons. My goal is not to have capitalism.

These “non-reformist reforms” create solidarity with prisoners while paying attention to the penal system’s tendency to co-opt reforms to consolidate and expand prisons. By carrying out their reformist work as part of a broader strategy of decarceration, abolition, and fundamental social transformation, maroon abolitionists address the immediate needs of captives while ultimately challenging the legitimacy of their captivity. Black gender-oppressed activists’ advocacy for transgender and gender non-conforming prisoners is one example of non-reformist reform: demands for change that challenge the logic of incarceration while simultaneously addressing prisoners’ immediate needs.

Trans/forming Anti-prison Work: Beyond the Gender Binary

During the past decade, transgender and gender non-conforming activists, both imprisoned and non-imprisoned, have worked to end the human rights abuses faced by transgender prisoners while also tackling the

processes of criminalization and discrimination that contribute to their incarceration.²² The participants in this study moved beyond the human rights implications of this work to generate a radical critique of the state's power to delimit and police gender. In so doing, they produced an antiracist, gender-queer, anti-prison praxis that constitutes a challenge to the violent gender regime of the penal system and suggests new dimensions of abolitionist thought.

Penal systems are based on the premise of a rigid and fixed gender binary that, as Bakari points out, ignores the actuality of gender fluidity and multiplicity in society as a whole and within the prison in particular:

You have male and female prisons. I ain't male or female, so which one do I get to go to? And you're housed according to your genitalia, which to me does not connote gender.

By reducing gender to biological sex represented by prisoners' genitalia, prison administrators routinely violate the right to self-determination of prisoners who do not match the narrow range of sex/gender identification allowed within the prison. This is particularly devastating for transsexual prisoners. Since many transsexuals do not choose or cannot afford gender reassignment surgery, prisoners who may have had hormone treatment and "top surgery" (to remove breasts) will be assigned to an institution according to a gender assignment based on one part of their body, which does not match the rest of their physical and emotional experience. The psychological and physical impact can be devastating, as Nathaniel shared based on his experiences of advocacy work in Ontario prisons:

[F]or trans people depression and suicide, you can have really high risk factors for that when you're consistently being denied for who you are. When people take away your opportunity to have self-determination which happens in many ways in prison, but can be so detrimental when you're a trans woman and you're put in a men's prison, and you're denied your hormones and you're denied being called the name that you chose and you're being called he all the time.

The denial of adequate medical treatment to transgender prisoners, including but not limited to a failure to continue hormone treatment, constitutes a form of state violence enacted on prisoners' bodies and psyches (Richard

2000b).²³ In this context, the denial of adequate medical care is one method by which the state punishes gender non-conformity.

The penal system seeks to produce women's prisons inhabited by female women and men's prisons inhabited by male men, out of a population that in actuality embraces an immense range of gender diversity. In addition to transsexual prisoners who may or may not be on hormones and/or in the process of transitioning surgically, this includes butch lesbians, feminine gay men, and transgender, gender-queer, and two-spirited prisoners who identify as neither male nor female nor in transition. Since transgender and gender non-conforming individuals are more likely to be stopped by police, both because of higher rates of homelessness and involvement in street economies arising from discrimination and familial rejection, and because of police profiling and harassment, the prison is actually a site of heightened gender variation (Amnesty International 2006). The process—and ultimately unattainable objective—of producing binary gender in the prison is one that enacts psychological, emotional, and physical violence on all transgender and gender non-conforming prisoners. Bakari shared a critique of gender policing in the California Institution for Women:

How they control you and mandate you to this gender binary is if you're in a women's facility you must wear whatever society says is for women. . . . At CIW when I first got there, I had on boxers, they took them, said they were contraband. . . . Then they make you wear panties and a muumuu, an old lady housedress. . . . When the new people come in, all the women stand there to see if it's their friends coming in and you gotta walk by in this muumuu.

Although a relatively androgynous uniform of jeans and a t-shirt was standard issue, Bakari's masculinity was ritually stripped in front of the general population on arrival at the institution before s/he was allowed to don clothes more appropriate to the way s/he self-identified. The practice of forcing people in women's prisons to wear clothes constructed as gender-appropriate is common, and many women's prisons have rules mandating a minimum number of items of "female" attire. Policing prisoners' underwear becomes a sign of the state's power to control the most intimate aspects of prisoners' lives. In this sense, gender policing is an everyday and central part of the prison regime's brutal exercise of power over its inhabitants.

