

**Land, Space and Belonging in the Colonial City:
The Intersection of Trans Embodiment, Gentrification and
Anti-Colonial Resistance in Hamilton, Ontario**

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Introduction

The landscape of Hamilton, Ontario is rapidly changing. Once imagined as “The Steel City,” and then after the steel industry collapse, as “The Armipit of Ontario,” Hamilton is now quickly becoming an attractive site for investment. The *Huffington Post*, the *Globe and Mail* and the *Toronto Star* have all named the city “Canada’s Brooklyn,” and the Chamber of Commerce has recently dubbed Hamilton “The Ambitious City.” In recent years, many hip cafes, expensive boutiques, and chic art galleries have been popping up to displace the green grocers, bingo halls, and drinking dens that once occupied the storefronts in the downtown core. Meanwhile, lower-income households are being displaced from the city’s downtown core (Harris, Dunn, & Wakefield, 2015). Gentrification in Hamilton is now undeniable.

Accompanying the gentrification of the downtown has been a re-branding of the city as LGBTQ+ inclusive. In March 2017, the city passed a motion for a *Protocol for Gender Identity and Gender Expression; Trans and Gender Non-Conforming Persons*. This Protocol outlines trans people’s basic rights as employees of the City and as people interacting with City services. This paper inquires into what impacts purportedly inclusionary city-building projects like the Protocol have in gentrifying settler colonial contexts like Hamilton.

The settler colonial context of Hamilton, Ontario is critical to take into account in this analysis. As Blomely (2004) has written, “To talk of land and displacement [...] and not to consider colonialism is to commit an unforgivable, but not unprecedented oversight” (p. 106). This paper looks to the ways that the contemporary project of

gentrification in downtown Hamilton echoes the original (re)settlement¹ of the city by the British. The displacement of the green grocers, bingo halls, and drinking dens is not the first time this space has seen significant changes. Another significant remaking of space allowed the city of Hamilton to be founded in 1846. The city of Hamilton is located on the traditional territories of the Mississauga and Haudenosaunee nations within the lands² protected by the “Dish With One Spoon” wampum agreement. The Dish With One Spoon wampum indicates that the Mississauga and Haudenosaunee people living on this land agreed to share its resources, as the land was the dish and the people could only use one spoon to take from the land. The original settlement of the city by the British necessitated the displacement of these Indigenous nations from the land. Through British settlers’ efforts to create a white colony on this land, many policies were written to encourage the genocide of Indigenous peoples, lands, and ways of life.

The settlement of Hamilton required a disruption of Indigenous relationships to land, boiling down the relationship to land as solely that of owner to property. This remaking of land at the head of Lake Ontario allowed for settler futurity to be guaranteed in this space, at the expense of Indigenous futurity. Tuck and Yang (2012) in their seminal paper, “Decolonization is Not a Metaphor” – which I will draw on many times throughout this paper – identify settler futurity and Indigenous futurity as two distinct and separate possibilities. They write that Indigenous futurities are “the lives to be lived once the settler nation is gone” (p. 36). Indigenous futurity requires decolonization: the rematriation of Indigenous land and ways of life (Tuck & Yang 2012). By contrast, settler futurity requires the continued existence of the settler state. Indigenous futurity can only

¹ The term (re)settlement (as opposed to settlement) is used here to recognize that the land occupied by British settlers in 1846 was already being lived on by Indigenous nations.

² In this paper, land refers to land, water, and air.

be realized once the settler state is gone. In other words, Indigenous futurity and settler futurity cannot coexist.

This paper looks to the types of LGBTQ+ inclusive projects that could be pursued by trans settler activists in Hamilton to either promote or undermine Indigenous futurity. I argue that, despite some decolonial elements, the recently ratified *Protocol for Gender Identity and Gender Expression* in Hamilton, Ontario will both advance and legitimate gentrification, thereby reifying settler futurity. I contend that rather than negotiating with the state for basic forms of inclusion in city spaces through policies like the Protocol, trans settler activists should consider using our resources towards building strong alternative communities that advocate for Indigenous futurity. I start by laying out the context of gentrification in Hamilton before demonstrating the ways that it functions as a process of settler colonialism. I then indicate how the Protocol facilitates the gentrification of downtown Hamilton, thereby promoting settler futurity. I finish by exploring the types of communities trans settler activists should look to build in resistance to settler colonial cisheteropatriarchy³.

Gentrifying Hamilton

Gentrification is the process by which disinvested neighbourhoods in the urban core are made more attractive to the upper and middle classes through an influx of capital (Smith, 1996; Hackworth, 2002). The specific texture of gentrification that we're seeing in Hamilton is highly influenced by Richard Florida's (2002) creative class theory.

³ Cisheteropatriarchy is a system of power based on the supremacy of cisheterosexual men through the exploitation and oppression of women, femmes, and people in the LGBTQ2SA (lesbian, gay, bisexual, trans, queer, 2 Spirit, agender & asexual) communities.

Gentrification in Hamilton favours people of higher incomes and it favours people who are white, constructing these types of citizens as most desirable for the city's growth and 'renaissance.'

