

Shelter in Place: Pandemic Prudentialism and Park Space in Toronto/Tkaronto

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Abstract

In this article, we interrogate the representation and construction of public park space in a settler colonial city: Toronto/Tkaronto. First, we draw on the relationship between urban neoliberalism and prudentialism to demonstrate the way public health authorities in Toronto/Tkaronto promoted a neoliberal ideology of prudentialism that emphasized individual action (e.g., social distancing, personal hygiene, sheltering in place) in response to



the COVID-19 pandemic. Second, we consider the extent to which this response congealed and combined with broader anxieties that were used to manage more than the virus. We focus specifically on the way these anxieties took hold in public park space, and in particular the response to encampment communities. We theorize prudentialism, as an instrument of the white settler state, to interrogate the twin processes of organized abandonment and organized violence (Gilmore 2022), which were made visible in the treatment of unhoused people amidst the pandemic in an affluent and seemingly progressive city in a nation now known as Canada. Recognizing that COVID-19 has afflicted global cities marred by real estate speculation and the continual reliance on the commodification of Indigenous Land, which has made homelessness and urban displacement a lived condition for some, we argue that public health crises result not from—and thereby cannot be solved by—prudential responsabilization, but from the willful ignorance of the neoliberal, capitalist white settler [real estate] state (Stein 2019).

Keywords

Pandemic, COVID-19, prudentialism, park space, encampment, homelessness

Introduction: Homelessness and the Directive to Shelter in Place

On January 25, 2020, the first case of COVID-19 in Canada was reported—specifically within the area now known as Toronto.¹ Not yet named, the novel pathogen triggered a tidal wave of public health panic. It was not until March 2020 that the World Health Organization (WHO) labelled the COVID-19 virus a pandemic. With the global impact soon inescapable, elected and appointed authorities, particularly within densely populated cities, were forced to quickly adopt strategies to mitigate infection and disease (Connolly, Ali and Keil 2020). In Toronto, the public health response unified across municipal, provincial/territorial, and federal government authorities and included the directive to “shelter in place” and a blanket closure of all non-essential businesses, recreation, and sport facilities, etc. to reduce contact and transmission. Similar strategies were adopted across various settler colonial cities, which in their neglect of existent economic disparities and histories of racial violence, failed to mitigate the overrepresentation of those most vulnerable in COVID-19 data. By July 2020, the Toronto Mayor and Chief Medical Officer of Health shared the first analyses of socio-demographic data collected by Toronto Public Health. The rates of infection and hospitalization were demonstrated to be highest in low-income communities and communities with a large proportion of racialized and immigrant people; particularly people identified as Black, South Asian, Southeast Asian, and Latin American. Initial analyses did not include information relative to homelessness but continuities of colonialism through neoliberal austere policies and financialization manifest most harmfully for BIPOC (Black, Indigenous, People of Colour), 2SLGBTQ+ and people with disabilities, historically overrepresented in national homelessness data (Grenier 2022).

Those familiar with the shelter system in Toronto alerted authorities and called attention to the likelihood that COVID-19 would further threatened an existent public health

¹ The name Toronto is derived from the Haudenosaunee word, Tkaronto, which is commonly translated to “trees standing in water” and “meeting place” and “place of plenty” (see also Murphy 2020; Kanji and Withers 2021).

crisis: homelessness. Already established in the literature, neoliberal ideologies and governance strategies, adopted at each level of government (municipal, provincial/territorial, and federal) in Canada, contribute to contemporary homelessness and allow the shelter system to remain in deliberate decline (Walks and Soederberg 2021). Simultaneously, as Martine August writes: "Housing policy has opened the door to financialization in Canada. Federal withdrawal from social housing provision in the 1990s has left a void in affordable housing supply for decades" (2022, 4). To aid action amidst connected crises, Baral et al. (2021) conducted a systematic review and jurisdictional scan in Vancouver, Seattle, Edmonton, Calgary, Toronto, Ottawa, and Montreal, and recommended strategies to mitigate the impact of COVID-19 across unhoused communities and particularly within shelters and encampment contexts. Stated clearly within the document, Baral et al. (2021, 926) write:

There are many groups and organizations involved in the homeless service and care community, not the least of which are those experiencing homelessness themselves. The following recommendations are directed principally to those responsible for policy decisions, providing social support including housing or shelters and health services. Many other individuals or organization must also become engaged in solutions that protect and serve the homeless community at the time of the pandemic.

The work of Baral et al. (2021) echoed the concern of communities on the frontline, but their caution, we argue, was subsumed through a neoliberal discourse of prudentialism (see also Brown, Maslen and Savulescu 2019), which centred on individual action of unhoused people (e.g., social distancing, personal hygiene, sheltering in place) in lieu of those responsible for policy or needed social support—and failed to disrupt the broader structure of market prioritization and social abandonment.²

In this article, we focus on the resultant backlash in Toronto against encampment communities (see as example Wilson 2021), which emerged to create a form of peripheral urbanization and networked mutual aid to mitigate risk of overdose, COVID-19, violence, and stigma (Boucher et al. 2022). We focus on park space as a site that forcibly contained paradoxes of property, poverty, and preventable death—and recognize the heterogeneity of groups and individuals represented within. First, we ask the question, "What is a park?" and then draw on this imagined and material landscape to examine the relationship between neoliberalism and prudentialism (O'Malley 2000). We do this to interrogate how a neoliberal ideology of prudentialism, in effect, invisibilizes historic and structural disadvantage that repeatedly renders certain people (supposedly incapable of prudence) as more vulnerable

² Faced with the threat of COVID-19 infections and deaths and an increasing burden on underfunded healthcare systems, strict 'stay at home' orders in Toronto were accompanied by the discourses of risk (of infection) and prudentialism to shape public behaviour amid the pandemic. Foucault states that in the eighteenth century there arose "the imperative of health: at once the duty of each and the objective of all" (1980, 170), and by the late 19th-century, "the respectable working man was urged to be prudent, an obligation which required him to take a range of active steps to secure himself, his family and his dependants against future misfortune" (emphasis in original, Miller and Rose 2008, 99). Being prudent meant joining insurance schemes to mitigate risk and engaging in a mutualized responsibility for the good of society. While individuals in contemporary societies are still encouraged to be responsible for their own security and that of their families, O'Malley (2000) states that this "new prudentialism" is tied to neoliberal governance through technologies of consumption, marketing, private profit, and choice.