Vulnerability to physical and sexual violence is also of critical concern for transgender and gender non-conforming prisoners. Recent research and activism has made visible the systemic and epidemic nature of sexual violence in men's prisons (Human Rights Watch 2001; Sabo et al. 2001, 109–38).²⁴ However, research and advocacy in this area tends to focus on gender-conforming men who have been targeted because of their perceived physical weakness or inexperience with prison life, rather than foregrounding the endemic sexual violence against transgender and gender non-conforming prisoners. The scant research that does examine the experiences of transgender prisoners has focused on the institutional abuse and rape of transsexual MtF (male-to-female) prisoners in men's prisons, largely ignoring women's prisons (Edney 2004). The elimination of violence against gender non-conforming prisoners in women's prisons relies on the invisibility of gender non-conforming women and FtMs (female-to-male transgendered people), as well as on erroneous gendered assumptions that women's prisons are kinder, softer environments than men's prisons. As Bakari explained, violence targeted at transgressive masculinity in women's prisons is part of a spectrum of violence fostered by the totalizing institution of the prison:

[T]he butch women are the ones who are targeted because they are the ones who are most different. And the men feel intimidated in there. If they try to resist or question, they get the smackdown a lot sooner. Like they get hit, punched, thrown down to the ground. . . . There was one trans man in CCWF that had facial hair that was put in segregated housing for refusing to shave their facial hair. . . . Because it's arbitrary power in there. They can virtually do whatever it is they want unabated, unchecked, unquestioned. To your body, to your soul, to your spirit.

It is not only guards who enact this regime of violent punishment of gender non-conformity. Other prisoners are often complicit in the policing and abuse of transgender prisoners. Prisoner violence, including sexual assault, is often represented as the inevitable outcome of containing “violent criminals” in a confined space, with guards preventing the violence as best they can. This narrative leads to the common practice of placing transsexual prisoners in administrative segregation, ostensibly for their own protection, where they are isolated in highly restricted conditions otherwise used as punishment for “unruly” prisoners (Richard

2000a). However, the participants in this study argued that institutional transphobia supported violent and exploitative acts by other prisoners. Jac spoke from experience of activist work in men's prisons in California:

[P]risons create gangs because they create the need to create your own safety. But different groupings will not accept someone on the basis of some part of their identity. So for black trans women one of the black groupings will say "We don't want you." Or "We'll only have you if you sleep with all of us and give us all favors." So it means having to find a husband immediately and he's not a good one you can be out of luck. And being out of luck means being raped on a regular basis. Being harassed by guards on a regular basis . . . It's OK to be racist to trans women because they're "traitors to the race."

Jac points to the way in which racism and transphobia intersect within the prison to create an atmosphere of extreme vulnerability to violence for transgender prisoners of color. This interaction between racism and transphobia in the prison is the basis for an antiracist, gender-queer, anti-prison agenda promoted by black transgender and gender non-conforming activists. In contrast to calls to develop a "normative transgender prison order," or trans-sensitive prisons (Edney 2004, 336–37), the participants point to the systemic nature of gender violence as part of the structures of imprisonment, and reject the possibility of gender liberation under conditions of captivity. In so doing, they seek to transform anti-prison politics by calling for the abolition of gender policing as part of a broader abolitionist agenda. The following section explores the emotional costs of this radical positionality and examines the inner resources that many of the participants drew on to provide strength and resiliency in continuing the work.

Invoking the Ancestors: Spiritual Undercurrents in Anti-prison Work.

Black women and transgender activists deal with personal traumas and family stresses arising from policing, criminalization, and incarceration while simultaneously confronting racist-sexist violence and gender policing. These multiple challenges constitute struggles that take place at a psychic and emotional as well as material level. In coping with the emotional toll of anti-prison work, many of the participants found strength, guidance, and