For many decades, Hamilton has been home to a disproportionate share of welfare and service-dependent residents. In the 1970s, deindustrialization hit the city hard and the share of available blue-collar jobs fell sharply, leaving many unemployed (Harris et al., 2015). Today, Hamilton continues to recover from the collapse of the steel industry. In 2005, 11.8 percent of the city's residents were dependent on government transfers, ranking Hamilton among the cities with the highest reliance on these transfers in the country (Walks, 2013). Housing poverty – the incidence in which households spend an excessively high proportion of their income on housing – is also among the highest in the country (Harris et al., 2015).

In an effort to grow the city's economy, the City of Hamilton has turned in part to Richard Florida's creative class theory. Florida (2002) explains the creative class theory in his book *The Rise of the Creative Class*, where he employs economic data from major US and Canadian cities to argue that the driving force behind contemporary urban economic growth is a segment of the population he calls the "creative class." The creative class is made up of young professionals engaged in the technology and arts sectors. Florida encourages city councils to attract these creative workers and professionals to live in their cities through the "3 T's": talent (a highly talented, skilled, and educated population), tolerance (a diverse community), and technology (the infrastructure to support an entrepreneurial culture). Florida's idea is that a city with a healthy population

of the creative class will attract more investment and consumption, growing the city's economy.

Scholars have argued that Florida's theory advocates a form of gentrification (Peck, 2005; Granzow & Dean, 2007). Florida's creative class theory encourages cities to make themselves more attractive to the creative class. The culture of the creative class is a culture that must be *bought*, through expensive cafes, boutique stores, art galleries, and outdoor concerts that encourage consumption. The creative class is therefore distinctly upper/middle class. When Florida encourages cities to make themselves more attractive to people in the creative class, he is telling these cities to make themselves more attractive to people of higher incomes. Therefore, his theory encourages gentrification.

Florida acknowledges that the creative class is distinctly white in several follow-up articles to his famous book. In one of these articles, Florida (2016) analyzes data on the race of creative class workers in US cities with large creative economies and concludes, "the white creative class is considerably higher than the overall creative class share of the workforce, indicating how skewed the creative class is to white workers" (The Geography of the White Creative Class section, para. 2). When a city decides to prioritize the creative class, the city is not only prioritizing those with higher incomes; the city is also prioritizing the white population. In other words, when a City decides to attract a creative class in order to grow its economy, it is favouring the influx of a largely white, upper/middle class population over the population currently living in the city's downtown. It is positioning these whiter, wealthier residents as more desirable.

And the troubling thing is, the City of Hamilton has bought into Florida's theory.

The City invited him to speak at its first annual economic summit in 2008 (Allen, 2009). Florida's name is referenced in documents released by the City, like the Creative Cities Initiative Report (McCabe, 2007) and the Music Strategy Report (Priel, 2014). The City's "Economic Development Action Plan 2016-2020" identifies the need to "Promote and sell Hamilton" and to "Revitalize commercial areas" as two of its nine Areas of Focus, none of which mention the need to address urban poverty (p. 19). And there's the fact that Hamilton's most gentrified streets – James, Locke and Ottawa – all mimic the creative city landscape.

There are clear indicators that not everyone is benefiting from Hamilton's 'urban renewal'. Andrew Dreschel, a reporter at *The Hamilton Spectator*, urges Hamiltonians to consider the ways that gentrification is not benefiting the city's most vulnerable residents. As he writes (2017):

One in five Hamiltonians lives below the poverty line and one in four children live in poverty. There are something like 6,000 households on the wait list for social housing, a stock that requires about \$200 million in maintenance and repairs we don't have. [...] Low income, low education, uncertain housing and poor nutrition are road maps to more frequent hospital visits. These are the socioeconomic determinants of health that are noticeably played out in Hamilton's urban core, virtually side-by-side with our chic galleries and trendy restaurants (para. 12-14).

Dreschel's analysis indicates how gentrification fails as an equitable method of growing the urban economy: gentrification fails in this regard because it does nothing to actually alleviate urban poverty.

“Vital Signs” – a report prepared by Mayo (2015) and published by the Social Planning and Research Council (SPRC) – confirms Dreschel’s analysis. The report demonstrates how the benefits of the city’s ‘economic renaissance’ have not been experienced evenly across the city. The report notes improved unemployment rates, a booming real estate market, and an influx of young adults to the city. However, it also finds that 57 percent of Hamilton’s workers do not have secure employment, resulting in less access to benefits and pensions. In addition, the booming real estate market has generated rapidly increasing rents: they rose over 4 percent between 2014 and 2015. And rental vacancy rates have dropped to troubling lows: in 2015 the vacancy rate was 1.8 percent. “Vital Signs” reveals the ways that disparity remains a critical issue in Hamilton, despite the ‘urban renaissance’ the city is experiencing.

As a report on gentrification in Hamilton has shown, rather than actually addressing urban poverty, gentrification just moves those living in poverty elsewhere. The report by Harris, Dunn and Wakefield (2015) demonstrates that gentrification – and the concurrent rise in housing prices and rents – is displacing lower income households away from the city’s downtown core, to suburbs like Stoney Creek and Riverdale. This report confirms that gentrification as an urban strategy does little, perhaps nothing, to benefit the urban poor. In fact, it forces the urban poor out of their homes as rents become too high and landlords pressure tenants out of their units. In other cases, it only allows those of lower incomes to find affordable housing outside of the inner city, forcing them to leave the area where the highest concentration of social services is to be found. Being placed far away from these social services makes it even more difficult for these populations to access the supports they need.