to disease and “pre-mature death” (Gilmore 2007). We theorize prudentialism, as an instrument of the white settler colonial state, which masks the violence and dis-ease of capitalist Land relations, as well as a critical analytical perspective that unites various groups and individuals attuned to structures of dis-ease and the violence of benevolence (Hudson-Rodd 1998; Chapman and Withers 2019). Second, we observe the rhetoric of prudentialism in action: authorities used the fear of contagion to authorize dispossession and associated violence to make public park space a thing that needed to be managed, ruled, and thoroughly possessed (Blomley 2003). The work of encampment communities and those that rallied in their name demonstrates the “stubborn durability” (Weinstein 2014 as cited by Masuda et al. 2020), and to follow Robyn Maynard and Leanne Betasamosake Simpson, highlights the “death-making machine of white racism” (2022, 203) as never fully determined or guaranteed. Recognizing that COVID-19 afflicted global cities marred by real estate speculation and the continual reliance of the “urban” on the commodification of Indigenous Land, we end with a reflection on public health crises as the direct result of the willful ignorance of the neoliberal, capitalist white settler [real estate] state (Stein 2019), which will never be solved via individual prudentialism. Encampment communities, and the solidarities forged in response to neoliberal austere policies and preventable catastrophe, ultimately reveal the instabilities of this ignorance and illustrates the types of resistance work needed in the immediate future—as homelessness worsens in the aftermath of the pandemic.



Figure 1: Shelter in Place, Housed Neighbour in Trinity Bellwoods Park, June 2021. Photo Credit: Jason S. Cipparrone, shared with permission.

Encampment vs. Emparkment

Although we focus on a context-specific analysis of park space in Toronto/Tkaronto, we maintain that this analysis is useful to understand the historical and continual

reconfiguration of Land in other settler colonial cities, similarly subjected to colonial strategies and technologies, even (or maybe purposively) in a time of urban health crises. The collective and protracted dialogue that formed the basis of this article was informed via our own unique positionalities and situated realities in Toronto/Tkaronto—positionalities and situated realities that relatedly inform our own respective responsibilities in academia and amongst the various communities with whom we work. De Lisio is a Canadian-born white settler and researcher who, throughout the course of the pandemic, used first-person narrative approaches established with communities in Rio de Janeiro, to inform work with unhoused communities in Toronto/Tkaronto. The audio/visual stories from young people with lived experience of homelessness served as a major impetus for this article. At the time, De Lisio discussed the work with Fusco, a queer Irish-born white settler with Irish and Italian ancestry who has been committed to anti-oppressive work throughout her academic career. Fusco seeks to achieve social justice for all beings who have been subjected to colonial, capitalist, heteropatriarchal, ecological, and speciesist violence in the interests of local and global corporate greed. Fusco then opened the dialogue to Woodworth, a queer non-binary Canadian-born white settler with English and German roots who is driven to dismantle the colonial-capitalist systems of power that create and maintain homelessness, and Taha-Thomure, a non-binary lesbian immigrant, settler, and graduate student living in Canada with Muslim Lebanese and white American roots. As a recent newcomer to Canada, after growing up in the Arab world, Taha-Thomure sees an imperative to name the structural violence brought forth by settler-colonial and capitalist societies as the first step to imagining futures beyond them, and was the first to ask: What is a park?

Until that point, the question had evaded our discussion of naturalized approaches to science and the material world, and once considered, forced us to interrogate our own white settler (and supremacist) educational trajectories and the “exercises of supremacist sovereign power over life and death” (la paperson 2017, 14-15 as cited in M. Liboiron 2021, 43) that make possible pristine, idyllic park space. With this prompt, we thought and contemplated: How does one describe a relation so naturalized through imperial and colonial approaches to settlement, that the need to define park space (as representative of a broader relation) initially escaped us? How does one then define a naturalized relation to Land (capitalized), without the perpetuation of the same assumed entitlement and dominance to call and claim? Our response to this question and the basis of our work now is shaped by la paperson and Liboiron, as well as those who continually deconstruct settler approaches to land as noun and remind us to reorient our approach to Land as verb (namely Heather Dorries, Cheryl I. Harris, Aileen Moreton-Robinson, Michelle Murphy, Eve Tuck). Through their scholarship, we understand Land not as dead or only available for accumulation, but rather as materialized obligation to the world and one another—human and nonhuman or more-than-human—and ultimately as lived relation. Hence, we refer to settler approaches to land as property, and (Indigenous) Land as an all-encompassing term understood through processes of relation. We do not claim this Land relation as our own—but as foreground to this work, and the lesson that “to be subject to anti-Indian technologies does not require you to be an Indigenous person” (la paperson 2017, 11).

We follow this work to engage in a critique of settler colonial cities, most notably amid the pandemic and the earnest deployment of anti-Indian technologies instrumentalized through a discourse of prudentialism, in order to demonstrate the persistent attempt to

control and violently dispossess/displace people from Land.³ We do this from settler positionalities mindful that Indigenous Knowledges (plural and connected, but also in contrast to dominant Western science) is not for us to appropriate or consume but, especially as related to Land, to heed and live. With our shared emphasis and expertise on geographies as a determinant of health, our engagement with anti-colonial work and Indigenous Land epistemologies is firmly premised on the declaration of Indigenous Peoples that climate change and biodiversity loss are directly caused by settler colonialism (NDN Collective 2022). With the direct violence enacted amidst multiple public health crises (e.g., coronaviruses, opioid epidemic, homelessness, forced displacement, climate collapse, etc.), there is need to interrogate the innocence of prudentialism as a tool used to further progress a settler colonial project, continually established through genocide. Whilst some of us were involved in the effort to share stories of unhoused people, often ignored in mainstream media, we are all also urgently obliged, in the face of existent and imminent future crises, to collectively rethink and reimagine the supposed endurance of settler colonialism.