solace through spiritual beliefs and practices. Following Jacqui Alexander's encouragement to "take the Sacred seriously," this research seeks to make visible the knowledge of "Sacred accompaniment" that informed the radical praxis documented here (Alexander 2005, 326–27). Anti-prison spaces are highly secularized, in part in reaction to race and class bias in early abolitionist and reform efforts based on religion. It is not surprising that none of the organizations that the participants worked with drew on religious principles. In contrast, prisons in the U.S. and Canada are sites of both evangelist interventions and struggles over religious freedom by Muslims and indigenous people in particular, indicating the continuation of a centuries-old strategy to mold prisoners by shaping their souls and policing their relationships with the transcendent.²⁵ The role of religion in penal regimes mirrors its dualistic and contradictory role during slavery. The Bible's exhortation: "Slaves, obey your earthly masters with respect and fear, and with sincerity of heart, just as you would obey Christ" (Ephesians 6: 5–9) as well as the apparent justification of racial hierarchy gleaned through the story of Ham, provided the slave-owning class with a potent tool for mental colonization. At the same time, enslaved African Americans drew on both indigenous African religious practices and Old Testament stories for empowerment and liberation, finding inspiration from Moses defying "Ol' Pharaoh" and leading the slaves to freedom, or from Yoruba orishas clothed as Christian saints. Prison ministries also bring congregants an interpretation of religious teaching that erases any liberatory potential in favor of a focus on individual internal transformation and accommodation to authority.²⁶ At the same time, the continued struggle for religious freedom within prisons indicates that many prisoners view religious practice as a powerful source of inspiration and inner strength. As Hamdiya Cooks, former Director of the California Coalition for Women Prisoners, and a formerly incarcerated activist comments: "Inside you have to have something to sustain you and fight being treated like 'things.' . . . My faith gave me the ability to fight, gave me the belief that I am a human being and have the right to be treated like one" (Cooks 2008). Taking a lead from imprisoned activists, this study seeks to illuminate the importance of spirituality in radical anti-prison praxis.

Six of the participants stated that spiritual beliefs played an important role in their lives, supporting their sense of self in the face of racist-sexist ideologies, lending them the strength and resiliency to keep doing insur-

gent work in the face of immense barriers, and guiding their activist work. Developing a personal relationship with a higher power gave Bakari the strength to give up crack cocaine and to find a calling in advocacy work with women in prison. Bakari draws our attention to the psychic brutality of the prison and the emotional strength required to continually to hear women's stories of injustice, violence, and revictimization by the state:

Spirituality's very important for me. Spirituality stopped me from using drugs. . . . It helps me get up at 4:45 to drive three hours away to deal with some messed-up COs [Correctional Officers] and hold the pain of other sisters that are still there. It helps me to do that. It helps me spend all my free time doing this work. . . . It fills me up.

Like Bakari, Trey called on Spirit as a source of strength, but he also saw this relationship as a source of wisdom and guidance: "I do believe in a Higher Power, I'm not going to say I don't pray because I do. I'm not going to say I don't ask my grandmother for guidance because I do." Although Nathaniel was raised in Toronto, he spent summers with his grandparents in Memphis, Tennessee. There he absorbed southern black spiritual beliefs that later came to form a central but invisible foundation for his activist work, informing both his commitment to abolition and his organizing methods:

My grandparents . . . were famous for saying that if they wanted to pray or speak to anything spiritual they would go into the middle of the forest because that would be the most holy place that you could go to. I believe that. In a way that's one of the underlying beliefs as to why I believe that prisons are so wrong is just the idea that you would take someone out a natural setting, remove them from things like airflow and natural light and the energy of other living beings and deprive them of that as part of their punishment is so wrong to me.

Nathaniel's spiritual beliefs also led him to pay attention to the connection among mind, body, and spirit in his organizing, making sure that nourishing food, emotional connection and support, regular breaks, and physical movement are a part of meetings and activist work. This approach mirrors the black traditional church, where worship is embodied in food, emotional expression and comfort, movement, and song.

While spirituality was important for many of the participants, none felt that organized religion met their spiritual needs. Instead, they felt that

religious institutions were complicit in punitive systems of social control. Several of the participants rejected the mainstream Christian church because of its historical role in promoting white supremacy and its complicity in slavery and colonial violence. For Bakari, there was a clear continuity between the historical and contemporary role of the church in buttressing the ideological apparatus underpinning institutions of dominance:

The church is an institution that supported slavery, supported colonization. The history's all there but that's not what we're taught. . . . Religion tells you right and wrong, good and bad. . . . We're indoctrinated with that mentality that people are bad and they need to be punished. Christianity is a very punitive religion.

