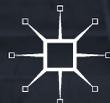


# ACTIVE INTOLERANCE

**MICHEL FOUCAULT,  
THE PRISONS INFORMATION GROUP,  
AND THE FUTURE OF ABOLITION**

**EDITED BY PERRY ZURN  
AND ANDREW DILTS**



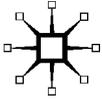
## Active Intolerance

*This page intentionally left blank*

Active Intolerance  
Michel Foucault, the  
Prisons Information Group, and  
the Future of Abolition

Edited by  
*Perry Zurn and Andrew Dilts*

palgrave  
macmillan



ACTIVE INTOLERANCE

Selection and editorial content © Perry Zurn and Andrew Dilts 2016

Individual chapters © their respective contributors 2016

Softcover reprint of the hardcover 1st edition 2016 978-1-137-51066-2

All rights reserved. No reproduction, copy or transmission of this publication may be made without written permission. No portion of this publication may be reproduced, copied or transmitted save with written permission. In accordance with the provisions of the Copyright, Designs and Patents Act 1988, or under the terms of any licence permitting limited copying issued by the Copyright Licensing Agency, Saffron House, 6-10 Kirby Street, London EC1N 8TS.

Any person who does any unauthorized act in relation to this publication may be liable to criminal prosecution and civil claims for damages.

First published 2016 by  
PALGRAVE MACMILLAN

The authors have asserted their rights to be identified as the authors of this work in accordance with the Copyright, Designs and Patents Act 1988.

Palgrave Macmillan in the UK is an imprint of Macmillan Publishers Limited, registered in England, company number 785998, of Houndmills, Basingstoke, Hampshire, RG21 6XS.

Palgrave Macmillan in the US is a division of Nature America, Inc., One New York Plaza, Suite 4500, New York, NY 10004-1562.

Palgrave Macmillan is the global academic imprint of the above companies and has companies and representatives throughout the world.

ISBN 978-1-349-55286-3

E-PDF ISBN: 978-1-137-51067-9

DOI: 10.1057/9781137510679

Library of Congress Cataloging-in-Publication Data

Active intolerance : Michel Foucault, the prisons information group,  
and the future of abolition / edited By Perry Zurn and Andrew Dilts.  
pages cm

Includes bibliographical references and index.

1. Foucault, Michel, 1926–1984. 2. Groupe d'information sur les  
prisons. 3. Prisons—France—History. 4. Imprisonment—Philosophy.  
5. Imprisonment. I. Zurn, Perry, 1981– editor. II. Dilts, Andrew, editor.

HV9667.A28 2015

365'.944—dc23

2015020691

A catalogue record for the book is available from the British Library.

*For MD and SK*

*This page intentionally left blank*

# Contents

<i>Acknowledgments</i>	ix
<i>List of Abbreviations</i>	xi
<i>Foreword</i>	xv
Bernard Harcourt	
Active Intolerance: An Introduction	1
<i>Perry Zurn and Andrew Dilts</i>	
<b>Part I History: The GIP and Foucault in Context</b>	
1 The Abolition of Philosophy	23
<i>Ladelle McWhorter</i>	
2 The Untimely Speech of the GIP Counter-Archive	41
<i>Lynne Huffer</i>	
3 Conduct and Power: Foucault's Methodological Expansions in 1971	59
<i>Colin Koopman</i>	
4 Work and Failure: Assessing the Prisons Information Group	75
<i>Perry Zurn</i>	
Intolerable 1	92
<i>Abu-Ali Abdur'Rahman</i>	
<b>Part II Body: Resistance and the Politics of Care</b>	
5 Breaking the Conditioning: The Relevance of the Prisons Information Group	95
<i>Steve Champion (Adisa Kamara)</i>	

6	Between Discipline and Caregiving: Changing Prison Population Demographics and Possibilities for Self-Transformation <i>Dianna Taylor</i>	105
7	Unruliness without Rioting: Hunger Strikes in Contemporary Politics <i>Falguni A. Sheth</i>	123
	Intolerable 2 <i>Derrick Quintero</i>	141
<b>Part III Voice: Prisoners and the Public Intellectual</b>		
8	Disrupted Foucault: Los Angeles' Coalition Against Police Abuse (CAPA) and the Obsolescence of White Academic Raciality <i>Dylan Rodríguez</i>	145
9	Investigations from Marx to Foucault <i>Marcelo Hoffman</i>	169
10	The GIP as a Neoliberal Intervention: Trafficking in Illegible Concepts <i>Shannon Winnubst</i>	187
11	The Disordering of Discourse: Voice and Authority in the GIP <i>Nancy Luxon</i>	203
	Intolerable 3 <i>Donald Middlebrooks</i>	222
<b>Part IV Present: The Prison and Its Future(s)</b>		
12	Beyond Guilt and Innocence: The Creaturely Politics of Prisoner Resistance Movements <i>Lisa Guenther</i>	225
13	Resisting "Massive Elimination": Foucault, Immigration, and the GIP <i>Natalie Cisneros</i>	241
14	"Can They Ever Escape?" Foucault, Black Feminism, and the Intimacy of Abolition <i>Stephen Dillon</i>	259
	<i>Notes on Contributors</i>	277
	<i>Index</i>	281

# Acknowledgments

This is a collaborative work in many ways. Our thinking and writing throughout this project would not have been possible otherwise.

We would like to thank specifically Geoffrey Adelsberg, Alisa Bierria, Natalie Cisneros, Marie Draz, Brady Heiner, Lisa Guenther, Sina Kramer, Andy Manos, Sarah Tyson, and Kim Wilson for thinking alongside us so generously over the years. Thanks to all the members of the REACH Coalition for all that they do, but especially to Abu Ali Abdur'Rahman, Donald Middlebrooks, and Derrick Quintero for their words. Thanks to our contributors: Steve Champion (Adisa Kamara), Natalie Cisneros, Stephen Dillon, Lisa Guenther, Marcelo Hoffman, Lynne Huffer, Colin Koopman, Nancy Luxon, Dylan Rodríguez, Falguni Sheth, Dianna Taylor, Ladelle McWhorter, and Shannon Winnubst for their incisive work, political commitments, and intellectual energy. Special thanks goes to Arnold Davidson, Bernard Harcourt, Joy James, and Kevin Thompson for their enthusiastic support of this project from the outset.

Thanks especially to Phil Getz, Alexis Nelson, and everyone at Palgrave. Thank you to Suzanne Sherman Aboulfadl for her expert work in preparing the index for this book. And thanks to DePaul University's Department of Philosophy, DePaul's Humanities Center, and Loyola Marymount University's Department of Political Science for their material support.

Our greatest debt is to those who are marginalized and oppressed by "the courts, the cops, the hospitals and asylums, school, military service, the press, the state, and above all the prisons." This book is dedicated to all those who suffer under intolerable conditions.

*This page intentionally left blank*

# Abbreviations

Texts by Michel Foucault in English translation

- EAK *The Archeology of Knowledge and the Discourse on Language*, tr. A. M. Sheridan Smith (New York: Pantheon Books, 1971).
- ECF-AB *Abnormal: Lectures at the Collège de France 1974–1975*, tr. Graham Burchell (New York: Picador, 2003).
- ECF-BOB *The Birth of Biopolitics: Lectures at the Collège de France 1978–1979*, tr. Graham Burchell (New York: Palgrave Macmillan, 2008).
- ECF-CT *The Courage of Truth: Lectures at the Collège de France 1983–1984*, tr. Graham Burchell (New York: Palgrave Macmillan, 2011).
- ECF-GL *On the Government of the Living: Lectures at the Collège de France 1979–1980*, tr. Graham Burchell (New York: Palgrave Macmillan, 2014).
- ECF-GSO *The Government of Self and Others: Lectures at the Collège de France 1982–1983*, tr. Graham Burchell (London: Palgrave Macmillan, 2010).
- ECF-HOS *The Hermeneutics of the Subject: Lectures at the Collège de France 1981–1982*, tr. Graham Burchell (New York: Picador, 2005).
- ECF-SMD *“Society Must Be Defended”: Lectures at the Collège de France 1975–1976*, tr. David Macey (New York: Picador, 2003).
- ECF-STP *Security, Territory, Population: Lectures at the Collège de France 1977–1978*, tr. Graham Burchell (New York: Palgrave Macmillan, 2007).
- ECF-WK *Lectures on the Will to Know: Lectures at the Collège de France 1970–1971*, tr. Graham Burchell (New York: Palgrave Macmillan, 2013).
- EDP *Discipline and Punish*, tr. Alan Sheridan (New York: Vintage, 1995).

- EEW1 *Ethics, Subjectivity, and Truth: Essential Works of Foucault, 1954–1984*, ed. James D. Faubion (New York: The New Press, 1997).
- EEW2 *Aesthetics, Method, and Epistemology: Essential Works of Foucault, 1954–1984*, ed. James D. Faubion (New York: The New Press, 1998).
- EEW3 *Power: Essential Works of Foucault, 1954–1984*, ed. James D. Faubion (New York: The New Press, 2000).
- EFL *Foucault Live: Interviews 1961–1984*, ed. Sylvere Lotringer (New York: Semiotext(e), 1989).
- EFR *The Foucault Reader*, ed. Paul Rabinow (New York: Pantheon Books, 1984).
- EHM *History of Madness*, tr. Jonathan Murphy and Jean Khalifa (London: Routledge, 2006).
- EHS1 *The History of Sexuality: An Introduction, Volume 1*, tr. Robert Hurley (New York: Vintage, 1990).
- EHS2 *The Use of Pleasure: The History of Sexuality, Volume 2*, tr. Robert Hurley (New York: Random House, 1985).
- ELCP *Language, Counter-Memory, Practice: Selected Essays and Interviews by Michel Foucault*, ed. Donald F. Bouchard (Ithaca: Cornell University Press, 1977).
- EPPC *Michel Foucault: Politics, Philosophy, Culture: Interviews and Other Writings, 1977–1984*, ed. Lawrence D. Kritzman (New York: Routledge, 1988).
- EPK *Power/Knowledge: Selected Interviews and Other Writings, 1972–1977*, ed. Colin Gordon (New York: Pantheon Books, 1980).

Texts by Michel Foucault in French

- FCF-CV *Le courage de la vérité, le gouvernement de soi et des autres II, Cours au Collège de France, 1984* (Paris: Seuil Gallimard, 2009).
- FCF-PUN *La société punitive, Cours au Collège de France, 1972–1973* (Paris: Seuil Gallimard, 2013).
- FDE1 *Dits et écrits, I, 1954–1975* (Paris: Quarto Gallimard, 2001).\*
- FDE2 *Dits et écrits, II, 1976–1988* (Paris: Quarto Gallimard, 2001).\*
- FHF *Histoire de la folie à l'âge classique* (Paris: Tel Gallimard, 1972).
- FHS1 *Histoire de la sexualité I, la volonté de savoir* (Paris: Tel Gallimard, 1976).

## Texts by the Prisons Information Group (GIP) in French

- FGIP-AL *Le Groupe d'information sur les prisons: Archives d'une lutte, 1970–1972*, ed. Philippe Artières, Laurent Quéro, and Michelle Zancarini-Fournel (Paris: Éditions de l'IMEC, 2003).\*
- FGIP-I *Groupe d'information sur les prisons: Intolérable*, ed. Philippe Artières (Paris: Verticale, 2013).\*

\*All translations, unless otherwise marked, are by Perry Zurn.

*This page intentionally left blank*

# Foreword

On April 23, 2015, *The New Yorker* magazine published exclusive security-camera video footage from inside Rikers Island, New York City's sprawling 400-acre jail.<sup>1</sup> In the granular video, dated September 23, 2012, a young prisoner in an orange jumpsuit—shackled with his arms behind his back—is seen being escorted out of his solitary cell by a jail guard. As they make their way down the corridor, within moments, the guard violently trips and pushes the young man down, body slams his head to the ground, jumps him, and smothers his face into the concrete floor. Two other guards are seen rushing up the stairwell; one piles on the prisoner, while the other shackles his ankles.

The young man in the video, Kalief Browder, spent three years at Rikers awaiting trial. He'd been arrested and incarcerated when he was only 16 years old, a mere sophomore in high school accused of stealing a backpack. He would spend about two of those three long years in solitary confinement in Rikers' Central Punitive Segregation Unit, what's called "the Bing." Eventually, a prosecutor would dismiss his case. Another video, published the same day by *The New Yorker*, shows Browder being brutally assaulted and beat down by about ten other young inmates. The scenes are utterly brutal.