From this perspective, we understand park space as an undeniable mode of power which has naturalized the control of ancestral territories through a myopic and amnesiac rhetoric. Hermer (2002, 115) refers to this as “emparkment” wherein temporal and spatial regulation of Land is rationalized through a discourse of personal and environmental risk. In his articulation, the heterogeneous qualities of nature are translated into a “sanitized, ordered, homogenous landscape that people are figured within” (2002, 14). In Tkaronto/Toronto, located in Nayaano-nibiimaang Gichigamiin, which is Anishinaabe and Haudenosaunee Land, public park space is articulated as integral to (settler) health. For instance, a City of Toronto report states, “There are many studies to show that human beings need to be in touch with nature in order to be healthy, that just looking at a tree is therapeutic—one study demonstrated that patients in hospital who could see trees outside their windows recovered faster than those who only saw bricks. A tree can also help bring a community together” (City of Toronto 2004, 25). But the report also identifies homelessness as a threat to the settler colonial ideal of park space: “[with amalgamation] The homeless overflowed from the shelters to the streets. *They* took up their posts on *our* splendid boulevards and parks, built tent cities, camped under bridges and in the ravines” (emphasis added, City of Toronto 2004, 14). Our reflection on “What is a park” then, required us to remain attentive to settler constructions of nature, and remain mindful of the various ways nature is manufactured as “empty” to legitimate and effectively mask the environmental degradation and toxicities of settler colonialism. Encampment communities served as a direct disruption to settler fantasies (and fallacies) and the violence these fantasies enact—the solidarities forged in response also illustrate the instabilities of settler colonialism and the desire to live Land differently.⁴

³ Indigenous people represent 4.3% of the total population in Canada, but 28-34% of the unhoused population (Gaetz et al. 2018). Within Toronto, the 2018 Street Needs Assessment Report concluded that 16% of people surveyed were Indigenous; 13% of all people surveyed in the shelter system were Indigenous; and 38% of all people surveyed that sleep rough in Toronto were Indigenous. The 2021 Street Needs Assessment Report showed an increase in the number of Indigenous Peoples, which represented 15% of all people surveyed: 9% were First Nations, 2% Métis, and 4% Indigenous Ancestry. In March 2021, 4% or 3 people of the 112 people surveyed for a City-led Encampment Engagement Survey stated “Indigenous rights” as their rationale for their decision to live in an encampment.

⁴ This disruption—the alterability of colonization—should be included in the account of pandemic realities. For a more detailed account of the struggle against state violence, and familiar strategies of displacement, amidst the



Figure 2: Encampment Eviction at Lamport Stadium, July 21, 2021.
Photo Credit: Jason S. Cipparrone, shared with permission.

Pandemic Prudentialism and Cartographies of Power

Prior to the pandemic, unhoused people experienced the highest rate of morbidity and lowest age of mortality in Toronto (Hwang 2002; Grenier 2022), with the shelter system repeatedly recognized as a public health crisis (see especially Crowe 2019). With COVID-19, many unhoused people turned to park space as their last refuge. For unhoused people in the shelter system, actively attuned to histories of disease and viral infection (e.g., hepatitis, Norwalk virus, tuberculosis, Strep A, influenza, SARS, etc.), racial violence of the residential “school” system and institutionalized assimilation (see also Tabobondung 2016; Sky, Campbell and Kern 2022), park space afforded (some people with) the best available prospect of “privacy, survival, and emotional solace” within an urban environment typically “marked by surveillance, deprivation, and violence” (Speer and Goldfischer 2020, 24). Soon after the migration into the park, public health authorities followed. As Foucault remarked, “the plague is met by order; its function is to sort out every possible confusion” (1977, 197). With the closure of all city-owned park and recreational amenities, signage was erected to signal closure and indicate financial penalties (e.g., maximum fine of \$5000) for noncompliance. As Mayor Tory stated:

As Mayor, I know how important our parks are to residents—they are the hearts of so many neighbourhoods across the city. They are some of the best parts of our city, but playgrounds and other park amenities are gathering places and the more that people gather, the more COVID-19 will spread in our community,

pandemic in Toronto, see especially: *Displacement City: Fighting for Health and Homes in a Pandemic*, an expansive community archive edited by Greg Cook and Cathy Crowe (2022).

putting lives at risk. As much as it will cause further discomfort and disruption, the steps we are taking today are based—as we have based all decisions around protecting the public—on the strong recommendation of our Medical Officer of Health. (City of Toronto 2020a)

In Toronto, restricted access to “public space” was legislated and enforced via By-law 322-2020, Physical Distancing in Parks and Public Squares. The preamble to the motion to enact the by-law notes,

Whereas the City currently regulates and prohibits specific conduct on City property such as parks and public squares, which is undesirable, constitutes a nuisance, or presents health risks to other residents of the City of Toronto, it is my opinion that the harm caused by COVID-19 will be alleviated by adding to the list of prohibited conduct in these areas, a failure to maintain a distance of two metres from other individuals who are not members of their same household, which shall be enforceable in the same manner as other currently prohibited conduct. (City of Toronto, 2020b)

The rapid control of public park space was legitimated through a medical discourse of risk that aimed to “anticipate all the possible forms of irruption of danger” (Castel 1991, 288). Not surprisingly, “the plague gave rise to disciplinary projects” (Foucault 1977, 198). The City of Toronto, combined with the Province of Ontario, appeared to assume a kind of pastoral role (e.g., caring, compassionate, concerned with the health and wellness of the entire populace) and called on the populace to be responsible and prudent as an “investment in a future lifestyle of freedom” (Miller and Rose 2008, 100) with their assertion that “Every Torontonian has a part to play in helping bring an end to this pandemic. The action today is one more important step in that effort” (City of Toronto 2020a).