In response to racism in the mainstream church and homophobia and sexism in the black church, most of the participants turned inward to their own personal and individual relationships with Spirit. In contrast, Maya found a spiritual community in the Yoruba religion. Originating in what is now southwest Nigeria, Yoruba religious practices came to the Americas with African captives and blended with Christian practices to create syncretic Africanized religions. Contemporary African American communities have reconnected to Nigerian practitioners to re-engage with traditional Yoruba practices and to form transnational communities of practitioners that are closely linked to religious communities on the continent (Clarke 2004). Through her initiation to Oya, warrior goddess of the wind, Maya felt connected to the former prisoner and political exile Assata Shakur:

[T]he movie [*Eyes of the Rainbow*] was very powerful because it was very powerful to see this woman warrior both as Oya in the deity form and as a physical being in the Assata form. Defying horrific odds and fighting for justice and life and liberation.²⁷

As the tempestuous goddess of upheaval and change, Oya is often represented with a machete, cutting away the old to clear a way for new growth (Gleason 1992). By invoking Oya, Maya summons ancient wisdom and power in her work with the Hands Off Assata campaign, a campaign that poses a powerful grassroots challenge to the U.S. government's power to punish and to the legitimacy of its imperial reach. Maya's initiation to Oya enables her to channel West African encounters with the Divine Feminine to counter the "horrific odds" faced by grassroots mobilizations against

and within U.S. empire. Countering Christian conservatism rooted in Eurocentric, masculinist conceptions of the Sacred, these African diasporic spiritual practices are also evident in Nathaniel's return to black folk traditions and in Trey's reliance on her grandmother's spirit for guidance. They introduce a metaphysical component to maroon abolitionism, connecting contemporary activism to the otherworldly sources of power invoked by their maroon antecedents.²⁸ Calling on the ancestors and the spirit world to enliven the struggle for social justice, they represent underground spiritual currents in the anti-prison movement.

Conclusion

The activists in this study are located at the intersections of systems of dominance. The politics and subjectivity arising from this location have long been the subject of black feminist interrogation. However, our investigations have assumed that only black female subjects or other women of color experience the epistemic privilege associated with the multiple jeopardy of race, class, gender, and sexuality (Collins 1990; King 1995; Sudbury 1998). In contrast, this research finds that other gender-oppressed activists who stand at the "nexus" of systems of dominance also use an integrated antiracist, antisexist, anticapitalist analysis as a basis for their work.²⁹

At the nexus of race, class, gender, and sexuality, black gender-oppressed activists bring to the anti-prison movement a unique vision of social justice based on lived experiences of racialized policing, surveillance, and imprisonment. These activists embody a tradition of marronage, the abolitionist praxis of ex-slaves and their families. In so doing, they reintroduce the Sacred as an element of anti-prison activism, indicating that liberatory African diasporic spiritual practices play a more important role in contemporary struggles for social justice than has previously been understood. This article draws on the work of black transgender and gender non-conforming activists in order to move anti-prison praxis beyond the gender binary. While feminist anti-prison researchers and activists have worked to make imprisoned women visible, we have tended to assume that women's prisons house only women, and that all women prisoners are in women's prisons. This research demonstrates that we were wrong on both counts; many of those labeled "women offenders" by the state refuse to conform to this label, and some of those identifying as

women are housed in men's prisons. This double invisibility—to prison officials and to anti-prison practitioners—creates a location of multiple marginalization and vulnerability to violence, which is compounded by racial segregation and harassment. By engaging in non-reformist reforms, black gender-oppressed activists challenge prison regimes to engage the disruptive presence of prisoners' non-conforming body politics while simultaneously working toward the dismantling of penal structures. In so doing, they place gender justice at the center of black liberation struggles.