On June 8, 2015, a few years after being released from Rikers Island, Kalief Browder wrapped a cord around his neck and took his life.

Seeing inside the prison is shocking. Hearing from the prison is harrowing. Knowing the prison is haunting. Being inside the prison is traumatic. Walking out of the prison leaves you with a gut-wrenching feeling that stays with you forever.

Nothing is more important, today, than exposing life in our total institutions in this age of mass incarceration born only a few decades ago in the early 1970s—a time, today, when more than 2.2 million fellow human beings are behind bars, a time when one out of nine young adult African American men between the ages of 20 and 34 are incarcerated,

a time when women (especially women of color) are the fastest growing group of incarcerated inmates populating the criminal punishment system and immigration detention facilities.<sup>2</sup> Nothing is more important today than to see into the prison, to hear from the prison, to know the prison—and to walk out of prison.

The Prisons Information Group (“GIP”) started to beat this path for us back in February 1971. “Let the prisoners speak and be heard”—“*La parole aux détenus*”: That was the rallying call of the GIP.<sup>3</sup> The social movement was a deliberate attempt to give voice to prisoners—to allow their discourse to be heard. It was intended to have no leaders, no vanguard, no spokespersons, but instead to be a rallying point for prisoners, activists, family members, lawyers, doctors, nurses, psychiatrists, and thinkers of all ideological stripes, to speak about the conditions of confinement and the problem of incarceration.<sup>4</sup> “There was no central organizing committee or symbolic figure, no charter, no statutes, no members, just activists.”<sup>5</sup> The GIP was started specifically to allow voices to be heard that were not and could not be heard. It was a model of activism crafted explicitly as an alternative to other forms of resistance—popular tribunals, accusatory commissions, vanguard politics.<sup>6</sup> The idea was to create an opening into the prison to see and hear and let speak.

An eclectic group of thinkers rallied around the project, helping to distribute and compile prisoner surveys, voice prisoner demands, and write a series of tracts called the inquiries: “*Intolérable*.” The group included Hélène Cixous, Daniel Defert, Gilles Deleuze, Jean-Marie Domenach, Michel Foucault, Jean Genet, Danielle Rancière, Jean-Paul Sartre, and Pierre Vidal-Naquet. The experience would be formative for many of them—not only the logical outcome of their intellectual journeys, but also formative of their writings to come. The imprint of the GIP, for instance, permeates the lecture courses that Foucault would deliver contemporaneously at the Collège de France, especially *Penal Theories and Institutions* in 1972 and *The Punitive Society* in 1973, and would inform his book on the panoptic society of 1975—as it would Deleuze’s writings on schizoanalysis with Félix Guattari. As Foucault himself would write in *Discipline and Punish*, referencing the prison riots that accompanied the GIP: “That punishment in general and the prison in particular belong to a political technology of the body is a lesson that I have learnt not so much from history as from the present.”<sup>7</sup>

For many activists and thinkers in France at the time, there was a burning sense of urgency. Militants were being imprisoned by the

hundreds under new anti-riot measures, political censorship, and the crackdowns following May 1968. “Today, for reasons I do not really understand,” Foucault exclaimed, “we are returning to a sort of general, undifferentiated confinement.”<sup>8</sup> Walking out of Attica Prison after a visit in April 1972—seven months after the fatal riots there—Foucault would already identify the “function of massive elimination in the American prison.”<sup>9</sup> The urgency could be felt across France, as the GIP would precipitate a series of revolts in prisons and jails, including those at the Ney prison of Toul in December 1971, at the Charles-III jail of Nancy on January 15, 1972, as well as those at the prisons of Nîmes, Amiens, Loos, Fleury-Mérogis, and others.<sup>10</sup>

The GIP was only one of many movements at the time that would challenge the early prison momentum—a momentum, tragically, that ultimately led to mass incarceration today. The GIP itself would cede its space, after only a few years, to the first prisoners’ organization in France, the Comité d’action des prisonniers (CAP), formed by the prisoners themselves.<sup>11</sup>

Perry Zurn and Andrew Dilts have assembled leading critical thinkers to explore the legacy and future of the critique of the prison. The volume ranges across the disciplines, bringing together philosophers, political theorists, sociologists, historians, and activists, on both the inside and outside. It both looks back to the history and trajectory of the GIP, and forward to active intolerance, and ultimately to the future of abolition.

“A book of ethics”: That’s how Foucault described another book project that coincided with the GIP—Deleuze and Guattari’s *Anti-Oedipus*, published in 1972.<sup>12</sup> A “book of ethics” that could accompany us in our tactical, strategic struggles against fascisms of all kinds, “the fascism in us all, in our heads and in our everyday behavior, the fascism that causes us to love power, to desire the very thing that dominates and exploits us.”<sup>13</sup> Foucault retitled the book an *Introduction to the Non-Fascist Life* and used it to draw a few important maxims—the last of which: “Do not become enamored of power.”<sup>14</sup>

I am left with the same feeling, with similar thoughts, and with the same sense of urgency, reading this volume.

BERNARD HARCOURT

## Notes

1. Jennifer Gonnerman, “Exclusive Video: Violence Inside Rikers,” *The New Yorker*, April 23, 2015, available at <http://www.newyorker.com/news/news-desk/exclusive-video-violence-inside-rikers>.

2. "One in 100: Behind Bars in America 2008," Pew Research Center, February 2008, <http://www.pewtrusts.org/en/research-and-analysis/reports/2008/02/28/one-in-100-behind-bars-in-america-2008>; Laura M. Maruschak and Erika Parks, "Probation and Parole in the United States, 2011," Bureau of Justice Statistics (November 2012), 3 and 7, <http://www.bjs.gov/content/pub/pdf/ppus11.pdf>.
3. Foucault, "Le grand enfermement" (1972), FDE1, no. 105, 1172.
4. See Fabienne Brion and Bernard E. Harcourt, "The Louvain Lectures in Context," in Michel Foucault, *Wrong-Doing, Truth-Telling: The Function of Avowal in Justice* (Chicago: University of Chicago Press, 2014), 274–283; Daniel Defert, *Une Vie politique: Entretiens avec Philippe Artières et Eric Favereau, avec la collaboration de Joséphine Gross* (Paris: Seuil, 2014), 36–76; Audrey Kiéfer, *Michel Foucault: le GIP, l'histoire et l'action*, PhD dissertation, Université de Picardie Jules Verne d'Amiens, 2009, 169–172; FGIP-AL.
5. Kevin Thompson, "The GIP, its Legacy, and the Question of its Contemporary Relevance." Presentation at Foucault and the Legacy of the Prisons Information Group Workshop, DePaul University, Chicago, IL. May 8, 2015.
6. See generally *Carceral Notebooks 12*, ed. Perry Zurn and Andrew Dilts (forthcoming 2016).
7. Foucault, EDP, 30; FSP, 35.
8. Foucault, "Le grand enfermement," 1166–1167.
9. John K. Simon, "Michel Foucault on Attica: An Interview" (translated and edited from a taped conversation), *Social Justice*, 18.3 (1991) (reprinted from *Telos*, no. 19, Spring 1974): 29; translated into French by F. Durand-Bogaert as, M. Foucault, "À propos de la prison d'Attica" (interview with J. K. Simon), FDE1, no. 137, 1398.
10. See *La Révolte de la prison de Nancy. 15 January 1972. Documents et propos de Michel Foucault, Jean-Paul Sartre et de militants du Groupe d'information sur les prisons* (Paris: Le Point du jour, 2013); Foucault, ECF-PUN, 269.
11. See Daniel Defert, "L'Émergence d'un nouveau front: les prisons" (2003), FGIP-AL, 315–326.
12. Michel Foucault, "Preface," in Gilles Deleuze and Félix Guattari, *Anti-Oedipus: Capitalism and Schizophrenia* (Minneapolis: University of Minnesota Press, 1983), xiii.
13. Ibid.
14. Ibid., xiv.

# Active Intolerance: An Introduction

*Perry Zurn and Andrew Dilts*

At a press conference on February 8, 1971, Michel Foucault announced the creation of Le Groupe d'information sur les prisons (the Prisons Information Group [GIP]). Reading aloud what would retrospectively be dubbed the GIP manifesto, Foucault presented the GIP as an activist organization committed to amplifying the voices of those with first-hand knowledge of the prison, thereby creating a space for articulations and assessments *from below*. As the manifesto states:

We plan to make known what the prison is: who goes there, how and why they go there, what happens, what life is like for the prisoners and, equally, for the supervisory staff, what the buildings, diet, and hygiene are like, how internal regulation, medical supervision, and the workshops function; how one gets out and what it is, in our society, to be one of those who has gotten out.<sup>1</sup>

The GIP planned to do this by letting “those who have an experience of prison speak.”<sup>2</sup> It was the GIP’s mission to honor and circulate subjugated knowledge about the prison.

According to this initial declaration, the GIP sought to “make the reality known,” through the collection and dissemination of information from prisoners about prisons. As its statement published a month later in *J'accuse* indicates, however, the GIP did more than work for transparency. It also aimed to assess and resist the realities it brought to light, realities it marked with a simple, devastating term: the intolerable.

Let what is intolerable—imposed, as it is, by force and by silence—cease to be accepted. We do not make our inquiry in order to accumulate knowledge, but to heighten our intolerance and *make it an active*

*intolerance*. Let us become people intolerant of prisons, the legal system, the hospital system, psychiatric practice, military service, etc.<sup>3</sup>

The purpose of the GIP's information gathering and dissemination was not to collect knowledge for its own sake. Instead, the GIP was driven by a conviction that the site of the prison—as a site of symbolic and material struggle, of calculative curiosity, and of crushing indifference—was intolerable. For members of the GIP, the only appropriate response to such an intolerable reality was active intolerance. This intolerance, moreover, as a series of political strategies and tactics, was directed not simply at the prison, but at all those sites where discipline and oppression effectively silence and subjugate.

This book is a critical interrogation of the Prisons Information Group and its legacy. As such, it is a sustained reflection on the interplay between the intolerable and active intolerance, between information and action, and between theory and practice. It is first concerned, then, with what the GIP thought. It delves into the GIP's diagnosis of the prison system as intolerable, focusing particularly on the intolerable treatment of incarcerated bodies and imprisoned voices. It also explores the GIP's theoretical debts. Here, our primary pathway is the work of Michel Foucault, the GIP's noted cofounder. While we allow his work to illuminate the GIP, however, we do not mistake one for the other. Second, this book is concerned with what the GIP did. Its members were not reformers (in the sense of trying to “fix” the prison), nor were they outright abolitionists (lobbying to dismantle the prison). And yet, insofar as they worked against the silencing, isolation, and violence of the prison, they engaged in abolitionist praxis, intent on tearing down prison walls. Third, this book unites these dual concerns by investigating how the GIP's assessment of the intolerable is itself *a series of practices*. Likewise, it seeks to understand what active intolerance to intolerable things might entail as *a habit of thinking*, replete with discursive analysis and analytic methods. Finally, this book attends to the wellsprings of thought and praxis. For the GIP, when we ask where information and action begin, it is not with intellectuals or practitioners, but with those most directly affected by any given system. If, then, “none of us is sure to escape prison”—that is, if the carceral system is constitutive of our contemporary social milieu—then active intolerance for all of us begins with attending to those who know the prison best: those who have lived there and those who have died there.<sup>4</sup>

In the introductory remarks that follow, we offer a brief history of the GIP, we reflect on a variety of interpretive reductions of the GIP,

and we delineate how *Active Intolerance* presses us beyond these reductions by attending to the complexity of the GIP's history in light of our present. Ultimately, we stage this eminently historical work as a contribution to the future of prison abolitionist thought and practice.

