

Antipode

A Radical Journal of Geography

Eric A. Stanley and Nat Smith (eds), *Captive Genders: Trans Embodiment and the Prison Industrial Complex*, Oakland: AK Press, 2011. ISBN: 9781849350709 (paper)

Joey L. Mogul, Andrea J. Ritchie and Kay Whitlock, *Queer (In)Justice: The Criminalization of LGBT People in the United States*, Boston: Beacon, 2011. ISBN: 9780807051160 (cloth); ISBN: 9780807051153 (paper)

“[P]rison abolition must be one of the centers of trans and queer liberation struggles” (Stanley and Smith 2011: 3). These words, from the introduction to *Captive Genders: Trans Embodiment and the Prison Industrial Complex*, are indicative of a growing movement to place a critique of the carceral state at the center of radical scholarship and activism. The two books reviewed here, *Captive Genders*, a collection edited by Eric Stanley and Nat Smith, and *Queer (In)Justice: The Criminalization of LGBT People in the United States*, by Joey Mogul, Andrea Ritchie and Kay Whitlock, investigate the intersection of the prison-industrial complex (PIC) and queer identities and politics. Though emerging from disciplines outside of geography, both texts highlight how queerness and the PIC affect people’s access to and perception of various spaces.

The PIC structures people’s access to and interaction with space(s) in prisons as well as in society at large¹. Commonplace examples of this include protests held on sidewalks instead of

¹ As a system whose existence is predicated upon the financial benefits of mass incarceration for both private and government sectors, the PIC works through a series of hierarchizations, dividing people into groups structured and maintained by rigid identity categories. Thus, while we are all implicated in this system in one way or another, the impacts of the PIC are vastly different for different people. Currently, over two million people are incarcerated in the United States (cf Mauer and King 2007). According to 2012 statistics gleaned from the Federal Bureau of Prisons (BOP) - available at <http://www.bop.gov/news/quick.jsp> - out of 217,690 federal prisoners, around 41% are people of color (Latino individuals were not included in the “inmates by race” category; under ethnicity, though, 34.7% of inmates identified as Hispanic). Nearly 50% of people were incarcerated for drug-related offenses, and 93.5% were identified as men. Since many prisons are located in rural areas, while those incarcerated often come from urban areas, the growth of the US prison system has fractured communities and led to a large-scale population

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streets to avoid arrest, the crackdown on public sex, the speed that cars move, and crossing versus remaining within national borders. The past 15 years have witnessed the emergence of a solid body of interdisciplinary social sciences scholarship exploring these issues (see, for example, Davis and Dent 2001; Gilmore 2007). *Queer (In)Justice* and *Captive Genders* add to our understanding of the role of the prison and (in)justice systems by employing a queer perspective. This means, on the one hand, centering the experiences of LGBT individuals and, on the other, applying queer theory's insights about power structures and the attempt to control deviant bodies. For example, Michelle Potts' and Yasmin Nair's contributions to *Captive Genders* both employ a queer lens to understanding the treatment of undocumented immigrants. Their point is not that undocumented people are queer, but rather how queer studies' understanding of deviant bodies can inform our understanding of border crossings as deviant and therefore punishable.

Expectedly, both books focus to a large extent upon the lives of incarcerated queer people. While there are no official statistics on the gender identity or sexual orientation of the more than two million people incarcerated in the United States (the country that the books investigate), studies and anecdotes point to an overrepresentation of queer people in the prison system². Since the literature focusing on the policing of queers in both public and private spaces is still small (Dangerous Bedfellows 1996; Amnesty International 2005), *Queer (In)Justice* is a particularly valuable contribution. Thus, one chapter in *Queer (In)Justice* is dedicated to the exploration of prisons as queer spaces, exploring how both prisoners and officials utilize space to oppress those not conforming to gender and sexual social expectations. The authors report that,

displacement.

² Cf. Sylvia Rivera Law Project, "*It's War in Here*": *A Report on the Treatment of Transgender and Intersex in New York State Men's Prison*, available at <http://srlp.org/resources/pubs/warinhere>, and Hearts on a Wire Collective, *This Is a Prison, Glitter Is Not Allowed: Experiences of Trans and Gender Variant People in Pennsylvania's Prison Systems*, available at <http://www.scribd.com/doc/56677078/This-is-a-Prison-Glitter-is-Not-Allowed>. An acquaintance of ours, incarcerated in a women's facility, estimates that 75% of the inmates there are "gay, at least for the stay".

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“[i]n some cases, prison and jail officials have segregated from the rest of the prison population groups of people who are or appear to be LGBT” (Mogul *et al.* 2011: 109). Discrimination along these lines leads to housing assignments that can place them in jeopardy. For example, transgender prisoners are often either forced to live in a prison wing with others sharing their sex assigned at birth or banished to administrative segregation units (protective custody). Such a lack of control over where they are housed aggravates LGBT prisoners’ chances of experiencing psychological and physical violence at the hands of prison staff or other prisoners.

Several contributors to *Captive Genders* also examine the space of the prison. Of these, the personal narratives are among the most powerful. Clifton Goring/Candi Raine Sweet’s first-person narrative succinctly answers the question “Shouldn’t people care?” (2011: 185) about incarcerated transpeople, while Lori Girshick presents the results of a study on the situation of masculine-identified people in women’s prisons. These and other chapters evoke the prison as a space of gender and racial policing, where rehabilitation into a ‘good’ citizen means becoming ‘properly’ gendered.