Foucault (1980) labelled pastoral disciplinary power *biopolitics*, which he argued was a politics directed at the administration of life. Pastoral care and the appeal to prudentialism applied to public park space but failed to extend within the shelter system. Shortly after the directive to shelter in place, on April 6, 2020, the first unhoused person from a city-funded shelter was pronounced dead at the hospital—at the time of his death, he was also infected with COVID-19. By April 10, there was an active outbreak at Willowdale Welcome Centre. It was then reported that in addition to the Willowdale Welcome Centre, an estimated 135 people from the shelter system were confirmed positive, with six people hospitalized (City of Toronto 2020c). On April 24, 2020, outreach agencies located in the downtown core issued a Charter Application to the Ontario Superior Court, which alleged that the City failed to adequately prevent potential transmission of the virus (administer pastoral or prudential care) within the City-owned/funded shelter system (*Sanctuary Ministries of Toronto et al. v. City of Toronto* 2020). Documentation submitted by the Coalition evidenced the extreme crowdedness of the shelter system, which predated COVID-19, and heightened risk amidst a deadly virus.⁵ In May 2020, the Coalition and the City of Toronto reached a written legal agreement, privately, which required the City to routinely report to the Coalition until the agreement was successfully achieved and sustained for a two-month period.

⁵ Prior to the pandemic, unhoused communities in Toronto were made to grapple with the heightened exposure and susceptibility to disease, in the absence of sufficient medical aid, as observed with tuberculosis, a virus referred to as a “disease of social structure” (Ali 2010, 83) still prevalent within the Toronto shelter system.

While Toronto remained in a relative state of lockdown, access to public park facilities and amenities were further restricted in April 2020, and several unhoused people, some previously reliant upon the shelter system, autonomously sought an alternative option to protect their own health. The movement of unhoused people from the shelter system to tent and tiny shelter communities in Toronto mirrored the movement of unhoused people in cities throughout North America and inspired some authorities to issue a moratorium on tenant evictions that included encampment communities (see also Baral et al. 2021; Farha and Schwan 2020). The national public health agency in the United States, for example, the Centers for Disease Control and Prevention, advised: “if individual housing is not available, allow people who are living unsheltered or in encampments to remain where they are” and “ensure nearby restroom facilities have functional water taps, are stocked with hand hygiene materials (soap, drying materials) and bath tissue, and remain open to people experiencing homelessness 24 hours per day” (CDC, 10 May 2020). After the moratorium on residential evictions ended in late April 2020, unhoused people in Toronto were again targeted, ticketed, and/or threatened with force (McCartan et al. 2021, see Figure 3). The City of Toronto claimed to offer an alternative, but few people were approached with a permanent solution.⁶ Most felt pressured or coerced to relocate, a sentiment echoed across tenant activism, which erupted in large part due to an onslaught of finance-led, predatory landlords in the Toronto rental market.⁷ By early May 2020, three more people in the shelter system died from COVID-19.

As a new zone of medicalized intervention and heightened surveillance, park space was quickly refashioned through a very specific, highly localized (i.e., most prevalent in park space throughout the downtown core) public health discourse of responsabilization, which aligned with prudentialism; particularly as the crisis of homelessness became ever more apparent (Martini 2021). The individual user of park space maintained the “primary responsibility for the management of their own security and that of their families” (Rose 1999, 160). Previously, prudentialism was viewed as a moral technology to “discipline the poor” to enact a lifestyle of thrift (Rose 1999), but neoliberal prudentialism in pandemic park space proved more fixated on *discipline* with the intent to displace. To follow Rose (1999, 243):

On the one hand, this securitization of identity instils a kind of prudent relation to the self as condition for liberty. On the other, in that it refines the criteria for inclusion and specifies them at a finer level, it operates to multiply the possible loci of exclusion.

⁶ See also, FactCheck Toronto, <https://factchecktoronto.ca/2020/12/21/claim-the-city-has-helped-more-than-1100-people-move-inside-from-encampments-since-the-pandemic-began/>.

⁷ The eviction of encampment communities conflated with broader tenant crises, such as the hotly contested and debated Bill 184, which mobilized protest throughout Toronto. On June 9, 2020, several hundred people gathered to denounce Bill 184, deceptively titled, *Protecting Tenants and Strengthening Community Housing Act*, which threatened to provide new and more flexible strategies for a landlord to evict a tenant for unpaid rent. In one letter Toronto Councillor Kristyn Wong-Tam noted nearly 6000 people were on the brink of eviction as the end of the month loomed. A Parkdale neighbourhood tenant survey revealed more than 45% of people experienced lost income, and 9% (roughly 1000 families) struggled to make rent amid the lockdown.