## I History of the GIP

The roots of the GIP can be traced to the political turbulence of May 1968 in France, marked by relentless demonstrations, protests, strikes, and occupations. This Marxist, anti-capitalist, and anti-institutional movement found its first and staunchest home in the universities. As the French government cracked down on the movement, a number of students and intellectuals were incarcerated. In September 1970, 29 of them initiated a hunger strike, insisting that, as political prisoners, they should be treated as such and granted political status (in contrast to common law prisoners).<sup>5</sup> They reinitiated the hunger strike in January 1971, when they garnered the support of people on the outside, especially the Organization of Political Prisoners (OPP). Several people approached Michel Foucault to suggest he get involved in the OPP. He confided to his partner, Daniel Defert, that he was really excited at the prospect because it meant attending to otherwise silenced voices (i.e., prisoners' voices), a practice very important to his scholarly work.<sup>6</sup> It was Foucault who suggested the OPP become Le Groupe d'information sur les prisons (Prisons Information Group [GIP]). The GIP would not publicly antagonize the French government on behalf of political prisoners; rather, they would surreptitiously collect and disseminate descriptions of prison conditions from prisoners themselves. On the final day of the second hunger strike, February 8, 1971, Foucault delivered the "GIP manifesto." The GIP would aim not to shed light on the prison—this "black box" of our social system—but to let the open mouths of prisoners illuminate that box from within.<sup>7</sup>

Although the GIP's primary address, 285 Rue Vaugirard, was Foucault's own apartment and he shouldered the brunt of the communication responsibilities, he shared leadership of the GIP with Jean-Marie Domenach, editor of *Esprit*, and historian Pierre Vidal-Naquet.<sup>8</sup> Both Domenach and Vidal-Naquet were active leftists and vociferous opponents of the French military tactics (especially imprisonment and torture) used during the Algerian War (1954–1962). The GIP quickly became an object of wide interest among French intellectuals, including Hélène Cixous, Gilles Deleuze, and Jacques Rancière. In its early stages, the GIP benefited from the attentions of

Jean-Paul Sartre and especially Simone de Beauvoir, who worked tirelessly in the campaign for political prisoners.<sup>9</sup> Danielle Rancière—a Maoist leader and an expert in the development of inquiries into labor conditions—was, moreover, critical to the formation of GIP questionnaires and “intolerance-investigations.”<sup>10</sup> But the GIP pulled from an even larger swath, attracting doctors, lawyers, magistrates, journalists, psychologists, psychiatrists, activists, prison staff, prisoners, ex-prisoners, and their families. As Foucault and Vidal-Naquet recall, it was “a real bushfire.”<sup>11</sup> Most of the prisoners, ex-prisoners, and their families worked anonymously for their own protection; as such, they will remain unnamed although not unmarked in perpetuity. Nevertheless, it is crucial to understand that, on principle, the GIP was not a platform for academic personalities interested in the question of punishment. Rather, it was an umbrella organization dedicated to sustaining the voices of those who had direct experience of the prison itself.

As the group developed, it joined forces with like-minded movements, including Lotta Continua, a radical leftist Italian organization of students and immigrants, often targeted for gratuitous incarceration. Jacques Donzelot served as the GIP’s liaison. Then there was the Black Panther Party (BPP), a Black nationalist and socialist organization with deep prison abolitionist roots. Catherine van Bulow and Jean Genet built strong bridges with the BPP and initiated collaboration on the GIP’s later publications.<sup>12</sup> However, the GIP’s debts were not limited to global connections as it also worked closely with local groups such as the Women’s Liberation Movement, the Homosexual Revolutionary Action Front, the Asylums Information Group, and the Immigrants Information and Support Group.<sup>13</sup> One branch of the GIP, begun by Claude Rouault, investigated the women’s prison of La Roquette in an effort to understand the specific issues faced by incarcerated women. As Defert recalls, while the GIP first linked up with Marxist revolutionaries, it allied itself more and more with feminist, gay, immigrant, Black, and mental health activists.<sup>14</sup> It did so with the understanding that different social groups are differentially criminalized and that this criminalization is directly related to the egregious rates and character of incarceration. This insight, which Foucault is perhaps best known for expanding at length in his subsequent lectures at the Collège de France and in *Discipline and Punish*, finds its roots here.

From this seething pot of intellectual, social, and transnational collaboration with incarcerated people, the GIP produced a rich variety of initiatives. As an information group, the GIP had a threefold mission: (1) *donner la parole* or to give prisoners the floor,<sup>15</sup> (2) to publicize

their identification of *l'intolérable*, the insuperable living conditions in French prisons,<sup>16</sup> and (3) to serve as *un relais* or a relay station, between prisoners and so-called free citizens, as well as between GIP chapters and other activist organizations across France.<sup>17</sup> The GIP pursued these interrelated goals in a number of ways. It collected information through smuggled prison questionnaires and then published it in booklets and leaflets. Some of these booklets formed the *Intolérable* series. The GIP also publicized this information, including in particular each prison's list of demands, through press releases and press conferences. The GIP developed a prison documentary, titled *Les Prisons aussi*, and it staged a play on the Nancy prison revolt: *Le Procès de la mutinerie de Nancy*. In fact, moving beyond mere information-gathering, the GIP catalyzed several revolts and prison resistance efforts as it progressed on its path, most famously those that occurred at Clairveaux, Nancy, and Toul. Finally, although the GIP described its primary aim as informational, and its members refused to provide a "recipe"<sup>18</sup> for prison reform—fearing such efforts would merely entrench the prison as a social institution—the GIP nevertheless did facilitate a number of minor reforms directly focused on improving the conditions for incarcerated people. These included the introduction of newspapers into prisons and the reinstatement of rights to Christmas packages. Ultimately, the GIP's collection and dissemination tactics constituted the work of active critique, refusing any clean divide between theory and praxis.

The *Intolérable* series included four booklets, each dedicated to interrogating intolerable realities of the prison system. The first, *Investigation into 20 Prisons*, coedited by Defert, Christine Martineau, and Danielle Rancière, collected responses to the initial GIP questionnaires. Those responses described a place of filth, isolation, malnutrition, censorship, beatings, slave-like conditions, and capricious governance. The second, *Investigation into a Model Prison: Fleury-Mérogis*, undertaken by Jacques-Alain Miller and François Regnault, collected various reports from the supposedly most progressive prison in France. These reports indicate that Fleury-Mérogis was not a more humane prison, but rather a more masterful, calculative one. The third, developed by Jean Genet and titled *The Assassination of George Jackson*, collected material on the BPP as a movement, George Jackson's role therein, and the media cover-up of his death. The fourth, *Prison Suicides*, a collaborative effort between Defert and Deleuze, was a report on the suicide epidemic in French prisons. The booklet highlighted the experience of incarcerated gay men in particular and the steep price of institutionalized homophobia. Finally, a companion booklet, coedited by Cixous and Jean Gattegno and titled *Lists of Demands*, gathered together the demands from recent

prison revolts at Toul, Loos-Lès-Lille, Melun, Nancy, Fresnes, Nîmes, among others.<sup>19</sup> These demands indicated, as did the *Intolérable* series as a whole, both the brokenness of prison and the anger, insight, and resilience of prisoners.

Narrating the GIP's story, Defert marks the sometimes suffocating role of intellectuals in a movement purportedly focused on the subaltern.<sup>20</sup> He claims that the effort of intellectuals involved in the GIP to subvert their own position of knowledge and power was ultimately "a failure [*un échec*]."<sup>21</sup> The only one to have succeeded, he suggests, was Dr. Edith Rose, a Toul psychiatrist eventually fired for daring to reveal the torturous methods of prison health care personnel.<sup>22</sup> Nevertheless, as the GIP gained traction, its previously incarcerated members grew in both number and strength. By the end of 1972, and led by Serge Livrozet,<sup>23</sup> they formed their own organization: Comité d'action des prisonniers (the Prisoners Action Committee [CAP]). Having understood itself as essentially provisional, the GIP disbanded in favor of the CAP. Unsurprisingly, the CAP worked differently. While the GIP expressly rejected reform, the CAP insisted on abolishing criminal records, life sentences, and censorship, as well as providing proper health care and legal support. Simultaneously, they demanded the abolition of prison and the death penalty, the latter of which was secured in 1981. Still, once the intellectual face of the GIP had vanished—and despite the publication of *Le journal du CAP* from 1972 to 1980—public attention lagged. Perhaps the more vibrant afterlife of the GIP was not the CAP at all, but rather Foucault's *Discipline and Punish* (1975), which has arguably overshadowed (and overdetermined) the memory of the GIP.

With its short life—as brief, perhaps, as it was effective—the GIP provides a poignant image of collaboration, the extent and limits of intellectual labor, and the raw force of resistance at the margins.

## II Resisting Reductions of the GIP

The GIP provides a rich terrain for academic and activist reflection. Perhaps the most obvious nodes of exploration are the following: the figure of Foucault, the status of information, and the GIP's unique tactical strategies. In fact, most scholarly engagements with the GIP have focused expressly on these three elements. To limit our attention exclusively to Foucault as the GIP's primary actor, information as its chief occupation, or the discreteness of the GIP enterprise, however, does a disservice to the GIP's complex legacy. The GIP passed in and

out of existence amid intense collaborations and a spirit of invention that outlived it. The chapters in this volume, then, set out not only to engage deeply with Foucault scholarship, information activism, and the literature on the GIP, but also to press beyond them toward the collective practice of abolition.

First, in the United States, if the GIP is known at all, it is primarily through Foucault's association with it. From this perspective, the GIP becomes little more than a footnote to Foucault's corpus,<sup>24</sup> a moment in his biography, and an interesting, but not philosophically central, frame through which to read *Discipline and Punish*.<sup>25</sup> The self-consciously collective nature of the GIP is lost both literally (with collective statements by the GIP being attributed solely to Foucault) and theoretically (with the GIP and Foucault's thought being taken as identical). There are material reasons for this interpretive tendency. Only a limited archive of GIP documents is presently available in English translation.<sup>26</sup> Moreover, until the 2003 publication of GIP archival material, the vast majority of GIP documents available were to be found in Foucault's collected works, *Dits et Écrits*.<sup>27</sup> Yet, even where GIP texts were available (and in English translation), the tendency has been to read them as expressions of Foucault's early thoughts on the prison and prison struggles, and not as the product of collective authorship. The danger here is not simply one of misattribution, but of eliding the GIP's central project of acting as a "relay station," a fundamentally collaborative organization. Allowing Foucault's connection to the GIP to overdetermine GIP scholarship, in fact, (ironically) imposes the author-function in a way antithetical both to the GIP's mission and to Foucault's own practice of writing and speaking.<sup>28</sup> To honor the GIP, scholarship should dramatically shift its attention to include other thinkers and actors, especially when those people are currently, or formerly had been, incarcerated.

Nevertheless, there is still much work to be done to understand the role of the GIP in Foucault's intellectual development. A critical interpretation of the GIP allows us to recenter Foucault as both a collaborator and an abolitionist. Overwhelmingly, Foucault's collaborative projects have received little attention in comparison to his individual efforts. If we take seriously Foucault's role as a member of the GIP, not in order to understand only the contours of his thought but also the nature of collaborative thought itself, we can find better models for how intellectual labor and abolitionist politics can work in concert and resist a theory-practice divide. As Foucault states, "The intellectual's role is no longer to place himself 'somewhat ahead and to the side' . . . ; rather it is

to struggle against the forms of power that transform him into its object and instrument . . . In this sense theory does not express, translate, or serve to apply practice: *it is practice*.”<sup>29</sup> Foucault’s claim here rests not simply on rejecting the theory-practice divide, but also recognizing the collaborative and intersubjective nature of the practice of theory. The “intellectual” becomes an accomplice.<sup>30</sup> Furthermore, we must consider Foucault as a practical abolitionist. To a degree, it is puzzling to have to make this case. While the language of “prison abolition” appears only briefly in Foucault’s corpus,<sup>31</sup> there are numerous statements, lectures, interviews, and newspaper contributions in which Foucault actively resists the notion of a “model” prison, of “alternatives” to the prison, and the desire to identify “replacement” penalties.<sup>32</sup> In each of these statements, Foucault’s broader critique of the prison and the penitentiary technique pushes toward a recognizably abolitionist framework, concerned primarily with addressing and undermining the conditions that make the prison possible, thinkable, and “self-evident,” rather than attempting to “fix” or “correct” the prison or penal techniques.

Second, when interpreted on its own terms, the GIP is typically read as merely an “information group” and not also as a political force, active in the project of abolishing prisons in France. Attending to the GIP’s insistence that it aimed only to facilitate the circulation of information, commentators repeatedly assert that the GIP was not a reform group. It did not try to change the prison. It merely meant to gather information. It did not aim to unsettle the prison in any radical way. It was a provisional enterprise. This interpretation is a failure in two senses: first, it over-emphasizes some claims of the GIP over others and, second, it misunderstands the radical nature of “information gathering” as the GIP conceived it. While many accounts categorize prison resistance efforts along a continuum of radicality—from information gathering, to reform projects, and ultimately prison abolition—the GIP refused any simple distinction between “information” and “action.” In the first *Intolerable* booklet, they write that their “intolerance-investigations” should be read as “a political act,” “the first episode of a struggle,” and as “an attack front.”<sup>33</sup> The GIP’s particular form of political action through information gathering was itself abolitionist in nature, focused on disrupting the epistemology and therefore the operation of the prison. Insofar as the prison system relies on the restriction of information flows both between prisons and between prisoners and the public at large, to facilitate these flows is inherently disruptive to the prison. To cultivate active intolerance through the dissemination of information was to, explicitly or not, call for a world without prisons.