In Hamilton, the adverse affects of gentrification have been disproportionately experienced by people of colour, Indigenous people, immigrants, and people living with disabilities, confirming the hypothesis that gentrification, and in particular Richard Florida's brand of gentrification, favours young, white, and upper/middle class residents. A report prepared by Mayo and Fraser (2009) and published by the SPRC shows that recent immigrants, Indigenous people, visible minorities, and people living with disabilities are disproportionately represented in lower income categories in the city of Hamilton. In the report, 18.1 percent of the city's population lives below the poverty line, but 50.5 percent of recent immigrants, 39.1 percent of Indigenous people, 33.8 percent of visible minorities, and 24.1 percent of people living with disabilities were living below the poverty line. These statistics demonstrate the ways that gentrification, by negatively affecting people of lower incomes, disproportionately affects people of colour, Indigenous people, and people in particularly vulnerable positions, like recent immigrants and people who are mentally ill. By prioritizing the creative classes, the City of Hamilton is making everyday life even more difficult for the urban poor, who are disproportionately racialized as "other."

None of this is to say that the people being negatively affected by gentrification have no ability to fight back. In fact, we're seeing people take a stand against predatory landlords in the city. For example, a CBC news article covered an event organized by the SPRC in 2015, where tenants of 181 John Street and 192 Hughson spoke out against rising rent prices and efforts to push them out of their housing ("Downtown apartment tenants 'don't want to leave' amid rent hikes, renos," 2015). The residents, who were mainly immigrants, individuals living with disabilities and/or living in poverty, voiced

concerns that included a 3% rent increase (double the annual maximum), payouts to force tenants to move, and the purposeful delaying of repairs to force people to move. It is clear that gentrification is not benefitting all of Hamilton's residents; in fact, it is actually having adverse effects on the city's most marginalized populations.

By marketing itself to the creative class, and by transforming the downtown to favour creative workers, Hamilton is prioritizing a largely white and upper/middle class population at the expense of people of colour, Indigenous people, people living with disabilities, and recent immigrants. Gentrification as a strategy for economic growth does nothing to ameliorate urban poverty. Instead, it clears space in the city's downtown for a creative class to move in, while pushing out purportedly less 'desirable' residents.

Colonial Hamilton

Arguments that favour gentrification and the creative class theory rest on the assumption that the mere presence of people with physical and cultural capital – the largely white creative class – is a positive influence for the low-income, generally racialized folks in a city. This line of reasoning values, both socially and economically, white culture and white lives above all others. The same arguments were used to justify settler claims to land when frontier cities were first settled in what is now called Canada (Smith, 1996; Granzow & Dean, 2007).

Hamilton is a settler colonial city: it was founded as a white, largely Protestant space through the displacement and erasure of the Mississauga and Haudenosaunee nations and peoples from the landscape. Settler colonialism is a form of colonization in which colonizers come to stay. Settlers make Indigenous lands their new homes and sources of capital (Tuck & Yang, 2012). In the process, they disrupt Indigenous

relationships to land – ones that understand land as ancestor, land as mother, and a sense of responsibility and stewardship towards the land (Tuck, 2017) – boiling down understandings of land to simply that of owner to property (Blomely, 2004). In settler colonial states, land is the ultimate pursuit because the domination of land by settlers guarantees the future of the settler state and settler sovereignty (Tuck & Yang, 2012; Thobani, 2007). In other words, settler futurity is reified through settler claims to Indigenous lands. Most often, settler claims to land are justified through the disappearing of Indigenous nations and peoples who lived on this land before colonization and who continue to live on this land (Thobani, 2007). This disappearing of Indigenous nations is enacted by the settler state and it occurs through both the refusal to recognize Indigenous sovereignty and the genocide of Indigenous peoples and Indigenous ways of life (Thobani, 2007). The idea is that if the Indigenous nations ‘aren’t here’ then the land is ‘up for grabs.’

Settler colonialism continues in Hamilton to this day, and gentrification is just one of the ways we see this happening. Gentrification in Hamilton works to further guarantee settler futurity and the continued existence of the settler state by employing the same language and metaphors used to originally (re)settle the city in 1846, to justify claims to the land by the creative class in 2017. In a *Toronto Star* article about Hamilton’s housing market, gentrifiers are referred to as “pioneers,” and Glen Norton – recently named the head of Economic Development for the City of Hamilton – states that “there is a little bit of a settler mentality” in the city (Kalinowski, para. 4-5, 2016). This flippant use of the language of colonization demonstrates a normalization of the violent and oppressive

structure of settler colonialism. This normalization encourages settler colonialism to continue to take place across the lands of this city.

Just as (re)settlement of the frontier city was justified by the claims that the land was empty, devoid of culture, and not being used ‘productively,’ (re)settlement of gentrifying neighbourhoods works on the claims that the inner-city is likewise empty, devoid of culture, and that the space is not being used ‘productively’ (Granzow & Dean, 2007). For example, in a *Globe and Mail* article titled “How Hamilton is revitalizing its downtown to bring new life,” Marcus Gee writes, “Hamilton saw its downtown hollowed out” and parts of the downtown “became sketchy no-go zones (2015). Gee’s words point to the ways that gentrifiers imagine the disinvested city centre as empty and devoid of life. The idea that the urban poor do not have lives worth living or saving is implicit in Marcus Gee’s article, and in many conversations about gentrification in Hamilton.