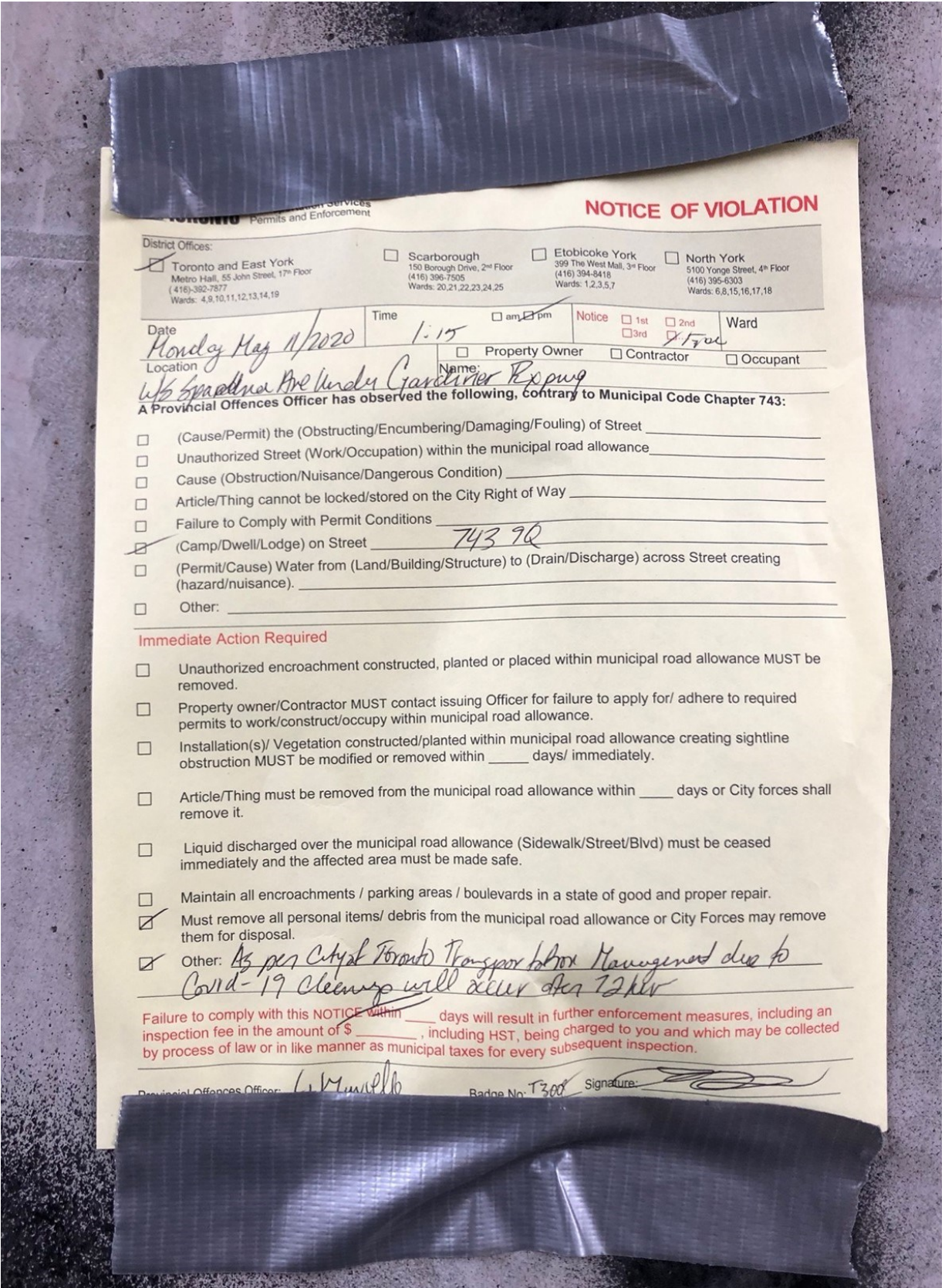


Figure 3: Eviction Notice, May 11, 2020. Photo Credit: Amanda De Lisio

A public health response which platformed a rhetoric of togetherness and inclusion, failed to consider the restrictive inclusion criteria, systematically unattainable for some. The campaign and call to shelter in place or the public health directive to practice hand hygiene, for example, failed to recognize the right to adequate housing as a fundamental human right ratified in multiple international treaties and affirmed in Canadian law (e.g., June 2019 *National Housing Strategy Act*, see also August 2022). Public outcries to reopen the park centred instead on the need for recreation amongst propertied classes (see especially Wilson 2021) in disregard for the manner in which prudent or pastoral care further fortified urban geographies of dis-ease (see especially Hudson-Rodd 1998): e.g., the shelter system and encampment as a symptom of urban geographies of dis-ease, and the movement of people from the shelter system to park space as an ironically prudent response to political (in)action.

On May 23, 2020, Toronto also reopened more than 850 municipal park amenities, yet continued to restrict access to needed restroom facilities even as the risk of fire was repeatedly used to rationalize encampment removal and water was needed to maintain basic hygiene (see also Withers and Tsang 2022, see Figure 4). That weekend, an exceptionally warm weathered weekend for Toronto, an estimated 10,000 (mostly) young people enthusiastically convened in a signature park downtown: Trinity Bellwoods. The Mayor of Toronto, John Tory, also appeared amongst the crowd. By-law enforcement and the metropolitan police observed the Mayor and young people brazenly ignore the emergency order that prohibited assemblies of more than five people. Later, the Mayor was scorned for his improper use of a mask and failure to comply with his own physical distancing by-law (Venn 2020). Authorities immediately sought action, and the incident resulted in the “green gentrification” of the park space rather than individual penalties. The grass was painted with “physical distancing circles” and new signage was erected that signaled the pastoral disciplinary power of the City of Toronto (e.g., prohibition signage) to remind people of the threat to health as well as financial penalties for noncompliance.

On June 15, 2020, the City of Toronto falsely alleged to the Coalition of outreach agencies, with whom the Mayor was legally obliged to report on shelter activities, that the shelter system was in full compliance with their May 2020 written agreement. Documentation later collected through the court process revealed that senior management of the Shelter Support and Housing Administration knowingly misled the Coalition (Hatlem, Aviv and Philipupillai 2022). By the end of September 2020, 651 people in the shelter system contracted COVID-19.⁸ On October 1, 2020, the Moss Park encampment organized to obtain an injunction that would allow their encampment to remain until their constitutional challenge of an eviction order could be heard. The court process was broadcasted live on a screen in Moss Park. This same day, the Ontario Superior Court also heard the Coalition of outreach agencies argue against the City of Toronto and their mismanagement of the shelter system. Whilst the Ontario Superior Court agreed that the City of Toronto was not in full compliance with the previous agreement to safeguard people in the shelter system—that the City of Toronto was in fact in violation of their own public health directives—the encampment injunction request was denied. The Ontario Superior Court ruled that the City of Toronto failed to comply with the agreement signed with the Coalition and acted “without the benefit

⁸ See also, “City breached agreement to protect homeless, says coalition returning to court Oct 1” 2020. Canadian Civil Liberties Association.

<https://ccla.org/major-cases-reports/safe-shelters/city-breached-agreement-to-protect-homeless/>.

of public health guidance" (*Sanctuary et al. v. Toronto (City)* 2020). However, in the separately litigated decision, the same Court ruled that the City was not required to suspend, repeal, or amend enforcement of the park by-law which prohibited overnight use.