“It is imperative,” the GIP wrote, “that no part of the prison be left in peace.”<sup>34</sup>

A critical interpretation of the GIP allows us not merely to note the details that were collected or the information that was amassed, but to attend to the legacy of the GIP in contemporary prison struggles. The GIP focused its attention on prison uprisings, including those at Toul, Nancy, and Attica as well as the aftermath of the “political assassination” of George Jackson.<sup>35</sup> Such prison struggles were central to the GIP’s project and its call to attend to the acts of resistance and refusal taken up by incarcerated persons and not merely the public intellectuals and supporters who work with them. “Jackson’s death,” they wrote, “is at the origin of the revolts that exploded in the prisons, from Attica to Ashkelon. Prison struggle has now become a new front of the revolution.”<sup>36</sup> Our own attention should also be focused on the way the GIP’s practice (of disseminating information about the intolerable conditions of incarcerated bodies and imprisoned voices) is mirrored in prison struggles in the United States today. From the coordinated mass hunger strikes that originated at Pelican Bay State Prison, a supermax prison in California (which demanded an end to indefinite solitary confinement and specific improvements in living conditions; at the high point in 2013, roughly 30,000 incarcerated persons were refusing meals across the state prison system),<sup>37</sup> to the work stoppages and strikes that occurred throughout Georgia prisons in 2010,<sup>38</sup> to the launching of the Free Alabama Movement in 2013 (documenting and broadcasting inhumane prison conditions with contraband mobile phone cameras),<sup>39</sup> to hunger strikes in immigration detention centers in 2014 and 2015 (organized especially by mothers and other persons held in women’s facilities),<sup>40</sup> and to the ongoing uprisings across the United States from Ferguson to Baltimore in response to police murders of African Americans, each of these examples demonstrate that the prison continues to be a location of the struggle against marginalization and oppression. These are instances of the same kind of self-organization and radical mobilization, which, while lacking any direct genealogy to the GIP, nevertheless cultivate an active intolerance to what is intolerable. They demand our attention.

Third, most scholarship concerning the GIP focuses on it as a short-lived social movement, with unique tactics, a relatively closed archive, and a short time frame. In some cases, the GIP has been read as a shining moment of organized struggle on the French left in the post-1968 period, overshadowing many other important moments in the French prison resistance movement.<sup>41</sup> In doing so, scholarship obscures both

the generalized grounds for resistance that the GIP established and its successor, the Prisoners Action Committee (CAP).<sup>42</sup> The ex-prisoners who formed the CAP were, by and large, nonrepresentative of the prison population.<sup>43</sup> They were already politicized, already activists, insisting that the prison is a tool of the bourgeois to suppress poor and otherwise marginalized groups.<sup>44</sup> “All that we ask is absolute reform,”<sup>45</sup> they said, including the abolition of criminal records, travel bands, debtors’ prison, the death penalty, life without parole, and the prison itself.<sup>46</sup> Through its efforts, not least of which was *Le Journal du CAP*,<sup>47</sup> a broader, even more collaborative and diverse movement than the GIP was born. Preferring to analyze the GIP rather than the CAP obscures the GIP’s legacy, misses the GIP’s motto, privileges academic legacies of GIP intellectuals, and again uses an individualistic rather than collaborative lens.

A critical interpretation of the GIP, insofar as it takes the GIP’s motto (*donner la parole*) to heart, must retool our analyses of incarceration, detention, and confinement to think with prisoners rather than about them.<sup>48</sup> Such a shift in the epistemological register is itself a part of prison abolition and projects of building abolition-democracy.<sup>49</sup> It requires following the thread of prisoners’ voices and prisoners’ actions in a larger social movement.<sup>50</sup> To think with prisoners honestly and without fear is an abolitionist act; for, it opens up the future in ways that are not yet known and dismantles the social stratifications and forms of moral differentiation that undergird the prison.<sup>51</sup> As Foucault put it in a conversation with students in 1971, “Our action . . . isn’t concerned with the soul of the man *behind* the convict, but it seeks to obliterate the deep division that lies between innocence and guilt.”<sup>52</sup> The GIP offers us a model for this work: to give prisoners the floor as a part of thinking. The experiences of prison struggles, riots, uprisings, strikes, and actions are of philosophical substance, as are reflections and analyses of confinement offered by those who are presently or had been formerly confined. This is a requirement not simply of doing critical theory and philosophy of prisons and punishment, but of doing critical theory and philosophy more generally. This is, in part, because contemporary academic philosophy functions through the exclusion of incarcerated philosophers, defining itself as an academic discipline predicated on a distinction between prisons and universities.<sup>53</sup> As the incarcerated philosopher Andre Pierce puts it:

In order to keep our truth alive and honest, we need to tell our story with uncensored gore. Where our story is ugly, we need to tell it without cosmetic surgery. We need to boldly speak directly in the face of

those oppressive elements in society and show them the products of their destruction . . . The danger in allowing others to tell our story is that the narration risks distortion.<sup>54</sup>

Thankfully, an increasing number of works in recent years have taken this claim seriously and resist reifying distinctions between thinkers on the inside and outside.<sup>55</sup> Nevertheless, much remains to be done.

This volume aims to contribute to GIP literature, Foucault studies, and the projects of information activism and prison abolition. More generally, however, it aims to develop a self-reflective analysis of the GIP and, in doing so, to illuminate our own current moment of racialized mass incarceration in the United States. We therefore attend to the GIP as an inherently collaborative abolitionist effort, trained on subjugated knowledges and generative beyond itself, both temporally and geographically. This is one way we understand the work of *active intolerance*. Such an interpretive approach does not entertain Foucault, information, or the GIP reductively, but expansively, in a way that allows us to reconfigure how we think about the GIP in concert with contemporary political theory, philosophy, and critical prison studies.

### III Legacy of the GIP Today

The significance of the GIP in Paris in the early 1970s is uncontested. Its legacy today, particularly in the United States, however, remains imprecise and underexplored. Ultimately, the chapters in this volume seek to rectify this fact. By analyzing the GIP from both historical and contemporary perspectives, they reimagine its contributions not simply to Foucault studies and current prison activism, but also to our most basic conceptualizations of embodiment and voice. Ranging from Marxism to neoliberalism, from issues of race and immigration to hunger strikes and the aging prison population, as well as addressing the status of subjugated knowledge and a variety of academic failures, this volume cultivates a rich landscape at the intersections of contemporary political theory, critical prison philosophy, and the project of prison abolition.

Part I (History: The GIP and Foucault in Context) sets the stage by analyzing the significance of the GIP for Foucault studies. Resisting the temptation to allow Foucault studies to overdetermine our interpretation of the GIP, this section reads Foucault and the GIP antagonistically together in order to better understand both. Chronologically, the GIP sits squarely at the center of Foucault's methodological arch: archeology, genealogy, and ethics. As such, it mobilizes his concerns with power,

knowledge, and resistance in the context of marginalization. This section contends that the GIP was not a tangential activity for Foucault, but one that simultaneously reflected and affected the development of his thought. In “The Abolition of Philosophy” (chapter 1), Ladelle McWhorter argues that Foucault’s rejection of academic philosophy in favor of political activism through the GIP directly informed his later reconceptualization of philosophy as a practice of freedom, publicly engaged in a critique of the present. In “The Untimely Speech of the GIP Counter-Archive” (chapter 2), Lynne Huffer models her encounter with the GIP archive on Foucault’s encounter in *History of Madness*; in both cases, she argues, the archive of marginalized voices is mobilized as a present event, jamming “the rational machinery of present-day carceral power-knowledge.” In “Conduct and Power: Foucault’s Methodological Expansions in 1971” (chapter 3), Colin Koopman analyzes the GIP as a politicizing force that contributed to not only the expansion of Foucault’s overtly political interests but also his political method of genealogy; both, Koopman insists, emphasize the critical salience of struggle. In “Work and Failure: Assessing the Prisons Information Group” (chapter 4), Perry Zurn conducts an internal critique of the GIP. After identifying criteria of failure implicit in the GIP and Foucault’s critique of the prison, Zurn explores the significance of failures shared by the GIP and the prison.

Part II (Body: Resistance and the Politics of Care) analyzes the prison as a particular technique of embodiment. While power is enacted upon the body, resistance is also enacted through the body. The chapters in this section trace both functions. They give special attention to the hunger strikes and prison suicides that mobilized the GIP, but they also analyze the place of medicine, psychiatry, eldercare, and disability care. Throughout, the aim of this section is to understand not only the disciplined body but the resistant body, producing as it does diagonal lines of force within the social fabric. In “Breaking the Conditioning: The Relevance of the Prisons Information Group” (chapter 5), Steve Champion (Adisa Kamara) explores how organizations like the GIP can support practices of resistance against the mental and physical conditioning of the prison. In “Between Discipline and Caregiving: Changing Prison Population Demographics and Possibilities for Self-Transformation” (chapter 6), Dianna Taylor explores the Gold Coats Program at the California Men’s Colony (CMC) in San Luis Obispo, California, where inmates care for their aging and cognitively impaired fellows. She argues that caregiving facilitates possibilities for inmate caregivers to constitute, understand, and relate to themselves

as other than delinquents. In “Unruliness without Rioting: Hunger Strikes in Contemporary Politics” (chapter 7), Falguni Sheth explores the hunger strike—as used by the GIP, Nadezhda Tolokonnikova (a member of the Russian punk band Pussy Riot), and detainees in Guantánamo Bay—as a technology of political resistance. She argues that, in order for the hunger strike to deploy the body’s “life” as a currency, the strike must engender an element of publicity, whose trajectory influences but does not necessarily determine the outcome of the contestation.

Part III (Voice: Prisoners and the Public Intellectual) turns from questions of the body to questions of voice and discourse. Much like the body, the voice is a target of disciplinary power and a locale of resistance. The GIP was a battle of voices and information, speaking and hearing, reverberations and relays. The chapters in this part ask the question of who gets to have a voice? And what is at stake in having or giving a voice? In “Disrupted Foucault: Los Angeles’ Coalition Against Police Abuse (CAPA) and the Obsolescence of White Academic Raciality” (chapter 8), Dylan Rodríguez analyzes the GIP’s deep roots in the European academy and therefore its complicity in white supremacist interpretations of the carceral system. Rodríguez then contrasts the GIP with the CAPA, a Black, poor and working-class grassroots organization in Los Angeles that decenters whiteness. In “Investigations from Marx to Foucault” (chapter 9), Marcelo Hoffman rebuts the accusation that the GIP—Foucault in particular—constrained the voices of prisoners. By analyzing the GIP’s Marxist (and Maoist) roots, Hoffman argues that its investigations were never intended to neutrally represent prisoners’ voices but to expressly politicize them. In “The GIP as a Neoliberal Intervention: Trafficking in Illegible Concepts” (chapter 10), Shannon Winnubst contends that the GIP’s questionnaires, insofar as they traffic in banal details, cut against humanist ideology by blurring the boundary between innocence and guilt, ultimately frustrating neoliberal tendencies. In “The Disorder of Discourse: Voice and Authority in the GIP” (chapter 11), Nancy Luxon argues that the GIP probed the intersection of regimes of jurisdiction and veridiction by initiating a new genre of “seized speech” that might counter anonymous habit, so as to make visible struggles around voice, authorization, and publicity.