Gentrifier claims to space in downtown Hamilton are justified through language that disappears that which already exists there, just as settler claims to land did. Smith (1996) writes, “The term urban pioneer is therefore as arrogant as the original notion of ‘pioneers’ in that it suggests a city not yet socially inhabited; like Native Americans, the urban working class is seen as less than social, a part of the physical environment” (p. xiv). Gentrifiers conflate the urban poor with the physical environment and then position them as detritus to be cleaned up.

The rhetoric of “cleaning up” the downtown has actually been used in Hamilton, demonstrating how the urban poor have been conflated with the physical environment. The Hamilton Police’s ACTION (Addressing Crime Trends In Our Neighbourhods) Team was formed in 2010 with the mission of “cleaning up” the downtown (Bennett,

2016). ACTION officers on bike, foot, and horse can stop people who have not done anything wrong, ask for their ID and record their information in a police database (Bennett, 2016). Hamilton Police statistics show that visible minorities are far more likely to be stopped multiple times in the same year by ACTION team officers and that the ACTION team is more likely to stop and frisk people of colour, homeless people, and/or people living with mental illness (Bennett, 2016). It is clear that the ACTION team exists solely to benefit the businesses and developers in the downtown, at the expense of Indigenous, racialized, poor, and/or disabled folks. It is also clear that the gentrification of downtown Hamilton functions through similar logic as the original (re)settlement of the city. By erasing the existence of the urban poor, by conflating the urban poor with the landscape, and by positioning these people as something to be cleaned up, gentrification is justified.

In addition to gentrification using the language and metaphors of settler colonialism to justify itself, gentrification is also an act of colonization because it disproportionately affects Indigenous residents in Hamilton. Due to generations of trauma and genocide as a result of colonialism, Indigenous people living in Canada are more likely to be poor, to suffer from mental and/or physical illness, and to live shorter lives (Coulthard, 2014). Because poor people are displaced by gentrification, and because Indigenous people are disproportionately poor, Indigenous people are disproportionately displaced by gentrification. A recent survey of 129 homeless people living in Hamilton shows that about half were Indigenous (Maracle, Mayo, & McCormack, 2013). The report by Mayo and Fraser (2009) discussed in the previous section also indicates that Indigenous people living in Hamilton are disproportionately represented in lower income

brackets. Given that the ACTION team is targeting homeless people, and that people of lower incomes are being negatively affected by gentrification, the people being displaced from the downtown core, in a repetition of history, are disproportionately Indigenous people. Clearly, the past is not past and colonization continues. Processes of gentrification are repeating the actions used to colonize the land to reify settler futurity in the city of Hamilton.

The process of urban ‘revitalization’ in Hamilton is ‘whitening’ the city’s core and has once again displaced Indigenous people from the landscape. Gentrification further guarantees white settler futurity by displacing Indigenous people and people of colour from the booming downtown core and excluding them from the benefits of urban ‘revitalization.’ Gentrification is more than just an echo of colonialism. Histories of colonization have produced and continue to produce the legal and economic possibility for Hamilton. Hamilton is not a post-colonial city; colonialism is enacted on this land every day, and gentrification is just one of its many manifestations.

The City of Hamilton has been supporting, if not outright spearheading, this project. Sometimes this support is as obvious as the inclusion of Richard Florida’s name in City-wide strategy plans. Other times, it is much more subtle. I will now look to the ways that purportedly inclusionary projects of city-making are actually supportive of gentrification and settler colonialism. I argue that the recently ratified *Protocol for Gender Identity and Gender Expression* will both advance and legitimate gentrification, thereby reifying settler futurity.

Trans Hamilton

The *Protocol for Gender Identity and Gender Expression* was drafted in response to a human rights complaint against the city. In 2015, a trans woman was barred from using the women's washroom by an HSR security guard in the MacNab bus terminal in downtown Hamilton (Hayes, 2015). She filed an official complaint with the Human Rights Tribunal of Ontario and the case was settled with the City out of court (Hayes, 2015). As part of the settlement, the City agreed to draft a protocol that would outline trans and gender nonconforming peoples' rights in their interactions with the city. This protocol, titled *The Protocol for Gender Identity and Gender Expression; Trans and Gender Nonconforming Persons*, was brought to a vote at City Council in early March 2017, and it passed unanimously. The Protocol outlines the rights of trans people in accessing City services, as well as the rights of trans employees of the City. It puts into policy the rights of trans people to use the washroom of their choice, to identify and dress as their own gender, to be referred to as their own gender, and to only be asked their sex and gender if there is a "legitimate need" for the data (Appendix A, p. 5), among other basic things. I argue that, despite the ways that the Protocol could be interpreted as 'decolonial,' it can also, troublingly, be taken up to advance and legitimate gentrification, thereby guaranteeing settler futurity.