Toronto Fire Services wants you to know that there have been **hundreds of encampment fires in Toronto**. Belongings have been destroyed and people have suffered injuries and lost their lives.

This is what you can do to ensure you are not seriously injured or killed by fire.

- Absolutely **no open fires of any kind** (not for any reason...inside or outside your tent).
- **No fuel** such as propane, butane, or gasoline is permitted in parks.
- **Never smoke in your tent or sleeping bag...go outside.**
- Don't carelessly flick or throw cigarette butts and matches away.
- Remember that tents and sleeping bags are combustible...they can easily catch fire and burn.
- Tiny houses and green pods are **extremely** combustible and very dangerous to sleep in.
- Connect with a Streets-To-Homes rep and get to a safe shelter.

A message from Toronto Fire Services ...because we care about your safety and well-being!



Figure 4: Fire Safety Notice created and distributed by Toronto Fire Services, January 2021.

Despite the legal recognition of the dire shelter situation, the Ontario Superior Court reaffirmed the decision of the municipality to operate in a “business as usual” approach, despite the unprecedented context of the pandemic, and noted that the public interest purpose of the trespass by-law is to make public park space available to everyone (*Black et al. v. Toronto (City)* 2020). Justice Schabas of the Ontario Superior Court of Justice argued, based on telecommunication data collected from 311 (a citizen hotline for non-emergency services, programs, and information for the City of Toronto), that “hundreds of complaints and reports by park users, neighbours, and City staff regarding violence, drug trafficking, noise at all hours, garbage, threats, and harassment at parks with encampments” had been received (*Black et al. v. Toronto (City)* 2020, para 105; see also Dorries 2017 for a discussion on the racial logic of by-law “nuisance” enforcement). The Justice concluded “[m]any people are afraid to enter certain parks, and families are unable to bring children to playgrounds due to the presence of needles” (*Black et al. v. Toronto (City)* 2020, para 109 as cited by McCartan et al. 2021, 51-52).⁹ For the unhoused people represented in the lawsuit, the action at Moss Park was still viewed as a success because the court ruled that the City of Toronto had the choice to act and evict—which the City chose against (see also Withers and Black 2022).

Various strategies were adapted to protect the right of unhoused people to remain in park space (through litigation, advocacy, outreach, etc.) in 2020, but by 2021, the executive, legislative, and judicial branches of government exercised their disciplinary pastoral power and engaged in an exaggerated display of force and militarized violence to remove various encampment communities.¹⁰ This highly-networked and multi-divisional operation which was intended to be “about the health and safety of encampment occupants, as well as the right of all residents to have safe access to parks,” in effect forcibly displaced unhoused people from their chosen and safest shelter option. The total cost amounted to \$416,690 for Trinity Bellwoods (cleared on June 22, 2021); \$200,049 for Alexandra Park (cleared on July 20, 2021); and \$223,388 for the park space clearance at Lamport Stadium (cleared on May 19, 2021, and again on July 21, 2021). In addition to the cost of each removal was the cost to “restore” park space, which totalled: \$54,700 for Trinity Bellwoods; \$375,156 for Alexandra Park; and \$362,812 for the park space at Lamport Stadium—as well as the additional cost to rebuild and temporarily fence the “tarnished” park space, which was \$357,000.¹¹ The City of Toronto spent nearly \$2 million (Canadian) to displace and dispossess people in a pandemic. The per person cost is estimated to be \$33,213: although, this calculation does not include the incalculable personal loss people endured—the stigma, loss and theft, and the violation to their Constitutional right to life, liberty, and personal security in Canada (see also, Blomley, Flynn and Sylvestre 2020). The action arrogantly assumed a settler logic that “the land belongs

⁹ The decision echoed the eviction of Occupy Toronto from the area in November 2011 where Justice David Brown concluded that the occupation was anti-democratic because it barred municipal authorities from their “obligation” to regulate the use of “public space” intended and reserved for recreation. He asserted that the protesters “did not practice what they were preaching when they decided to occupy the park” and argued that although those involved in Occupy Toronto proclaimed a message of participatory democracy, “they did not ask those who live and work around the Park or those who use the Park—or their civic representatives—what they would think if the Park was turned into a tent city” (Brown as cited in Kohn 2013, 101).

¹⁰ See also, “City of Toronto Operational Plan Trinity Bellwoods Encampment June 22-23, 2021” (Operational Plan) available via <https://factchecktoronto.ca>.

¹¹ See also, “City of Toronto final costs of enforcement of trespass notices in City parks” (City of Toronto, 2021). <https://www.toronto.ca/news/city-of-toronto-final-costs-of-enforcement-of-trespass-notices-in-city-parks/>.

to those who work it" (Tuck and Yang 2012, 30), which historically legitimated the colonial theft and seizure of Land.



Figure 5: Encampment Eviction at Lamport Stadium, July 21, 2021.

Photo Credit: Jason S. Cipparrone, shared with permission.

As witnessed in the continual attack on Indigenous Land by fossil fuel companies and other extractivist economies in Canada,¹² the eviction of encampment communities entailed police and militarized violence, hired securities, surveillance technologies and personnel, construction, and event management companies, etc. Economies of pastoral care also profited from the enactment of violence; to quote Ruth Wilson Gilmore, "the application of violence—the cause of premature deaths—produces political power in a vicious cycle" (2002, 16) and is increasingly profitable (Chua et al. 2023). To mask the violence of the settler colonial state, the City of Toronto repeatedly harnessed prudentialism to claim that encampment communities encouraged people to "occupy public property" in a manner that was "both dangerous and unhealthy" (Janie Romoff, General Manager of the City of Toronto Parks, Forestry and Recreation Division, in a letter to Khaleel Seiwright, dated 19 November 2020; see also Heralt 2021).¹³ Nevertheless, by the end of 2020, the still overcrowded shelter system

¹² See Kestler-D'Amours, J. (6 February 2020). Canada police begin clearing Wet-suwet'en land defender camps. *Al Jazeera*. Available online:

https://www.aljazeera.com/news/2020/2/6/canada-police-begin-clearing-wetsuweten-land-defender-camps?traffic_source (last accessed 21 June 2023) and Kestler-D'Amours, J. (7 January 2020). A year after RCMP's violent raid, Wet'suwet'en people fear repeat. *Al Jazeera*. Available online:

https://www.aljazeera.com/news/2020/1/7/a-year-after-rcmps-violent-raid-wetsuweten-people-fear-repeat?traffic_source (last accessed 21 June 2023).