Part IV (Present: The Prison and Its Future[s]) addresses prison activism and abolition in the present moment. Given that the GIP fashioned itself in direct response to penal issues in 1970s France, what, therefore, are the restrictions of its use and the extrapolations that can be made

today? What lessons can be culled from the GIP's (and Foucault's) activist and philosophical practices for contemporary questions of prison theory and anti-prison praxis? In particular, we ask what changes with the introduction of contemporary US prison issues like mass/hyper incarceration, the death penalty, and prison abolition movements, as well as along axes of oppression like race, gender, sexuality, and disability. In "Beyond Guilt and Innocence: The Creaturely Politics of Prisoner Resistance Movements" (chapter 12), Lisa Guenther conducts a comparative study of the GIP and the Pelican Bay SHU Short Corridor Collective, arguing that effective resistance to carceral power demands an affirmation of the creaturely needs, desires, and capacities that motivate and sustain political life. In "Resisting 'Massive Elimination': Foucault, Immigration, and the GIP" (chapter 13), Natalie Cisneros shows that "massive elimination," or immigrant detention and deportation practices, is a function of modern racism and deeply embedded in the Prison Industrial Complex. In "'Can They Ever Escape?' Foucault, Black Feminism, and the Intimacy of Abolition" (chapter 14), Steve Dillon reads the GIP documents alongside the writings of imprisoned revolutionary Black women in the 1970s. In doing so, Dillon argues that Black feminism provides an important analysis missing from the GIP and Foucault's writings: the intimate forms of anti-Black and heteropatriarchal domination produced by the prison regime.

At the heart of our analysis and that of the GIP is the identification of things that are intolerable, which form the basis of cultivating active intolerance. To that end, statements by Abu Ali Abdur'Rahman, Derrick Quintero, and Donald Middlebrooks (all currently incarcerated on death row at Riverbend Maximum Security Institution outside of Nashville, Tennessee) identify what are, for them, intolerable prison realities. From bad breath and too many beans (or not enough), to corporate monopoly, administrative violence, and rape—not to mention "the lack of honor and respect amongst those of our incarcerated community"—Abdur'Rahman, Quintero, and Middlebrooks canvass the sublime and mundane elements of what is, ultimately, an indiscriminate system of oppression. In doing so, their voices break against the prison as much as against our own easy categories of significance.

In sum, the contributions to *Active Intolerance* together push the boundaries of how we understand the intersections between prison theory and prison abolition. They offer a profound reimagination of Foucault's intellectual development, as well as the styles and stakes of contemporary prison activism and abolition. And they courageously interrogate the consistently difficult issues facing us today, especially

related to embodiment and voice. Ultimately, however, these essays provide us with insight into the nature of active intolerance as both a model of political engagement and a mode of philosophical reflection. Indeed, *Active Intolerance* insists that neither politics nor philosophy exist independently of each other or of the distinct creaturely needs of those consistently marginalized and hyperpoliced.

We write this in search of a different future.

## Notes

1. GIP, "(Manifeste du GIP)" (1971), FDE1, no. 86, 1043. Most of the GIP documents (like this one) were written collaboratively. We cite their location in *Dits et Écrits* for ease of reference, but we emphasize that the ascription of many of these texts to Foucault as author is problematic at best and a misattribution at worst.
2. Foucault, "(Sur les prisons)" (1971), FDE1, no. 87, 1043.
3. Foucault, "(Sur les prisons)," 1044, emphasis added. On the title page of *Intolérable 1*, the GIP offers this list of intolerable things: "The courts, the cops, hospitals and asylums, school, military service, the press, the state, and above all the prisons" (FGIP-AL, 80/FGIP-I, 16).
4. GIP, "(Manifeste du GIP)," 1043.
5. Thank you to Daniel Defert for this important clarification. The demand for political status focused on the right to hold political meetings inside the prison, to get newspapers, and to receive visits from other members of their organizations.
6. Daniel Defert, "Le Moment GIP," *Une vie politique: Entretiens avec Philippe Artières et Eric Favereau* (Paris: Seuil, 2014), 56.
7. GIP, "(Manifeste du GIP)," 1043.
8. For more on the role of the GIP in Foucault's life and thought, see Didier Eribon, *Michel Foucault* (1989; Cambridge: Harvard University Press, 1992), esp. Chap. 16; David Macey, *The Lives of Michel Foucault: A Biography* (New York: Pantheon, 1993), esp. Chap. 11; and James Miller, *The Passion of Michel Foucault* (New York: Simon & Schuster, 1993), esp. Chap. 6.
9. Artières, "Chronologie," FGIP-I, 9–14.
10. See Marcelo Hoffman, "Foucault, the Prisoner Support Movement, and Disciplinary Power," *Foucault and Power: The Influence of Political Engagement on Theories of Power* (London: Bloomsbury, 2013), 15–46; Richard Wolin, "Foucault and the Maoists: Biopolitics and Engagement," *The Wind from the East: French Intellectuals, the Cultural Revolution, and the Legacy of the 1960s* (Princeton: Princeton University Press, 2012), 288–349; and Julian Bourg, "Part One," *From Revolution to Ethics: May 1968 and Contemporary French Thought* (Montreal: McGill-Queens University Press, 2007).
11. Foucault and Pierre Vidal-Naquet, "Enquête sur les prisons: brisons les barreaux du silence" (1971), FDE1, no. 88, 1045.
12. See Brady Heiner, "Foucault and the Black Panthers," *City: Analysis of Urban Trends, Culture, Theory, Policy, Action* 11.3 (2007): 320, 330; Edmund White, *Genet: A Biography* (New York: Alfred Knopf, 1993), Chap. 18.
13. Le Mouvement de libération des femmes (the MLF) (founded in 1970), Le Front homosexuel d'action révolutionnaire (the FHAR) (1971–1976), Le Groupe

- d'information sur les asiles (1972–present), and Le Groupe d'information et de soutien des immigrées (1972–present). For general information on this collaboration, see Daniel Defert, “L'émergence d'un nouveau front: les prisons,” FGIP-AL, 323 and 326, and “Le Moment GIP,” *Une vie politique*, 63–65. For more on the question of women in French prisons at the time, see Anne Guérin, “Et les femmes?” *Prisonniers en révolte: Quotidien carcéral, mutineries et politique pénitentiaire en France (1970–1980)* (Paris: Agone, 2013), 301–329. For additional material on FHAR, see Didier Eribon, “Resistance and Counterdiscourse,” *Insult and the Making of the Gay Self* (Durham: Duke University Press, 2004), 310–318; Frederic Martel, *The Pink and the Black: Homosexuals in France since 1968* (Stanford, CA: Stanford University Press, 1999); as well as the works of FHAR leader, Guy Hocquenghem, including *Homosexual Desire* (1972; Durham: Duke University Press, 1993).
14. Defert, “L'émergence d'un nouveau front: les prisons,” 323.
  15. Foucault, “Je perçois l'intolérable” (1971), FDE1, no. 94, 1072; Daniel Defert, “Sur quoi repose le système pénitentiaire?” (1971), FGIP-AL, 129; Foucault, “Le grand enfermement” (1972), FDE1, no. 105, 1170.
  16. Foucault, “(Sur les prisons),” 1044; GIP, “Préface” (1971), *Enquête dans 20 prisons*, FDE1, no. 91, 1064.
  17. Foucault and Vidal-Naquet, “Enquête sur les prisons: brisons les barreaux du silence,” 1045; Foucault and Antoine Lazarus, “Luttes autour des prisons” (1979), FDE2, no. 273, 808.
  18. Foucault and Lazarus, “Luttes autour des prisons,” 813.
  19. Defert, “L'émergence d'un nouveau front,” 325. The GIP frequently met in Cixous's apartment (Eribon, *Michel Foucault*, 230) and she played an important role in the Nancy Revolt, where she was badly beaten (Macey, *The Lives of Michel Foucault*, 283). She also worked with the GIP, Ariane Mnouchkine, and Le Theatre du Soleil to organize a performance for immigrant factory workers (Defert, “L'émergence d'un nouveau front,” 323). In retrospect, she sees an intimate relationship between her involvement in the GIP and her early novel, *Dedans* (see Macey, *The Lives of Michel Foucault*, 265).
  20. See Gayatri Spivak's famous critique of Foucault, and precisely this work, in “Can the Subaltern Speak?” in *Colonial Discourse and Post-Colonial Theory*, ed. Patrick Williams and Laura Chrisman (New York: Columbia University Press, 1994), 66–111.
  21. Defert, “L'émergence d'un nouveau front,” FGIP-AL, 318.
  22. Ibid. See also Edith Rose, “Rapport de Mme Rose, psychiatre de la Centrale de Toul” (1972), FGIP-AL, 164–168.
  23. Serge Livrozet is the author of several books, most famously *De la Prison à la révolte* (1973; Paris: L'Esprit frappeur, 1999), for which Foucault wrote the preface. See “Préface” (1973), FDE1, no. 116, 1262–1267.
  24. A significant exception to this trend is Nicolas Drolc's recent documentary, *Sur les toits–Hiver 1972: mutineries dans les prisons françaises* (Les Mutins, 2013).
  25. In 1980, Foucault characterized *Discipline and Punish* as a book that “owes much to the GIP . . . , if it contains two or three good ideas, it gleaned them from there.” Foucault, “Toujours les prisons” (1980), FDE2, no. 273, 915.
  26. The few GIP-related documents currently available in English translation are: “What Our Prisoners Want From Us . . . ,” *Desert Islands and Other Texts, 1953–1974* (Semiotext[e], 2004), 204–205; “H.M.'s Letters,” *Desert Islands*, 244–246;

- “Revolutionary Action: ‘Until Now,’” ELCP, 218–233; “The Masked Assassination,” in *Warfare in the American Homeland: Policing and Prison in a Penal Democracy*, ed. Joy James (Durham: Duke University Press, 2007), 140–160; “On Attica,” EFL, 113–121; “Pompidou’s Two Deaths,” EEW2, 418–422; “The Force of Flight,” in *Space, Knowledge, and Power: Foucault and Geography*, ed. Jeremy W. Crampton and Stuart Elden (Burlington, VT: Ashgate, 2007), 169–172; Gilles Deleuze, “Foucault and Prison,” *Two Regimes of Madness* (Semiotext(e), 2006), 271–281; Marcelo Hoffman, “Intolerable I: Investigation in 20 Prisons,” in *Foucault and Power* (London: Bloomsbury, 2013), 155–204.
27. FGIP-AL, FDE1, and FDE2. FGIP-AL is currently out of print.
  28. See “What Is an Author?,” ELCP, 113–138, and *Speech Begins after Death*, ed. Philippe Artières (Minneapolis: University of Minnesota Press, 2013).
  29. “Intellectuals and Power,” ELCP, 207–208, emphasis added.
  30. See Indigenous Action Media, “Accomplices Not Allies: Abolishing the Ally Industrial Complex,” May 4, 2014, <http://www.indigenoussaction.org/accomplices-not-allies-abolishing-the-ally-industrial-complex/>.
  31. See Foucault’s remarks in “Le grand enfermement,” 1174.
  32. See, for instance, Foucault, “Against Replacement Penalties,” EEW2, 459–61; Foucault, “Le grand enfermement,” 1164–1174; “Alternatives to the Prison: Dissemination or Decline of Social Control?” *Theory, Culture & Society* 26.6 (2009): 12–24; “Pompidou’s Two Deaths,” EEW2, 418–22. Commenting on the legislative abolition of the death penalty in France in 1981, anti-death penalty attorney Robert Badinter recounts Foucault as stating, “Yeah, accomplishing [death penalty] abolition is pretty good but also easy; now the essential thing to do is get rid of prisons.” Quoted in Robert Nye, “Two Capital Punishment Debates in France: 1908 and 1981,” *Historical Reflections/Réflexions Historiques* 29.2 (2003): 223n37.
  33. Foucault, “Préface,” 1063–1064.
  34. Foucault, “(Sur les prisons),” 1044.
  35. FGIP-I, 154.
  36. FGIP-I, 213.
  37. “Prisoners’ Demands,” Prisoner Hunger Strike Solidarity, April 3, 2011, <http://prisonerhungerstrikesolidarity.wordpress.com/the-prisoners-demands-2/>. See also Keramet Reiter, “The Pelican Bay Hunger Strike: Resistance within the Structural Constraints of a US Supermax Prison,” *South Atlantic Quarterly* 113.3 (Summer 2014): 579–611.
  38. See Sarah Wheaton, “Inmates in Georgia Prisons Use Contraband Phones to Coordinate Protest,” *New York Times*, December 12, 2010; Sarah Wheaton, “Prisoners Strike in Georgia,” *New York Times*, December 12, 2010.
  39. Melvin Ray, “Free Alabama Movement” December 21, 2013, <http://freealabamamovement.com/FREE%20ALABAMA%20MOVEMENT.pdf>.
  40. Alex Altman, “Prison Hunger Strike Puts Spotlight on Immigration Detention,” *Time*, March 17, 2014, <http://time.com/27663/prison-hunger-strike-spotlights-on-immigration-detention/>; Tim Marcin, “Immigration Reform 2015: Women Reportedly on Hunger Strike in Texas Immigration Detention Center,” *International Business Times*, April 1, 2015, <http://www.ibtimes.com/immigration-reform-2015-women-reportedly-hunger-strike-texas-immigration-detention-1866744>.
  41. On the GIP in relation to the post-1968 French left, see Bourg, *From Revolution to Ethics*, Part One, and Wolin, *The Wind from the East*, 288–349.