The books do not, however, limit their scope to the prison as such, but rather point out the way prisons, policing, and the criminal justice apparatus interweave to close to every space. *Queer (In)Justice* discusses the experiences of LGBTQ defendants in American courtrooms, exploring discrimination exhibited by judges, attorneys, and juries based upon a defendant’s stated or perceived sexual or gender identity. Prosecutors use “queer criminal archetypes” (Mogul *et al.* 2011: 23), cultural images which stigmatize queers as innately corrupt and/or perverse to skew judges in the direction of a ‘guilty’ verdict. A multitude of rich case studies of specific court cases illustrates the power of these archetypes, which are often used in conjunction with racism or classism, to wrongfully convict and imprison queers.

Both *Captive Genders* and *Queer (In)Justice* succeed in illustrating how gender and sexual hierarchies and the prison-industrial complex intersect to limit people’s social, economic, and political freedoms. Written in a more accessible language than most academic texts, *Queer (In)Justice* is an excellent primer on the over-representation of queer people in the criminal

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justice system - or “criminal legal system” as the authors term it - especially people of color, immigrants, youth, sex workers, and people with low income. Of paramount importance throughout the book is the idea that the criminal legal system treats queers differently based upon such factors as race, class, and gender. While *Queer (In)Justice* provides a broad overview, *Captive Genders*, with its anthology format, allows for investigations of specific instances where queerness and criminalization collide. With more than 20 contributions, the collection touches on a broad range of issues and approaches them in often unconventional ways. For example, Yasmin Nair’s essay, ‘How to Make Prisons Disappear’, raises the issue of appropriate heteronormativity in immigration politics. Her narrative complicates the meaning of heteronormativity in immigration, showing that it can be used by same-sex couples to prove that they are just like ‘all other’ (*i.e.* white, middle-class, nuclear) families, and thus ‘deserve’ to stay in the US. Nair also shows how proper middle-class behavior can be a way out of detention during the deportation procedure, pointing to the intersection of sexuality, class, and race. Other issues raised by authors in the collection include access to HIV/AIDS care in prisons and jails, prison activism, and reform versus abolition.

One of the most valuable aspects of the essays in *Captive Genders* is their possibility to spark debate and challenge our thinking. Several authors take quite controversial positions, for example, arguing that sex offender laws should be resisted because they criminalize queer behavior and severely restrict the lives of people, as they do not prevent sexual assault but rather reinforce notions of ‘good’ versus ‘bad’ people (see, for example, Meiners’ chapter). These kinds of arguments create a breach for thinking far beyond the gay-marriage and right-to-serve-in-military politics of the mainstream gay movement.

With their combination of accessible formats and challenging ideas, *Captive Genders* and *Queer (In)Justice* serve not only as resources for scholars, but also as strong teaching tools. They raise the question of power structures based on gender and sexuality, and point out that an equality perspective to LGBT rights does not serve everybody. Some pieces are particularly well suited for classroom use: Wesley Ware’s essay on queer youth in juvenile courts and ‘correction’

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facilities, for example, is a straightforward description of how gender-non-conforming youth are often treated, and how not living up to gendered expectation can lead to prolonged sentences and worse treatment, since proper gender roles are seen as part of the ‘rehabilitation’ process at many facilities.

While *Queer (In)Justice* and *Captive Genders* are instructive for thinking through the spatial implications of the (explicit and implicit criminalization) of queerness, as with much other literature on the prison-industrial complex they give less guidance on how to work for alternatives to incarceration. That said, both books conclude with analyses of the ongoing efforts of prison abolitionists and community activists to combat policing premised upon race, class, gender, and sexual identity. Thus, the final chapter of *Queer (In)Justice*, ‘Over the Rainbow: Where Do We Go from Here?’, documents organizations and initiatives attempting to rectify oppressive policing and imprisonment. The authors discuss a California-based project called Creative Interventions (CI), a community group that strives to handle instances of domestic and sexual violence without notifying the police. While CI’s services can be utilized by anyone, priority is given to immigrant, people of color, and LGBTQ communities. CI’s well-illustrated success bodes well for wider application of its democratic and transformative techniques to address and redress violence. The authors also discuss numerous examples of queers organizing to confront instances of homophobia and transphobia in prison sentencing and policies. For example, a Chicago-based group called Queers to the Left (Q2L) rallied to prevent the execution of Eddie Hartman, maintaining that utilization of anti-gay prejudice by the prosecution compromised his case. Although Hartman was put to death in 2003, Q2L played a major role in influencing the State of Illinois to rescind the death sentence of every prisoner on death row in 2002, employing direct action techniques such as a letter-writing campaign and press releases.

Similarly, the penultimate section of *Captive Genders*, entitled ‘Bustin’ Out: Organizing Resistance and Building Alternatives’, contains narratives by and interviews with activists involved in abolitionist work. Jayden Donahue’s interview with Miss Major, one of the founders of the Trans, Gender Variant, and Intersex Justice Project (TGIJP), a group struggling against

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abuse directed at queer, trans, and gender variant prisoners, is one such example. Vanessa Huang's chapter, which describes the challenges of combining radical analysis with political lobbying and the importance of self-care to avoid movement burnout, is another. *Captive Gender* ends with a brief section on tools and resources for holding workshops about the prison-industrial complex.

In conclusion, *Queer (In)Justice* and *Captive Genders* provide a substantial basis for thinking anew about the criminalization of queerness and its geographies. But they also leave many questions unanswered, open for future researchers. Like the majority of scholarship on the PIC, these two books focus on the United States - a limitation that precludes comparative geographical analyses of prison systems and policing in other countries. What would it mean to apply a transnational perspective to the questions raised in the books? Viviane Saleh-Hanna's work (2008) could serve as an example. There's also the issue raised earlier in this review: anti-PIC activists and researchers are adept at documenting problems but continue to struggle to find practical alternatives and strategies to confront queerness in the PIC. By reviewing these books in *Antipode*, it is our hope that it will spur more geographers to join forces with scholars in other disciplines to build the project of creating alternatives to the PIC.

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