¹³ Amidst the second wave in the Fall of 2020, a local resident, Khaleel Seiwright, received \$285,400 through a GoFundMe campaign entitled, Toronto Tiny Shelters, to create tiny wooden structures to protect people from the cold weather. Each tiny shelter was equipped with a CO2 monitor, insulation, proper ventilation, and a

reported a record 74 deaths—an increase of 26 people from 2019—which was again surpassed in 2021 with the death of 132 people. Despite attempted pastoral or prudent care, unhoused people were 20 times more likely to be admitted to hospital for COVID-19, over 10 times more likely than the general population to require intensive care for COVID-19 and over 5 times more likely to die within 21 days of their first positive test result (Richard et al. 2021; Kiran et al. 2021).

Pandemic Prudentialism as Colonial Continuities

Pandemic prudentialism ultimately served colonial continuities through a “death-dealing displacement of difference” (Gilmore 2002, 16) based on racial hierarchies. Puwar (2004) asks: “What happens when those bodies not expected to occupy certain places do so” (141) or those previously excluded or unimagined from space, “arrive on the scene” (11)? Woodworth and Fusco (2021) write, “Through the active colonial imagination of the settler identity in Canada and (un)imagining of indigeneity, the imperial state was established to dominate territories, land, water, and resources and dispossess Indigenous peoples” (104). The settler colonial state is solidified through the repeated and violent attempt to dispossess/displace people, and in the process, a repeated claim to prudentialism or pastoral care. Prudentialism was enacted to restore the “purification” of the park. Purification is used to refer to anti-Indian technologies which seek to socially “cleanse” (and confine) racialized bodies of people and Land (Fusco 2005). Capitalist accumulation via colonial dispossession is contingent upon purification—steeped with vocabularies of “unproductive, dirty, irrational, uncivil, savage, illegitimate, and nonhuman” (Harris 2004), which rationalize the violent removal and erasure of supposedly abject bodies. It is within this context that the encampment served as a material confrontation to the “death-making commitment to extraction and dispossession [that] took hold on a global scale” (M. NourbeSe Philip as cited in Maynard and Simpson 2022, 10). Beyond immediate and needed shelter, the encampment opens possibilities for new rhetorics and repertoires of resistance. Colonial continuities were evidenced through the pastoral attempt to reframe encampment communities as dangerous, deadly even, to health, which rationalized the deployment of militarized force. Patrick Wolfe (2006) argued that inherent to settler colonialism is the acquisition of land, or as he wrote: “Whatever settlers may say—and they generally have a lot to say—the primary motive for elimination is not race (or religion, ethnicity, grade of civilization, etc.) but access to territory. Territoriality is settler colonialism’s specific, irreducible element” (2006, 388). That the settler logic of elimination must continually recuperate indigeneity for the nation to express national difference and independence, establishes settler colonization as an ongoing structure rather than a singular historic event. However, as a structure, we follow the work of Dorries, Hugill and Tomiak (2022), to argue that colonialism has yet to be settled.

In our particular case, the Garrison Creek waterway once served as a fresh water source and was used by Indigenous peoples for hunting and fishing. With the imposition of Toronto, it was repurposed as a military asset for Fort York, and then, used for the disposal of discarded waste from factories established via the industrial era (see also Monaghan 2021). While the Land was cleared for more settlement, Garrison Creek—colonized by white propertied classes and those that resourced the Land for industrial development—became so polluted, it was

smoke detector. In November 2020, the City claimed the structures were unsafe, and in a formal letter ordered Seivwright to discontinue construction as it supposedly interfered with the City plan.

deemed a public health hazard. Subsequently, the Creek was buried beneath a ten-foot diameter Victorian brick sewer. The refractory ravine provided a continuous network of urban green space even as development continued in the immediate area—residential properties, gravel quarries, and a brickyard in the Bickford Vale (which the Creek previously ran through) were all erected. The area was eventually deemed inadequate for further development and was quickly devalued, and once again, served as an inexpensive landfill for garbage and debris. By 1883, water pollution was recognized as a significant threat to health, and Toronto appointed the first permanent and salaried Medical Health Officer, Dr. William Canniff. Canniff was particularly tasked to address the heightened risk of infectious disease (i.e., smallpox, typhoid fever, diphtheria) from inadequate drainage, untreated sewage, and the polluted waterway, which, as he commented in an annual report, “has been converted into what is little better than a cesspool” (as cited by MacDougall 1981, 195). As a “highly uncooperative commodity” (Loftus 2009) the waterway was once again buried and the area viable for development was sold. The area ineligible for development was relegated for park space—most of which is now known as Trinity Bellwoods Park.



Figure 6: Encampment Eviction at Trinity Bellwoods Park, June 22, 2021.

Photo Credit: Jason S. Cipparrone, shared with permission.