42. For more on the CAP, see Anne Guèrin, *Prisonniers en révolte*, and Christophe Soulié, *Liberté sur paroles: Contribution à l'histoire du Comité d'action des prisonniers* (Bordeaux: Editions Analis, 1995).
43. Loic Delbaere, "Le système pénitentiaire à travers les luttes des détenus," *Maîtrise d'histoire*, 54.
44. Soulié, "La philosophie du CAP," *Liberté sur paroles*, 113–122.
45. *Le Journal du CAP 19* (July/August 1974), as quoted in Guèrin, 141.
46. Audrey Kiefer, *Michel Foucault: Le GIP, l'histoire et l'action* (Ph.D. diss., Université de Picardie Jules Verne d'Amiens, 2003), 91–92.
47. For a complete table of contents for every issues of *Le Journal du CAP*, see Archives Autonomies, "Sommaires du journal du CAP (1972–1980)," January 18, 2014, <http://archivesautonomies.org/spip.php?article116>.
48. On the demands of thinking with incarcerated thinkers, see especially Tom Kerr, "Writing with the Condemned: On Editing and Publishing the Work of Steve Champion," in *Demands of the Dead: Executions, Storytelling, and Activism in the United States*, ed. Katy Ryan (Iowa City: University of Iowa Press, 2012), 74–88; Joy James, *The New Abolitionists: (Neo)Slave Narratives and Contemporary Prison Writings* (Albany: SUNY Press, 2005); Dylan Rodríguez, *Forced Passages: Imprisoned Radical Intellectuals and the U.S. Prison Regime* (Minneapolis: University of Minnesota Press, 2004); Ryan, ed., *Demands of the Dead*; Eric Stanley and Nat Smith, eds., *Captive Genders: Trans Embodiment and the Prison Industrial Complex* (Oakland, CA: AK Press, 2011).
49. The notion of "abolition-democracy" comes from W. E. B. Du Bois's *Black Reconstruction*, in which he identified a post–Civil War model of democratic theory and practice focused not simply on the "negative" abolition of chattel slavery, but on its "positive" abolition. For applications of Du Bois's insight in critical race theory and prison abolition, see Joel Olson, *The Abolition of White Democracy* (Minneapolis: University of Minnesota Press, 2004) and Angela Davis, *Abolition Democracy: Beyond Empire, Prisons, and Torture* (New York: Seven Stories Press, 2005).
50. Such an approach can be found at the intersection of anti-racist and trans\* liberation movements. See CR-10 Publications Collective, ed., *Abolition Now! 10 Years of Strategy and Struggle against the Prison Industrial Complex* (Oakland, CA: AK Press, 2008); Stanley and Smith, *Captive Genders*; Elias Walker Vitulli, "Queering the Carceral: Intersecting Queer/Trans Studies and Critical Prison Studies," *GLQ: A Journal of Lesbian and Gay Studies* 19.1 (2012): 111–123; Ryan Conrad, ed., *Prisons Will Not Protect You* (Lewiston: Against Equality Publishing Collective, 2012); Spade, *Normal Life: Administrative Violence, Critical Trans Politics and the Limits of Law*; Beth E. Richie, *Arrested Justice: Black Women, Violence, and America's Prison Nation* (New York: New York University Press, 2012); Liat Ben-Moshe, Che Gossett, Nick Mitchell, and Eric A. Stanley, "Critical Theory, Queer Resistance, and the Ends of Capture," *Death and Other Penalties: Philosophy in a Time of Mass Incarceration*, ed. Geoffrey Adelsberg, Lisa Guenther, and Scott Zeman (New York: Fordham University Press, 2015), 266–295.
51. GIP, "Préface," 1063.
52. Foucault, "Revolutionary Action Until Now," 227 (emphasis in the original).
53. See the introduction to Sarah Tyson and Joshua Hall, *Philosophy Imprisoned: The Love of Wisdom in the Age of Mass Incarceration* (Lanham: Lexington Books, 2014).

54. Andre Pierce, "Organizing Dead Matter into Effective Energy," *Philosophy Imprisoned*, 247.
55. For important works that center the voices of incarcerated persons see also Joy James, ed. *Imprisoned Intellectuals: America's Political Prisoners Write on Life, Liberation, and Rebellion* (New York: Rowman and Littlefield Publishing, 2003); Joy James, ed., *The New Abolitionists: (Neo)Slave Narratives and Contemporary Prison Writings* (Albany, NY: SUNY Press, 2005); Stanley and Smith, eds. *Captive Genders*; Adelsberg, Guenther, and Zeman, eds. *Death and Other Penalties*; Ayelet Waldman and Robin Levi, eds. *Inside This Place, Not of It: Narratives from Women's Prisons* (San Francisco: McSweeney's Books, 2011). For more prison writings, especially those by currently or formerly incarcerated persons, see the bibliography from the Prison and Theory Working Group at <http://ptwg.org/prisonwritings/>.

PART I

---

*History: The GIP and Foucault in Context*

## CHAPTER 1

---

# The Abolition of Philosophy

*Ladelle McWhorter*

As early as 1967 and as late as 1980, Foucault made statements calling academic philosophy into question and suggesting that it has little if any value in contemporary society. Nowhere is his aversion to the discipline more adamantly manifest, however, than in the interview titled “The Great Confinement,” which he gave in 1972 to the German periodical *Tages Anzeiger Magazin*. Among other disparaging comments, Foucault, in the interview, characterizes philosophy as “no more than a vague little university discipline” and accuses professional philosophers of doing no real work and of distancing themselves from reality. “If I occupy myself with the GIP,” he asserts, “it is only because I prefer effective work to university yacking and book scribbling.”<sup>1</sup>

When we encounter any one of these scattered statements, it is easy to dismiss them as hyperbole, irritation with an interviewer, or sometimes a limited political maneuver. But taken together, in their persistence over the course of at least 13 years, we might suspect that they signify something deeper. This chapter’s aim is to take these comments very seriously to see what light they might shed on Foucault’s conception and practice of both philosophy and political activism and what they might suggest about the value of philosophy in the twenty-first century.

The first task (section I) is to specify the object of Foucault’s rancor. After all, we cannot assume that the meaning of “philosophy” in his assertions is self-evident. We must reconstruct the object on the basis of Foucault’s own discourse, which is the subject of the first major section of this chapter. Section II examines Foucault’s efforts to deal with this object over the course of his career as an author and a university professor, as well as an activist. In section III, I suggest that one force that

shaped Foucault's reconceptualization of philosophy was his belief that the GIP had failed to make any real difference; in the end, he thought, it was not "effective work." Finally, in section IV I bring Foucault's comments to bear on the issue of the current status and possible future of the discipline of philosophy in North America.

## I What Is Philosophy?

In an interview in 1975, Foucault described the writing he did in the 1960s in response to such literary figures as Roussel, Klossowski, Blanchot, and Bataille as an attempt to rid himself of or escape from philosophy.<sup>2</sup> Literature stood in contrast to philosophy; according to Foucault, literature was philosophy's discursive "outside."<sup>3</sup> But, by the early 1970s, the definitive contrast with philosophy was not literature but political action and quite often Foucault's work with the Groupe d'information sur les prisons (GIP).<sup>4</sup> It is primarily in the answers to interview questions concerning the GIP that he distances himself from philosophy and makes his most vitriolic denunciations of it. Compared to "political action in favor of prisoners," philosophy is meaningless;<sup>5</sup> indeed, writing in general is "bloodless thought."<sup>6</sup> The university as an institutional apparatus is just a machine for social and political reproduction without deviation; it is entirely conservative, not the site of real change.<sup>7</sup> In fact, academia and therefore academic philosophy may well be completely dependent upon the conservation of that order. "Do you think that the teaching of philosophy—and its moral code—would remain unchanged if the penal system collapsed?" Foucault asks a group of lycée students.<sup>8</sup> Such statements prefigure the analysis that will later fill the pages of *Discipline and Punish*, with its exposition of the ways in which in the contemporary West the disciplinary technologies that the carceral system exemplifies are to be found in varying forms in the military, hospitals, asylums, and schools.

However, the university as an institution and academic philosophy as a discipline are not the only agents of conservatism; Foucault holds philosophy as a profession and a collection of individual intellectuals to account as well. Philosophers refuse engagement with reality, he asserts.<sup>9</sup> They cannot translate their theories into practice,<sup>10</sup> presumably in part because the kinds of theories they produce are not grounded in reality in the first place, in addition to the fact that change, which is never purely or fundamentally cognitive, cannot originate at the level of the purely theoretical. Furthermore, for 2,000 years philosophers have attempted to dictate the good, imposing their theories and concepts

on others, universally if possible, but they are unwilling and perhaps constitutionally unable to do the hard collaborative work of actually producing the good.<sup>11</sup>

By contrast, Foucault's activism and the GIP itself are essentially collaborative, as well as democratic in the sense of allowing others to speak on their own behalf and supporting them by listening and providing channels for dissemination. This activism is embodied, living work as opposed to the bloodlessness of written productions. It operates outside institutions intent on social control and conservative reproduction, rendering it free to seek genuine change. For Foucault, these differences give political action its precedence over philosophy: "To write a sequel today to my *Histoire de la folie*, one that would cover material up to the present era, is devoid of interest for me. On the other hand, a concrete political action in favor of prisoners appears to me charged with meaning."<sup>12</sup>

What, then, is this object "philosophy"? What is it that Foucault is contrasting with his activism, criticizing, and rejecting? Clearly it is an institutionalized and bureaucratized academic discipline that maintains itself by producing theories with no practical effects except for that of reinforcing disciplinary control and reproducing the status quo. Moreover, to the extent that it has these conservative and even repressive material effects, it disavows them by shrouding itself in the mantle of theoretical objectivity and universal rationality: The GIP seeks leave for prisoners to keep radios and receive Christmas gifts, whereas philosophers seek The Truth. Foucault opts for the materiality of human contact—technologically mediated though it may have to be—over knowledge of any transcendent entity or realm.

Foucault was 45 years old when he made the harshest of these statements, a bit long in the tooth to play the part of the angry young man. But there is no doubt that he was angry, and most likely not only at the injustices he witnessed and heard about inside asylums and prisons. So many years later, we cannot know all the sources of that anger and perhaps it was always impossible to know. What is fairly clear, though, is that at this time Foucault's anger led him to do a very "un-Foucauldian" thing: He dichotomized. There was inside, and there was outside. There was stasis, and there was change. There was theory, and there was praxis. There was philosophy, and there was political activism. And as Foucault in his better moments even then very well knew, it is not possible to maintain one's life on one side of a stark binary. "It has always been a problem for someone like me, someone who has been teaching for a long time," he told those lycée students in 1971, "to decide if I should act

outside or inside the university.”<sup>13</sup> In fact he never decided. Most likely he rejected the dichotomy, if he ever really believed it existed in the first place. At any rate, he simply continued to do both.<sup>14</sup>

## II Philosophy’s Self-Overcoming in Foucault’s Work

Initially, working both inside and outside the academy and institutionalized philosophy must have caused Foucault some anguish, not just in terms of time management,<sup>15</sup> but in light of the concomitant intensification of his criticism of the very sort of pedagogical and academic institutions in which he was trained, in which he was a long-time prominent member, and which paid his salary. He was surely aware that it was the very fact that he had the visibility and respect granted him by his academic standing and authorship that he could take the stands he took and be widely listened to. As Macey puts it in regard to Foucault’s efforts on behalf of North African guerillas in 1973, “He was a professor at the Collège de France, and was consciously exploiting the prestige that conferred on him.”<sup>16</sup> Undoubtedly he recognized the political value that his academic position afforded him, but it is hard to believe that he did not value his scholarly work itself.