The Protocol could be understood as decolonizing because it acknowledges that there are more than two genders. For example, in a section on data collection, the Protocol reads, "Where a legitimate or legal requirement to collect sex and gender data has been identified, it is essential that the option be made available for people to self-identify, wherever possible, in categories that go beyond the two categories of 'female'

and ‘male’” (Appendix A, p.5). Colonial domination, in North America as well as other geographical contexts, was carried out through the aggressive imposition of the gender binary onto Indigenous nations and communities (Finley, 2011). So the Protocol, in part, does some work to undo, or unlearn, colonial understandings of sexuality and gender.

However, Tuck and Yang (2012) have convincingly critiqued the idea that symbolic gestures – like this recognition of genders beyond the binary – are decolonizing. They explicitly state that decolonization requires the rematriation of Indigenous lands and ways of life. The Protocol does acknowledge the existence of Two Spirited people, so it is possible that its recognition of non-binary genders was partly informed by Indigenous knowledges. In this sense, the Protocol may do some work to restore Indigenous ways of life. However, it does nothing to redress Indigenous land claims and Indigenous sovereignty. In fact, as I argue below, it actually further guarantees settler futurity by encouraging and legitimating creative class settlers’ claims to land.

The Protocol promises continued settler futurity because it can be taken up to both advance and legitimate gentrification. Comments made by city councilor Aidan Johnson, who largely spearheaded the Protocol, point to the ways that the Protocol facilitates the gentrification of downtown Hamilton. For example, the *Hamilton Spectator* published the following troubling comments by councilor Johnson:

Johnson - Hamilton's first openly gay councillor - argues making the city a better place for trans people also makes economic sense.

For decades, many in the LGBTQ community have left for Toronto, "where there's a more welcoming community."

"So this isn't just a human rights issue. This is, 'Does Hamilton want a brand of welcoming, and a brand of inclusivity, and a brand of modernity?'" (qtd. in Moro, 2016).

Johnson also made similar comments at a meeting at city hall on March 6, 2017. For example, he asked Jim Enos, the first of four people to oppose the Protocol in a public delegation to the Administration, Finance, and Audit Committee, "Why should the city reject a Protocol that helps us to build our economy?" Johnson went on to explain:

The first question is inspired by the large amount of economic evidence that we now have [...] to the effect that cities with thriving LGBTQ2S communities are more prosperous [...] The primary explanation is creative workers and professionals generally prefer to live in a cosmopolitan community—that is communities where harassment is not tolerated and where gender nonconformity is protected ("Hamilton City Council: Audit, Finance, Admin - March 6, 2017: Transgender Policy," 0:05:00).

It seems that councilor Johnson is strategically deploying this argument to give legitimacy to both the Protocol and to the ongoing project of gentrification. Johnson's statements demonstrate both how the Protocol can be taken up to advance gentrification, and also how gentrification is legitimated through policies like the Protocol.

To the first point, that the Protocol can be taken up to advance gentrification, Johnson's statements echo Richard Florida's argument in *The Rise of the Creative Class* (2002) – that tolerance (particularly of LGBTQ people) attracts talent. In other words, cities that appear to be queer-friendly will attract the creative class. Essentially, the Protocol may be used to "brand" the city as tolerant – as welcoming, inclusive, and

modern. According to Florida, this tolerance is attractive to the creative class, so ultimately this branding is supposed to make money for the city. The idea behind branding is, of course, appearance. As Ahmed (2012) has argued, the appearance of diversity work taking place in institutional contexts, like the City of Hamilton, gets taken up as evidence of diversity and inclusion. In other words, even if the Protocol has no real impact on the lives of trans and gender nonconforming people in Hamilton, it will create the *appearance* of having an impact, which the city can then use to claim that it is an inclusive and welcoming place. Johnson's statements reveal what is important to the City: that Hamilton *appear* inclusive so that the city can compete with Toronto for LGBTQ+ consumers and allies with disposable incomes. The Protocol will advance gentrification in Hamilton by making the city appear to be a cosmopolitan place, thus attracting more creative workers to displace lower income residents from the downtown.

Gentrification is not only advanced through policies like the Protocol, it is also *legitimated*. To argue this point, I draw on Jasbir Puar's concept of homonationalism. Homonationalism is an analytic for understanding "the complexities of how 'acceptance' and 'tolerance' for gay and lesbian subjects have become a barometer by which the right to and capacity for national sovereignty is evaluated" (Puar, 2013, p. 336). Puar writes about homonationalism in the context of Israel/Palestine, whereby Israel's supposed gay-friendliness is used to justify its claims to the land and national sovereignty, while Palestinians (and Muslims in general) are depicted as homophobic (Puar, 2007). Homonationalism can easily be adapted to include trans and gender nonconforming people, and it thereby provides an analytic for comprehending how settler colonial sovereignty is legitimized through narratives of sexual and gender modernity. In

Hamilton, the supposed tolerance, or sexual and gender modernity, of the creative class could be used to justify their claims to the downtown. Gentrification is legitimated through the Protocol because the people who will best respect the Protocol and view it as desirable are imagined as the creative class.