NOTES

1. I use "gender-oppressed" as an umbrella term to refer to women and transgender and gender non-conforming people. The term represents a paradigm shift from prior feminist analyses of patriarchal state and interpersonal violence that are rooted in a gender binary and that therefore focus only on women's oppression. The concept is implicitly aspirational in that it both utilizes and seeks to generate a coalitional identity that might serve as a basis for solidarity.
2. I am indebted to the activists who gave generously of their time to make this research possible. As with all activist scholarship, this article is informed by the collective analysis, theorizing, and wisdom of numerous grassroots activists whom I have learned from over the years.
3. See for example, Sudbury 2002; 2003; 2005.
4. "Transgender" is an overarching term that refers to a range of people whose lived experiences do not fit the binary gender system. The term "gender non-conforming," in keeping with usage by the Audre Lorde Project, is used as an umbrella term that includes those who may not identify as transgender but who nevertheless experience policing, discrimination, or violence based on their non-conformist gender expression. I use "transgender and gender non-conforming" as an inclusive term throughout this article. Where the term "transsexual" is used, this refers to a smaller group of individuals whose original biological sex is at odds with their sense of self, sometimes resulting in the choice to physically alter the body through hormones or surgery (Richard 2000).
5. Although there are many organizations and individuals who seek to reform the criminal justice system and improve prison conditions, this article focuses only on activists whose work aims ultimately to abolish prisons. Drawing on histories of resistance to slavery, these activists use the term "abolition" to indicate their goal of ending the use of imprisonment as a tool of social control and as a response to deep-rooted social inequalities.
6. I was a founding member of Critical Resistance, a national organization dedicated to dismantling the prison-industrial complex, and have worked with and alongside Incite!: Women of Color against Violence, the Prison Activist Resource Center, Justice Now, Legal Services for Prisoners with Children,

National Network for Women in Prison, California Coalition for Women Prisoners, Arizona Prison Moratorium Coalition, the Prisoner Justice Day Committee, and the Prisoner Justice Action Committee, Toronto. For the past decade I have been based in Oakland, CA and Toronto, Canada; these two sites critically inform my activist scholarly work. For an in-depth discussion of anti-prison scholar-activist methodology, see Sudbury 2009.

7. While “black” is often treated as a unitary and homogeneous racial category, my participants, while identifying as “black,” also embodied considerable ethnic and national diversity. Participants included those who had migrated to the U.S. and Canada as children, as well as those born and raised in the two countries. Their parents were Bajan, Grenadian, Egyptian, Palestinian, African American, white English, and Italian.
8. They were involved with the following organizations: Infinity Lifers Liaison Group, the Prison Arts Foundation, PASAN, PJAC and the Prisoners’ Justice Day Committee in Canada; Critical Resistance, California Coalition for Women Prisoners, Audre Lorde Project, Prison Moratorium Project, the Trans/ Gender Variant in Prison Committee of California Prison Focus, Legal Services for Prisoners with Children, Justice Now, the Hands off Assata Campaign, Incite!: Women of Color against Violence, and All of Us or None in the U.S.; Prisoners Rehabilitation and Welfare Action in Nigeria, and the International Conference on Penal Abolition.
9. Attempts to write in ways that challenge the gender binary are complicated by our limited linguistic system. In particular, gender non-conforming identities pose a challenge in the use of pronouns. It is extremely difficult to write an article without the use of “he” or “she.” This being the case, I chose to ask participants how they preferred to be referred to. I have respected participants’ requests regarding pronouns, for example, Bakari preferred s/he.
10. In the 1980s, Alberto Melucci pointed to a shift from class-based struggles over economic resources, to “new social movements” that were constitutive of new collective identities related to struggles over peace, the environment, youth, gender, and racial justice (Melucci 1989; 1995). I am arguing here that these (arguably not so) new social movements can be conceptually divided between identity-based movements in which the actors define their collectivity with reference to a shared social location in relation to systems of oppression, and ideology-based movements that unite diverse actors through a shared critical analysis. I call the contemporary anti-prison movement an “ideology-based” (rather than an identity-based or issue-based) movement because, as I demonstrate in this article, participation in it is based on a common political analysis of the prison-industrial complex and a shared ideological position that draws on histories of abolitionist struggle.
11. The term “directly affected” is taken from activist spaces where it is used to highlight the importance of leadership and involvement by people from communities that have been targeted in the domestic wars allegedly against

crime, drugs, and terror. This rubric makes visible the differential ways in which we are “all” affected by the prison-industrial complex by distinguishing those who are indirectly affected, through the impact on state budgets for example, from those who have immediate and visceral experiences of gendered and racialized state violence.