Early on, Foucault seems to have dealt with this issue by eschewing the label of “philosophy” for his work and “philosopher” for himself. He told an interviewer in 1967 that *Les Mots et les choses* was a work of history and was accepted by historians as such. The interviewer, Raymond Bellour, then states, “You thus situate yourself deliberately as an historian,”<sup>17</sup> to which Foucault apparently acquiesces.<sup>18</sup> Through the late 1960s and early 1970s, he often casts his work as historical and himself as primarily an historian, which is reflected in the name he gave to his chair at the Collège de France, Professor of the History of Systems of Thought. A conversation with Giulio Preti published in 1972 can serve as an example of this sort of claim: “I speak to you as a historian, even if my goal is to be a historian of the present.”<sup>19</sup>

In addition to nonphilosophical self-labeling, another strategy Foucault used to distance his work from philosophy was to characterize it as merely provisional and undertaken in the service of political action. In a recorded discussion in March of 1972, Deleuze compared theory—good theory, at least—to a box of tools: “It must be useful. It must function. And not for itself. If no one uses it, beginning with the theoretician himself (who then ceases to be a theoretician), then the theory is worthless or the moment inappropriate.”<sup>20</sup> Foucault took up this characterization of theory and used it to describe his own work

at times. In 1974 he told an interviewer that he hoped people would use his books as a “tool-box” in their own efforts to make change.<sup>21</sup> In its essential practicality, Foucault’s work appears as the diametrical opposite of philosophy, therefore—if we accept Foucault’s previous assertion that philosophers never venture near anything like the real world.<sup>22</sup>

Foucault was inconsistent in his self-descriptions, as has been amply documented, but, in general, prior to the mid-1970s, he seems to have preferred to avoid the label “philosopher” if possible.<sup>23</sup> In his discussion with geographers in 1976, however, Foucault made this concession: “And for all that I may like to say I’m not a philosopher, nonetheless if my concern is with truth then I am still a philosopher.”<sup>24</sup> Philosophy has been changing since the late nineteenth century, he asserts: “Since Nietzsche this question of truth has been transformed. It is no longer, ‘What is the surest path to Truth?’ but, ‘What is the hazardous career that Truth has followed?’ That was Nietzsche’s question, Husserl’s as well, in *The Crisis of the European Sciences*.”<sup>25</sup> His work takes up this question in this lineage, Foucault acknowledges, so in that sense it is as philosophical as were Nietzsche’s and Husserl’s work.

Around this time, Foucault’s negative comments about philosophy become less intense and less frequent. Where there are criticisms, they seem to concern primarily political philosophy. In an interview in June 1976<sup>26</sup> and also in *The History of Sexuality, Volume 1*, published in the fall of that year, he claims that political philosophy is still caught up in questions centered on the issue of sovereignty.<sup>27</sup> “In political thought and analysis,” he maintains, “we still have not cut off the head of the king.”<sup>28</sup> Given his analysis of normalizing disciplinary power in *Discipline and Punish* and elsewhere, this statement amounts to an accusation that political philosophy is out of touch with reality. That would be bad enough on Foucault’s terms, but in his course that spring at the Collège de France, he goes further: Political philosophy, with sovereignty at its center, is not only out of touch with the reality of a normalizing disciplinary society; it also reinforces disciplinary power by shrouding it in obscurity, making articulation and resistance difficult. In his January 14 lecture, having first described disciplinary power’s ascendance, he says, “This power cannot be described or justified in terms of the theory of sovereignty. It is radically heterogeneous and should logically have led to the complete disappearance of the great judicial edifice of the theory of sovereignty.”<sup>29</sup> Yet if it has not disappeared—and any survey of political philosophy textbooks will testify that it has not—there must be a reason. In fact, Foucault suggests

two related reasons. One is that such theory was useful for a long time as a means of opposing sovereign power to make way for disciplinary mechanisms. The other is that, as liberalism developed, it made possible a concealment of disciplinary power's "mechanisms and erased the element of domination and the techniques of domination involved in discipline, and which, finally, guaranteed that everyone could exercise his or her own sovereign rights thanks to the sovereignty of the State." He sums up thusly:

Once disciplinary constraints had to both function as mechanisms of domination and be concealed to the extent that they were the mode in which power was actually exercised, the theory of sovereignty had to find expression in the judicial apparatus and had to be reactivated or complemented by judicial codes.<sup>30</sup>

Institutionalized political philosophy helped make this happen; it has been active in squelching thought and undermining the possibility of effective resistance.

Condemnatory as this critique is, however, its limited scope suggests that Foucault might already have begun to rework his conception of philosophy more generally, setting him on the path that he would take through the next eight years. This process apparently began with his research on Hellenistic philosophy.

We do not know exactly when Foucault became acquainted with the work of Pierre Hadot, but we do know that by 1980 he was impressed enough with it to encourage Hadot to apply for a chair at the Collège de France and that he was an enthusiastic supporter of the classicist's candidacy.<sup>31</sup> By that time, Hadot's work had already had a tremendous impact on Foucault, so much so that Arnold Davidson contends that a familiarity with Hadot's writings is essential to understanding Foucault's work through the 1980s.<sup>32</sup> In particular, Davidson argues, Foucault appropriated Hadot's framework of interpretation when he divided morality, the self's relationship to itself, into four dimensions: ethical substance, mode of subjection, self-forming activity or ethical work, and the telos of one's ethical projects.<sup>33</sup> The third dimension, self-forming activity or *travail éthique*, can be understood in Hadot's terms as "spiritual exercises."<sup>34</sup> This was to be Foucault's focus in his last two published monographs, *The Use of Pleasure* and *The Care of the Self*.

His framework for studying the history of morality was perhaps not the aspect of Hadot's work that Foucault found most exciting, however. Hadot insisted in all his work that ancient philosophy could not be

understood as a body of doctrines or even a shifting set of methods or techniques for pursuing truth:

During this period, philosophy was a *way of life*. This is not only to say that it was a specific type of moral conduct . . . Rather, it means that philosophy was a mode of existing-in-the-world, which had to be practiced at each instant, and the goal of which was to transform the whole of the individual's life . . . For real wisdom does not merely cause us to know: it makes us 'be' in a different way.<sup>35</sup>

On this conception, philosophy is genuinely engaged with the world, fundamentally concerned with everyday life. Far from priding itself on its abstraction and transcendence, such a philosophy demands attention to material existence, both one's own and that of others. Hadot offers the Stoic distinction between discourse about philosophy and philosophy itself as a means of clarifying this idea:

For the Stoics, the parts of philosophy—physics, ethics, and logic—were not, in fact, parts of philosophy itself, but rather part of the philosophical *discourse*. By this they meant that when it comes to teaching philosophy, it is necessary to set forth a theory of logic, a theory of physics, and a theory of ethics. The exigencies of discourse, both logical and pedagogical, require that these distinctions be made. But philosophy itself—that is, the philosophical way of life—is no longer a theory divided into parts, but a unitary act, which consists in *living* logic, physics, and ethics.<sup>36</sup>

The theory philosophers generate, therefore, is merely a toolkit for philosophical practice—provisional and ultimately dispensable. Here, in Hadot's work, was a conception of philosophy that Foucault need not reject. Indeed, it was a conception that he could ethically inhabit.<sup>37</sup>

Foucault explores this conception of philosophy at great length in his 1983 lectures, translated and published in English as *The Government of Self and Others*. In the lecture of February 16, his focus is on Plato:

It seems to me that Plato raises a question that could be called the question of philosophy's reality. What is the reality of philosophy? Where is the reality of philosophy to be found? And straightaway we see that the way in which Plato answers the question, or rather, the way in which he poses the question proves that for him, at this moment at least, the reality of philosophy is not, is no longer, anyway, is not merely *logos*.<sup>38</sup>

Several pages later he says,

The text says no more or less than this, which is fundamental nevertheless, that the reality of philosophy, the reality of philosophizing, that to which the word philosophy refers, is a set of *pragmata* (practices). The reality of philosophy is the practices of philosophy.<sup>39</sup>

Foucault finds even in some currents in Plato's work, then, a conception of philosophy similar to that which Hadot emphasizes in his work on Stoicism, Epicureanism, and Cynicism.<sup>40</sup>

In the lecture of the following week, February 23, Foucault reiterates and elaborates:

Under what conditions can philosophy be other than *logos*, than pure and simple discourse? When and under what conditions can it affect reality? How can it become a real activity in reality? Well, on condition that it maintains a certain relationship with politics which is defined by the *sumboulē* (the advice). So what we saw last week was this relationship to politics as the test of reality for philosophy, for philosophical discourse.<sup>41</sup>

Plato's role as a philosopher was not to give the law but to help the ruler, the law-giver, shape himself in relation to truth and therefore govern well: "It is not for philosophy to tell power what to do, but it has to exist as truth-telling in a certain relation to political action; nothing more, nothing less."<sup>42</sup> And this can entail putting oneself in jeopardy, for it is necessary to speak the truth even if the ruler, whether or not he wants to hear it and despite the fact that he could at any time exercise his power to the philosopher's detriment. The philosopher takes the political action of speaking the truth even where the truth is not welcome and speaking it means risking one's well-being. Philosophy, at least in the works that Foucault is examining in these lectures, is both ethical and political practice. This truth-speaking, which Foucault at times calls *parrhesia*, is not the only practice philosophers engage in *qua* philosophers, of course, and many preparatory practices are required to shape oneself into a courageous truth-teller. But in *parrhesia* philosophical practices are put to the test; only if a philosopher has prepared will they have the virtues, the wisdom, and the skills necessary to speak truth and make themselves heard—and then to face and endure whatever consequences follow, even unto death. Philosophy is all these practices, and so it is and must be not just a professional activity but a way of living

every day. Philosophy must be ever self-transforming, a care of oneself amid the political realities in which one lives.

Obviously this is not the conception of philosophy that operated in the academy as Foucault knew it in the second half of the twentieth century, nor is it the conception of philosophy prevalent today. But that fact did not seem to matter much to Foucault; in an interview in 1983 he said, "I am not interested in the academic status of what I am doing because my problem is my own transformation."<sup>43</sup> But sometime in the late 1970s, Foucault did begin to situate his work within an academic philosophical tradition. In his Collège de France lecture of January 5, 1983, Foucault asserts that Kant's work inaugurates not only the critical philosophical tradition that becomes an analytic of truth, but also a second tradition whose guiding question is not the conditions for the possibility of knowledge but rather: "What is present reality? What is the present field of our experiences? What is the present field of possible experiences? Here it is not a question of the analytic of truth but involves what could be called an ontology of the present, of present reality, an ontology of modernity, an ontology of ourselves."<sup>44</sup> These questions, he suggests, were taken up by Hegel, Nietzsche, and the Frankfurt School, and it is this tradition of questioning into which he intends to insert himself. Having apparently condemned all of philosophy as out of touch with reality in 1972, in 1983 Foucault traces a lineage that he claims for himself, a minority tradition perhaps (even in the works of some of the philosophers Foucault cites in support of it), but a philosophical tradition nonetheless. In fact, although he may not yet have encountered Hadot's work, Foucault was making assertions like this as early as March of 1977: "Philosophy's question therefore is the question as to what we ourselves are. That is why contemporary philosophy is entirely political and entirely historical. It is the politics imminent in history and the history indispensable for politics."<sup>45</sup> In just five years the tables turned 180 degrees; it is Foucault the activist who is the philosopher, while the ivory-tower-ensconced academics who pride themselves on abstraction in the pursuit of timeless truth are the ones who have lost their way.

### III The Lesson of Failure

The experience of reading Hadot's work was of obviously great importance in Foucault's reassessment of philosophy and the reconciliation he effected between philosophy and political activism in his own life. I

want to suggest, however, that there was another—perhaps equally—significant experience: political failure. GIP veteran Gilles Deleuze reflected years later:

I think Foucault only remembered the fact that he had lost; he did not see in what way he had won. . . . He thought he had lost because everything closed down again. He had the impression that it had been useless. Foucault said it was not repression but worse: someone speaks but it is as if nothing is said. Three or four years later, things returned to exactly the way they had been.<sup>46</sup>

Although many of those who have documented the GIP's work dispute Foucault's negative assessment of its impact, for a time at least Foucault must have confronted the possibility that political action of the sorts open to ordinary citizens is no more effective at creating meaningful change than is sitting around the ivory tower talking about "an entity's totality, 'writing,' the 'materiality of the signifier,' and other such things."<sup>47</sup> It cannot have been much comfort to him to think, as Deleuze did, that "today something is being said about prisons, by the prisoners naturally, but sometimes by non-prisoners, something that would previously have been impossible to formulate";<sup>48</sup> political *action* in the form of information-gathering, press conferences, protests, pamphleteering, interviews, and arrests had produced *more talk*. Whatever Foucault might have been expecting or hoping for, it surely was more than that.