Puar's concept of homonationalism also has important insights into the various levels of citizenship made available to people living in occupied territory. For example, Palestinians living in what is now called Israel are 'welcomed' as queer people and as trans people under the country's 'queer-friendly' image, but they are not welcomed as Palestinians (Puar, 2007). In a similar way, trans and gender nonconforming (GNC) people are welcomed into the city of Hamilton through the Protocol, but because the Protocol props up a project of gentrification, trans and GNC people are not welcomed into the city as people of colour, as homeless people, and as Indigenous people. Thus, the benefits of the Protocol may not be felt evenly across the trans community. Trans people who best fit the definition of the creative class will surely benefit. For trans people who do not, the Protocol may actually put them at greater risk of being displaced by gentrification.

Why was the Protocol passed in the first place? Were city councilors convinced of its merits by Aidan Johnson's economic arguments? Or did they vote for the Protocol because they had truly decided that the time was right for trans people to be afforded the same rights as them? I have serious doubts as to whether the Protocol would have passed had Aidan Johnson not made those economic arguments and connected the Protocol to the project of 'revitalizing' the downtown and attracting creative workers and professionals to the city. Despite some decolonial work the Protocol may be doing, it also

does work to facilitate the economic development of downtown Hamilton, to advance and legitimate gentrification, and to thereby reify settler futurity.

Radical Community Building in Hamilton

Knowing all these arguments, I still spoke in favour of the Protocol to the City's Administration, Finance, and Audit Commission meeting on March 6, 2017 – at the same meeting that councilor Johnson made the statements quoted above. I was one of twenty-six delegations signed up to speak in favour of the Protocol. There were also three pro-Protocol delegations who were trans and/or Two Spirited Indigenous people from the nearby Six Nations reserve. This is where things get complex. The delegations that spoke in favour of the Protocol often argued that the Protocol needed to be passed because it was about trans and GNC peoples' *human rights*. But isn't there something wrong with a human rights framework that requires marginalized groups to ask for permission to be respected and included by those in power? What are some more radical and inclusive ways that myself and the other trans settler activists that rallied behind the Protocol could direct our emotions and labour?

I think that the first step to finding out will be to resist the relationship we have with the state in which we are required to justify ourselves and ask for those in power to respect and include us, in spite of our difference. I spoke to this point in my speech at City Hall on March 6, 2017. I said,

When I need to get up here to ask that the City respect my name and pronouns or to ask that the City provide a safe space for me to go to the washroom, I also feel inclined to ask, who has never had to ask these questions? Who doesn't need to worry about someone using the wrong name and pronouns for them? Who doesn't

need to worry about finding a safe space to go pee? City councillors, have you ever been worried that you wouldn't be afforded these basic respects? Why must I and my friends come up here and ask for this?

Instead of politely asking that the state respect trans people, instead of demonstrating my pain in an effort to prove that I and other trans folks are human and deserve to be respected, I questioned the entire framework that necessitates that people with certain bodies (trans bodies, racialized bodies, Indigenous bodies) do this sort of work.

By politely asking that the state respect and include us, we play into a dependency relationship with the state, whereby the state becomes the only site of change, and where in order for change to happen, the state must first approve or sanction it. In a similar vein, Glen Coulthard, author of *Red Skin White Masks* (2014), said in a recent interview about his book,

I'm worried we've spent too much time putting our effort into negotiating with an unjust partner that negotiates with us in order to curtail or contain our rights within a framework that still facilitates economic development on Indian lands.
(qtd. in Rendell, 2015)

We're seeing a similar problem happening with the Protocol in Hamilton. While in essence, the Protocol may include elements that could be read as decolonial, because it redresses some of the erasure and violence of the colonial cisheteropatriarchy, the rights enshrined in the Protocol were only granted to further entrench settler colonialism by facilitating the gentrification of downtown Hamilton.

What can we do instead of using our resources to negotiate with the state?

Coulthard, in the same interview, suggests that we should "[try] to relate to each other in

forms of mutual aid and rebuild our nations in a more bottom-up fashion” (qtd. in Rendell, 2015). Instead of constantly focusing on educating the wider public about trans issues, instead of constantly justifying our rights to be human and recognized by the state, trans activists could focus our energies on community care and on building solidarity across various lines of struggle. Instead of having these endless and tiresome debates about washrooms, about they/them pronouns, about any of the other insignificant pieces of our lives that are blown out of proportion by transphobes, we could turn our energies inwards and begin building strong communities. We could build movements that are understanding and respectful of trans people while also being anti-gentrification and anti-colonial.

What are important sites of resistance and common struggle that trans people, the people affected by gentrification, and Indigenous people could organize from? The events surrounding the vote by city council on the Protocol demonstrate the ways that our labour as activists is co-opted by the capitalist colonialist state. By trying to achieve greater equality for trans and gender nonconforming folks, trans activists’ labour has actually been co-opted to further benefit the capitalist and colonial state. Phung (2011) is useful to draw on here. She writes that while immigrants and refugees are not readily welcomed into the colonial nation-state, they nonetheless participate in and benefit from Canada’s colonial project, especially when they work towards achieving equality with settler subjects. In other words, people who are not readily welcomed into the colonial nation state (or the colonial city) can become even more active in settler colonial violence by seeking to assimilate or interpolate themselves into the settler state. Especially for white and/or upper-middle class trans folks, who neatly fit the category of the creative class,

negotiating for a piece of policy like the Protocol stands to benefit us, while further marginalizing the urban poor. On the other hand, simply opposing the Protocol is not an anti-colonial or anti-gentrification act in and of itself. In order to do activism that is truly pro-trans, anti-gentrification and anti-colonization, trans activists in Hamilton need to do more than support the Protocol, but we also need to do more than simply oppose it.