12. In 1971, over 1,300 prisoners led by black and Puerto Rican insurgents seized control of Attica Correctional Facility in western New York state to protest racism, brutality, and appalling conditions. Forty-three people were killed when state officials ordered an armed response to the rebellion, bringing about international censure. Recordings and documents from the McKay hearings into the rebellion can be accessed at <http://www.talkinghistory.org/attica> (accessed January 6, 2009).
13. See note 9.
14. The Rockefeller Drug Laws, enacted in 1973 and still in force, were at the time the toughest drug laws in the country. The laws made the penalty for selling two ounces of narcotics a Class A felony punishable by fifteen years to life in prison. See <http://www.drugpolicy.org> (accessed January 6, 2009).
15. For a discussion of the shift from welfare state to disciplinary state in the U.S. and Canada, see Bohrman and Murakawa 2005; Neve and Pate 2005.
16. Maya is referring to the \$1 million bounty placed on Black Panther Assata Shakur, aka Joanne Chesimard, by the U.S. Department of Justice in May 2005. After being targeted as part of the FBI’s campaign against the Black Panther Party, Shakur was found guilty by an all-white jury of killing a New Jersey state trooper, despite being incapacitated from gunshot wounds at the time of the alleged shooting. She escaped from prison in 1979 and has lived exile in Cuba since that time (Hinds 1987). For details of the current situation, see <http://www.handssoffassata.org/> (accessed January 6, 2009).
17. Communities of escaped slaves and their descendants who fled via the underground railroad to settle in Ontario, Nova Scotia, and British Columbia after slavery was abolished in the British Empire in 1834 can also be seen as part of the maroon legacy.
18. For example, the maroons of Jamaica waged war with the British for 140 years before finally being deported to Halifax, Nova Scotia in 1796 (Grant 1980, 15–16). Escapees in Ontario were also at risk from slave-catchers after the passage of the Fugitive Slave Law of 1850.
19. Aboriginal people make up 2.8% of the Canadian population, but are 18% of the federal prison population. Correctional Service of Canada, “Aboriginal Community Development in Corrections: Aboriginal Offenders Overview.” <http://www.csc-scc.gc.ca/text/prgrm/abinit/known/7-eng.shtml> (accessed February 2, 2009).
20. In the U.S., these rebel communities, often described as “outliers” [sic], were found in the Great Dismal Swamp on the Virginia and North Carolina border,

in the coastal marshlands of South Carolina and Georgia, and among the Seminoles in what was Spanish Florida (Lause 2002).

21. The work of Angela Y. Davis has been critical in envisioning this possibility (Davis 2003).
22. Organizations working on these goals include the Trans/Gender Variant in Prison Committee, the Transgender, Gender Variant & Intersex Justice Project, Human Rights Watch's LGBT Rights Program, Lambda, and the Sylvia Rivera Law Project in the U.S. and PASAN in Canada.
23. The medical mistreatment of transgender prisoners is part of a continuum of medical neglect experienced by all prisoners. A paradigmatic case is *Shumate v. Wilson*, which found that endemic medical neglect in California state women's prisons constituted cruel and unusual punishment.
24. This work has been taken up by the federal government in ways that suggest, erroneously, that by deploying more policing and punishment, the state can eliminate gender violence from an institution that is constitutive of that violence. The passage of the Prison Rape Elimination Act of 2003, which mandates enhanced monitoring of incidents of sexual assault and the application of "zero tolerance" policing within prisons, does little to eradicate the culture of domination and violence that promotes and condones sexual assault (Gaes and Goldberg 2004).
25. Although indigenous prisoners' struggles to gain access to sweat-lodges and ceremonial objects have been the most visible in the fight for religious freedom in prison (Reed 2003), intensive battles were also waged for recognition of the Nation of Islam and black Muslim practices (Smith 1993; O'Connor and Pallone 2003, 96–97). The round-ups and mass detentions of Muslims in the war on terror (Cainkar and Sunaina 2005), as well as the targeting of Muslim prisoners as a potential security threat, have created new challenges for struggles for religious freedom in U.S. and Canadian prisons and detention centers.
26. Testimony from former prisoners at "Prison Ministry or Prison Abolition? An Interfaith Conversation on Prison-Industrial Complex Abolition," *Critical Resistance* 10, September 27, 2008.
27. *The Eyes of the Rainbow*. 1997. Dir: Gloria Rolando. Havana, Cuba: Images of the Caribbean. Available at: <http://www.afrocubaweb.com/Rainbow.htm> (accessed October 18, 2008).
28. An example of the metaphysics of maroon resistance is found in the case of Queen Nanny, eighteenth-century leader and obeah woman of the Windward Maroons in Jamaica. Queen Nanny was known to use "obeah" or supernatural powers derived from Ashanti spiritual practices against the British (Gottlieb 2000).
29. See also Demmons 2007.

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