In 2013, Toronto experienced a severe rainstorm that overwhelmed the Garrison Creek stormwater sewer and in doing so resurfaced buried histories. Shortly thereafter the Mississaugas of the Credit First Nation filed a title claim to the waterway buried beneath Trinity Bellwoods Park that declared: “The Mississaugas of the Credit First Nation asserts that we

have unextinguished Aboriginal title to all water, beds of water, and floodplains contained in our 3.9 million acres of treaty lands and territory. There is no mention of water in any of the treaties between the Mississaugas of the New Credit First Nation and the Crown but for the surrender #23 which we allege is invalid" (n.d.).¹⁴ Still in dispute, the implication is that the Mississaugas of the Credit First Nation never relinquished the waterway in the nine treaties signed between 1781 and 1820 and Toronto never secured the right to Garrison Creek or the subsequent park space (Fortier 2017, 75). Settler colonialism is an unfinished project. Even as settler colonial cities, such as Toronto, ignorantly *attempt* to dispossess Indigenous Peoples from (unceded) Land—there are realities that suggest otherwise. As Nick Estes writes, "In its arrogance, the state attempted to legislate Natives out of existence without living up to its own professed benevolence of liberal tolerance" (2019, 58; see also Chapman and Withers 2019). We recount histories of so-called highly uncooperative commodities, largely untold in the emergence or removal of encampment communities, to argue that settler colonial cities perpetuate a relation to water and land that is culpable in the emergence of new and unknown zoonotic viruses (see also De Lisio and Fusco 2019). Despite their appeal to prudentialism, settler colonial cities are engaged in projects and maintain logics which strategically and intentionally diminish opportunities for the "practice of collective world-building [that] might unlock knowledge that has the potential to nurture more life-giving beginnings. This wisdom comes from the land" (Maynard and Simpson 2022, 257).

Conclusion

While we have argued throughout this paper that the pandemic response in Toronto, Canada, relied upon a discourse of prudentialism that obfuscated oppressive legacies of settler colonialism, we were haunted by the question: are viruses also an inevitable consequence of colonial continuities? There is much literature on the devastating effects of infections introduced to Indigenous Peoples through colonial contact. Hudson-Rodd (1998), for example, argues that Canadian colonial policies first used viruses against Indigenous Peoples (e.g., tuberculosis, smallpox) as a military weapon to clear people for colonial settlement. Maynard and Simpson (2022) write that COVID-19 has a direct connection to coloniality and white supremacy. Susceptibility to contemporary diseases is compounded by previous experiences with tuberculosis and other infectious diseases rampant in the residential "school" system and northern communities. Health is further compromised with exposure to industrial mercury poisoning and other toxicities in water and land. Moreover, as COVID-19 data quickly revealed, poverty in Canada is racialized and BIPOC communities are most likely to live in inadequate housing, experience food insecurity, and be overrepresented in the "essential worker" category. The predominately racialized "essential" workforce was not afforded the same privileges to shelter in place or access paid sick leave, and thereby more likely to encounter the virus and experienced higher rates of infection, hospitalization, even death. Viral infection, illness and (who can have) health are then legacies of colonialism and racial capitalism (Maynard and Simpson 2022).

Additionally, historian Mike Davis (2020) and evolutionary epidemiologist Rob Wallace (2016; 2020) both relate the rise of pathogenetic zoonoses (i.e., viruses which pass from an animal reservoir to a human population with no acquired or natural immunities) to the

¹⁴ See also, "Aboriginal Title Claim to Water within the Traditional Lands of the Mississaugas of the New Credit" (March 2015). <http://mncfn.ca/wp-content/uploads/2017/02/MNC-Aboriginal-Title-Report.pdf>.

agricultural revolution that industrialized and intensified agricultural production. Agricultural production was very much associated with European empire building. Indeed, agricultural accumulation drove colonial expansion as dairy and beef farming were essential to British colonial modalities in North America (Deckha 2020; Fischer 2015), and the rise of colonial industrial agriculture increased the potential for zoonotic diseases (Jones et al. 2013). While rapid spread is facilitated through new and more widely available transportation and communication technologies, ultimately, the size and scale of panzootic viruses were a consequence of (not externally imposed upon) urban ecologies. Connolly, Harris and Keil (2020, 214) write: “the emergence of pathogenetic zoonoses in rapidly developing and urbanizing regions appears to have become a paradigmatic component of urbanization and globalization processes in the 21st century.” Despite the desire to return to some semblance of normal, the mutability of coronaviruses and influenza have revealed the immanent presence of zoonosis within contemporary development. That viruses—or the perversities of imperial epizootology, as the work of Mike Davis and Robert Wallace illustrate—shapeshift and rapidly mutate signifies a flexibility that is emblematic of capitalism: “flexible accumulation” now has a pathogenic match.

As the response to the pandemic in Toronto (and elsewhere in the world) has demonstrated, settler colonial cities will repeatedly target new terrain for “preventative intervention” (Castel 1991, 289). Preventative intervention in the case of the pandemic increased securitization, mass surveillance, and created “regimes of hygiene” (Foucault 1980), which effectively targeted bodies of people and land for colonial extraction and capitalist accumulation. We follow the work of the NDN Collective (2022) and maintain that a solution invented or imagined that does not attend to the realities of settler colonialism and capitalist accumulation through dispossession, a worldview antithetical to health (see also Hudson-Rodd 1998; Maynard and Simpson 2022), may force the virus into remission, but will fail to mitigate future recurrence. The iteration of prudentialism observed in the pandemic that subjected unhoused people to moral criticism and violence—even as transmission and infection remained significantly lower in an encampment as compared to the shelter system (Baral et al. 2021; Rogers et al. 2021; Rowan et al. 2022)—served to demonstrate the genocidal tendencies of the neoliberal, capitalist white settler [real estate] state (Stein 2019). Some, already familiar with and accustomed to apocalyptic violence, forged new strategies to stubbornly resist and found their own “prudent” strategies to prevent infection and cement solidarities necessitated in survival. We end with recognition that the stories of actual care and mutual aid that emerged in the pandemic foment a Land-based and decolonial abolition feminist praxis, or as Leanne Betasamosake Simpson wrote in a letter to Robyn Maynard:

The reality of the forces working to maintain brutality are at work, as ever. But I also believe that even amidst the truly apocalyptic landscapes of this moment, the energy holding us close right now will remain with us, at least for a while, and that we can do with it what we will. When we must. There is work to be done. The long work of choosing life, wellness and rebuilding the world. It will take all of us, and so many more. (2022, 253)

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