As settlers we are complicit in the operations of settler colonialism simply through our daily actions of living on this land and by being part of a state that disappears Indigenous people and Indigenous claims to land. Rita Dhamoon, in conversation with Corey Snelgrove, explains how settler colonialism does not need our permission to continue to operate:

Settler colonialism does not work at the individual level, or need my consent or the consent of other individuals even, for it is a way of governing through a naturalized nation-state that erases Indigenous peoples and implicates us all, however well-intentioned we are, or differentially located. (qtd. in Snelgrove, Dhamoon, & Corntassel, 2014, p.7)

Importantly, Dhamoon points out that it doesn't matter how "well-intentioned we are, or differentially located." As a settler, even if I do not like settler colonialism and even if I work towards challenging it, I continue to benefit from it at the expense of the Indigenous nations whose land I live on. To the point of being differentially located, whether a settler is a recent immigrant or refugee, or whether they are descended from many generations of white settlers, all settlers are complicit in settler colonialism. However, settlers do not benefit equally from settler colonialism, depending on our social locations. Obviously, a settler descended from many generations of white settlers is at an advantage that a recent

immigrant is not. In Hamilton we're seeing the uneven benefits of settler colonialism. When people of colour, recent immigrants and the urban poor are displaced by gentrification, settler colonialism is being used against them. Here is an important site of resistance for Indigenous nations, people of colour, recent immigrants and the urban poor to organize from.

I want to look to the sites of resistance that trans people, the urban poor, and Indigenous people can work from to form communities that are pro-trans, anti-gentrification, and anti-colonial. To do so, we would need to begin by asking important questions, such as: how do we address gentrification while also addressing the ongoing displacement of Indigenous people by settler colonialism? How do we recognize this as the same site of struggle, and recognize ourselves and our struggles as interconnected? How do we recognize gentrification and colonialism as necessarily embedded in each other? How do we build communities and work across lines of struggle and do solidarity work that actually makes a difference? I hope that a paper like this begins to answer these important questions.

Coulthard (2014) writes about the possibility of building strong communities on Indigenous nations' terms, with Indigenous frameworks. I want to believe, as a settler, that there is a place for trans settler activists in these communities, so long as we are working towards Indigenous futurity. Simpson (2011) has said, "Resurgence cannot occur in isolation. A collective conversation and mobilization is critical to avoid reproducing the individualism and colonial isolation that settler colonialism fosters" (p. 69). I think that settlers can help work towards decolonization, so long as we prioritize Indigenous futurity, and understand that decolonization requires the rematriation of

Indigenous lands and ways of life, and not just a conscientization of colonialism (Tuck & Yang, 2012). And I think that there are specific and important ways that trans settlers could learn and act in support of anti-colonial resistance. In general, trans people have negotiated the insidious structures of cisheteronormativity that bind our existences in the west, and have complicated the notions of belonging constructed by these social structures and rewritten the histories handed down to us by them. I want to explore this in more depth and inquire as to whether we could similarly complicate the structures that allow for settler colonialism to continue.

Trans and gender nonconforming settlers have always already been aware of not belonging. Our bodies are told this every day when they don't always look like what is expected of us. Physical and semantic changes that act out on the surface of our bodies render current categories of gender and sex incoherent. Scars from various surgeries remind the body of what once was and what now is. For example, the scars from top surgery (i.e. a bilateral mastectomy) remind the trans person of the 'breasts' that once occupied that space, complicating the gendered markers of the flat chest that now occupies that space. In addition, re-naming of the self and of the body complicates the meanings placed on us by others. For instance, a trans person may choose to refer to their genitals by words that are gendered in ways supposedly 'oppositional' to that person's assigned gender. What a doctor would call a vagina, a trans man might call his cock. What a surgeon may call a penis, a trans woman may call her clit. A non-binary person may refer to their genitals as their bits or junk in an act of releasing these sexed parts of the body from the gender binary, and sometimes from gender as a whole. These name changes destabilize the gendered and sexed language that has been placed on the body,

thereby destabilizing and denaturalizing these categories. The fact that we can and do complicate categories of gender and sex in this way unsettles notions of belonging in a cisheteronormative structure.

Additionally, for many trans and gender nonconforming settlers, our histories are written on our bodies. Physical changes (like hormone therapies, surgeries, make up, and wardrobe changes) and semantic changes (like a change of name and pronouns) expose the ways that histories can be reclaimed and rewritten, and they also expose the absurdity of the notion that the history that has been handed to us is fixed and complete. For many trans and gender nonconforming people, a process of transition involves taking the meaning and histories of our bodies as they were handed to us and completely changing their texts. When we re-make our bodies in ways that deconstruct gender/sex as concepts, we blur the boundaries of these categories. Trans bodies expose the invisible lines of the categories of man and woman. More than that, we expose that these borders are socially constructed, and that because they are socially constructed, we can change them. Trans bodies negotiate the strange borders between “man” and “woman” and explore the ways that these constructed borders have real consequences, but no real grounding. And trans bodies unsettle these boundaries, uproot them, twist them and expose them as absurd.

Indigenous scholars working at the intersections of queer studies and critical Indigenous studies have written about how the logic of heteronormativity bolsters the logic of colonialism, and that by uprooting the heteropatriarchy, we can begin to also uproot the colonial state (Finley, 2011; Driskill, 2010). The Protocol has demonstrated the limitations to this argument, as the Protocol takes steps towards addressing the inequities inherent under cisheteropatriarchy, and at the same time further entrenches

settler futurity. Therefore, in order for acts that resist the cisheteropatriarchy to be anti-colonial in nature, they need to be done in collaboration with the Indigenous nations whose lands we occupy. They also need to be done in a way that separates them from an exploitative capitalist state. But, because the logic of cisheteronormativity is colonial in nature, the types of incoherencies trans bodies create can certainly be used against the colonial state. There lie planes of solidarity that we can work through, especially with Two Spirit movements. Using our knowledge of not belonging, of denaturalizing social constructions, and of (re)writing our histories, trans people can form relationships of solidarity with Indigenous nations whose land we occupy in order to resist interpolation into a violent colonial state. Coming from different places, we can resist the colonial state together. So, an appropriate site of resistance for trans settlers, the urban poor, and Indigenous folks would be this site that complicates categories of belonging – in the city, in our bodies, to gendered and sexed categories – and rewriting the histories and meaning of this land, our bodies, and our rights to the city.

Tuck and Yang (2012) have written about the forms of relationships that settlers could form with Indigenous nations, and they warn that these relationships should not be “too easy, too open, too settled” and that there should always be room for conflict (p. 3). They specifically point to a need to recognize the incommensurability of Indigenous people and settlers. We are not comparable, and sometimes the things that our movements want may be different. Importantly, settlers must understand the need to prioritize Indigenous futurity, which cannot coexist with settler futurity.

This recognition of incommensurability is especially interesting, because it doesn't require us to form a united front in order to resist what exists now and create

alternative futures. It allows us to think about forms of resistance that acknowledge the ways that we are different. As The New British Columbia Indian Art and Welfare Society Collective (NBCIAWSC) has written,

Dissent, difference, and contestation drive the constant formation and reformation of our shared existence, our shared space—whether that space is the reserve, the neighbourhood, the city, or the country. (NBCIAWSC, 2015, p. 57).

When we are coming from different places, we will have different ideas of what is good for us and what sort of futures we want to imagine. These differences allow for us to learn from one another, and to build alternative nows through dialogue, conversation, and consensus. This is what community building *should* look like. The idea that we should put up a unified front and leave difference behind us is akin to a project of assimilation. We should know that if there is no conflict, someone is likely being silenced. At the core of the kind of community building we need to be doing in Hamilton is this incommensurability, these contestations, these differences. We need to be critical of one another and of our movements in order to allow the communities we build to continue to be pro-trans, anti-gentrification and anti-colonial.

Coulthard urges Indigenous movements to look towards self-empowerment and self-organization and doing things for themselves rather than looking to the state and nurturing that dependency relationship that the state tries to impose on Indigenous nations (qtd. in Rendell, 2015). He gives the example of Unist'ot'en Camp, a reclamation site in Wet'suwet'en territory, in the Interior Northwest of British Columbia. The people at this camp have gathered to oppose the proposed pipeline construction, and in doing so, they have actually started enacting Indigenous law in that territory, recreating community and

nationhood. We can create small pockets of resistance to the violent cis-hetero-settler state by creating communities in which consensus and dialogue and Indigenous knowledges form the basis of community. Even though it may seem impossible to change all of Canada, we do so slowly by creating these kinds of communities. We can do it in Hamilton too.

Conclusions

In Hamilton, Ontario the *Protocol for Gender Identity and Gender Expression* acts as a case study for how purportedly inclusionary city-building projects are actually exclusionary in a settler colonial context. The Protocol legitimates Richard Florida's creative class arguments; it attracts creative class members to Hamilton's downtown and it justifies claims to space by the creative class in the city's core. In these ways, the Protocol can be taken up to advance and legitimate gentrification, thereby guaranteeing settler futurity.

Thus, activists and organizers should be wary of human rights legislation and the ways it could be co-opted to further benefit the state at the expense of marginalized populations. The Protocol's various and complex impacts indicate our limitations as activists under settler colonialism. Inclusive and radical activism must do more than simply oppose or support policies like the Protocol in order to work towards Indigenous futurity. I've gestured towards the types of questions we should be asking to start building stronger radical communities in the city of Hamilton that could be pro-trans, anti-gentrification, and anti-colonial.

Instead of negotiating for rights with the state, activists should look towards building strong radical and alternative communities that position themselves as opposed

to the state and settler futurity. In Hamilton, trans activists, the urban poor, and Indigenous people living in the city can organize across lines of solidarity in order to build these types of communities. Within these communities we can begin to imagine and create a world in which we actually want to live. These communities must recognize the differences our different movements and even different members may have. When we open up space for conversation, debate, and consensus, we can begin to live beyond the structures that co-opt our labour to only reinforce their oppressive presence. Perhaps we can even begin to build and live in a more compassionate world.

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