As any good community organizer knows, meaningful structural change usually takes sustained and measured activity over a long period of time. It can be as tedious and gray and require as much patience as any genealogical project undertaken in the archive. Effective political work is usually slow and frequently boring. The field of action must be continually reassessed and strategies and tactics, and sometimes even goals, rethought again and again in order to build the capacity for sufficient force to be generated in precisely the right locations at just the right times. A network of force relations must be constructed to counter the network under contestation and eventually to subvert it. I venture to say Foucault's experience with the GIP taught him this and led him to rethink activism along with philosophy.<sup>49</sup>

In January 1976, three years after the GIP's dissolution, Foucault reflected—again not without some evident frustration—on his intellectual work up to that point. The occasion was the opening lecture of his yearly series at the Collège de France. Without owning the degree to which the statement reflects some of his own past comments, he notes:

“In recent years we have often encountered, at least at the superficial level, a whole thematic: ‘life, not knowledge,’ ‘the real, not erudition,’ ‘money, not books.’”<sup>50</sup> But was this thematic really a rejection of knowledge, or was it something different? “It appears to me that beneath this whole thematic, through it and even within it, we have seen what might be called the insurrection of subjugated knowledges”<sup>51</sup>—that is, not a rejection of knowing, learning, conceptualizing, and synthesizing, as it might first appear, but a rejection of a certain “already-known” and perhaps a certain way of knowing and the exclusive investment of knowing in certain individuals, practices, and institutions.

Foucault identifies two types of subjugated knowledge: (1) those that have been disqualified as insufficiently conceptual, naïve, or unscientific, including the experiential knowledge had by psychiatric patients, nurses, delinquents, and so on, and (2) blocks of knowledge buried in obscurity, perhaps at some point intentionally so, in archives.<sup>52</sup> Although the “already known” holds itself forth as unquestionable, as the accretion of objective investigations with no political investments or alliances, it can do so only by suppressing, outlawing, or dismissing “historical knowledge of struggles,”<sup>53</sup> the battles waged to put the current epistemic and material regimes in place.<sup>54</sup> Put another way, the “already known” is a “power-effect”<sup>55</sup> that denies itself as such and that sustains its power through that sustained denial. “If you like,” Foucault says to his audience, “we can give the name ‘genealogy’ to this coupling together of scholarly erudition and local memories, which allows us to constitute a historical knowledge of struggles and to make use of that knowledge in contemporary tactics.”<sup>56</sup> Genealogy, which involves the coupling together of the voices of prisoners (for example) and archival scholars like Foucault (for example), facilitates the construction of that counter-network of force relations. It effects a history of the present that is itself effective at bringing into question the unquestionable. And unlike the GIP (at least in Foucault’s own estimation), genealogy does have destabilizing effects on institutional structures. In response to an interviewer who suggests that reading *Discipline and Punish* does nothing to destabilize the status quo, Foucault says, “it’s true that certain people, such as those who work in the institutional setting of the prison . . . are not likely to find advice or instructions in my books that tell them ‘what is to be done.’ But my project is precisely to bring it about that they ‘no longer know what to do,’ so that the acts, gestures, discourses which up until then had seemed to go without saying become problematic, difficult, dangerous.”<sup>57</sup> In this interview, at least, Foucault seems to believe that *Discipline and Punish* did what he wanted it to do; the genealogy was effective.

It would seem, then, that the lesson Foucault learned from what he saw as the GIP's failure and from continued meditation on philosophy as a discipline and practice was that the political work that he *could* do effectively was that of a specific intellectual using his scholarly expertise to make available knowledges of struggles subjugated in obscure archives for alliances with the knowledges voiced by those whom the dominant knowledge regime discredits.<sup>58</sup> He would remain an activist in the commonly understood sense—signing petitions, attending protests, and so on—but, in addition, his activism would occur as scholarship in the production of histories of the present. Indeed, Foucault lived his description of philosophy as “the politics immanent in history and the history indispensable for politics.”<sup>59</sup> It was as an activist that he was a philosopher and as a philosopher that he was an activist.

#### IV Philosophy's Prospects

Henry David Thoreau might well have agreed with Foucault's assessment and redefinition of philosophy as fundamentally a practice inseparable from how one lives one's politically and historically specific life. “There are nowadays many professors of philosophy, but not many philosophers,” Thoreau observed in 1854. “To be a philosopher is not merely to have subtle thoughts, nor even to found a school, but so to love wisdom as to live according to its dictates, a life of simplicity, independence, magnanimity, and trust.”<sup>60</sup> For Thoreau, as for Foucault, philosophizing speaks in the living, not in the diplomas on the wall or the words in the journals. While it is hard to imagine Foucault sleeping in a hut or baking bread over a camp fire as Thoreau did, it is not hard to imagine him going to jail for his political dissent; like Thoreau, he did. Moreover, both philosophers made it clear that they were moved to action by their experience of the intolerable. For Foucault it was prison conditions; for Thoreau it was slavery. Arrest was neither one's choice, but it was the price of refusal, and refusal of the intolerable was where their philosophizing, their lives, led them. In this sense, for Foucault, philosophy was revitalized, or, perhaps better, its vitality was retrieved from French academic obscurity. But what of us? What of philosophy in North America in the present day?

“There is little life in most professional philosophy today,” John Stuhr has written; “philosophy now exists in limbo, alive but comatose.”<sup>61</sup> Stuhr held out hope for a revival of the discipline through self-critique, but 15 years after he offered this diagnosis, physicist Stephen Hawking declared the patient past hope. “How can we understand the world in

which we find ourselves? How does the universe behave? What is the nature of reality? Where did all this come from? Did the universe need a creator? . . . Traditionally these are questions for philosophy, but philosophy is dead.”<sup>62</sup> And Hawking has no inclination to mourn this passing, because physics (more specifically, Hawking) has picked up the torch. Leave the dead to bury their dead; we physicists have work to do!

Many academic philosophers have expressed outrage at Hawking’s cavalier pronouncement,<sup>63</sup> but the proclamation is hardly original; philosophy has been declared dead over and over again for at least a half century—frequently by philosophers themselves and in terms at least as harsh as Foucault once used. Lewis Feuer, professor of philosophy at University of California at Berkeley, announced its death in 1966 in the pages of the *New York Times Magazine*, noting that Arthur Lovejoy had already observed that it was on its last legs anyway.<sup>64</sup> It had certainly lost its relevance, according to a slew of commentators. *Time* magazine averred that the discipline was nothing more than “a private game for professionals”<sup>65</sup> with no appeal beyond the Tower walls. Forty-eight years later, Arran Gare concurs: “Philosophy is now regarded as an academic parlour game irrelevant to everything and, for the most part, of no interest except to other philosophers.”<sup>66</sup> Philosophy is in crisis, suggests the title of a 1989 anthology.<sup>67</sup> “Philosophy’s relevance is disappearing,” David Hildebrand announced in 1999.<sup>68</sup> And in the pages of *Metaphilosophy*, in 1973, Michael Fox wrote: “Negative attitudes towards philosophy on the part of students and others have reached a crisis-point.”<sup>69</sup>

Repeated declarations of philosophy’s ill-health and death lifted out of scholarly journals, the popular press, and nowadays philosophical blogs are comic in their persistence—if we assume that that very persistence undercuts any claim to truth they might make; nothing can die over and over again. But perhaps it is the metaphor that is at fault, not the basic observation. Philosophy may not be dead or comatose; it may not even be slightly feverish. After all, it has no biological existence apart from those who practice it. As an academic discipline, however, its existence just may not matter very much to very many people anymore, probably not even to some of the people who are employed to teach in philosophy departments, as Lee McIntyre recently speculated in *The Chronicle of Higher Education*. McIntyre further observed, “Over the last 20 years, income inequality in America has grown to unsustainable levels, genocide has devastated Rwanda and Serbia, modern slavery exists in Sudan, child prostitution is rampant in Southeast Asia, and 9/11 brought terrorism to American shores. Yet to look at the history of

the philosophy of language, mind, science, metaphysics, epistemology, or even ethics, one would hardly know all that.”<sup>70</sup> Consequent to its lack of attention to political and ethical life, coupled with economic considerations within the academy and political considerations in our neo-liberal world at large, McIntyre predicts that philosophy departments will disappear in the not-too-distant future. To many, including some of those who have made such harsh pronouncements, its institutional eradication would be a sad and perhaps even shameful dénouement.

Yet, how is it possible for philosophy to have no relation to anybody’s real life? It is not possible on Foucault’s Hadot-informed view. The problem is not that *philosophy* is irrelevant; the problem is either that what is happening in the profession is not philosophy, or that the way of life it exemplifies has no appeal. Consider the problems that Foucault identified: (1) academic philosophers are more enthralled with theory than with practice and are training students in philosophical discourse alone, and (2) they produce theory that simply cannot be translated into anything more vital than parlor games.

This sort of theory-making may be a personal strategy of avoidance for people who dislike reflecting on their own lives, or it may be a political strategy of obfuscation for the funders that support them, or both.<sup>71</sup> There certainly are material networks of power relations that produce these deadening, distancing, and trivializing effects, and they are worthy of careful study.<sup>72</sup> But I contend that there is a more general question worth asking as well: Might philosophy be better served if its academic avatar were abolished? Might philosophy flourish if conservative, increasingly corporatized neoliberally politicized academic institutions no longer held it under their control? Instead of focusing on resisting eradication from the academy, perhaps philosophy should seek refuge outside it.

Let me be clear: I am not advocating exodus. I am simply raising a question that I think must be on the table in any discussion of philosophy’s future. The practice of philosophy, philosophy as a way of life, has no essential tie to academic institutions (although currently many philosophers’ livelihoods do). How might philosophical living, including training for it, be best accommodated in light of the prevailing networks of power and levers for resistance and transformation? To quote Foucault from a different context: “Maybe the target nowadays is not to discover what we are, but to refuse what we are. We have to imagine and to build up what we could be to get rid of this kind of political ‘double bind,’ which is the simultaneous individualization and totalization of modern power structures.”<sup>73</sup> If we take Foucault’s work seriously, the question for our present is: Where is philosophy livable? And how?

## Notes

1. Foucault, "Le grand enfermement" (1972), FDE1, no. 105, 1169.
2. Foucault, EPPC, 312.
3. Foucault is speaking here especially of Blanchot, Klossowski, and Bataille. He calls them the three authors who interested him most in the 1960s (EPPC, 311), and he goes on to say that these "were for me much more than literary works or discourses within literature. They were discourses outside philosophy" (EPPC, 312).
4. This is not to say that Foucault gave up his interest in literature. He remained interested in literature for a variety of reasons throughout his career and drew on literary sources for some of his genealogies into the 1980s. Nor, of course, had he never been politically active before the 1970s—see Marcelo Hoffman, *Foucault and Power: The Influence of Political Engagement on Theories of Power* (London: Bloomsbury, 2014), 2–3. What happens in the early 1970s and with the GIP is that political activism comes to have a central oppositional place in his thinking about philosophy.
5. Foucault, "Le grand enfermement," 1169.
6. *Ibid.*, 1172.
7. Foucault, ELCP, 224.
8. *Ibid.*, 228.
9. Foucault, "Le grand enfermement," 1173.
10. Michel Foucault, "Power, Moral Values, and the Intellectual," *History of the Present* 4 (Spring 1988): 1–2, 11–13.
11. *Ibid.* In response to his interlocutor, Foucault says, "I think that, at the heart of all this, there's a misunderstanding about the function of philosophy, of the intellectual, of knowledge in general: and that is that it's up to them to tell us what is good. Well, no! No, no, no! That's not their role. They already have far too much of a tendency to play that role as it is. For 2,000 years they've been telling us what is good, with the consequences that this has implied. There's a terrible game here, a game that conceals a trap, in which the intellectuals tend to say what is good, and people ask nothing better than to be told what is good—and it would be better if they started yelling, 'How bad it is!' Good, well, let's change the game. Let's say intellectuals will no longer have the role of saying what is good. Then it will be up to people themselves, basing their judgment on the various analyses of reality that are offered to them, to work or to behave spontaneously, so that they can define for themselves what is good for them. What is good, is something that comes through innovation. The good does not exist, like that, in an atemporal sky, with people who would be like the Astrologers of the Good, whose job it is to determine what is the favorable nature of the stars. The good is defined by us, it is practiced, it is invented. And this is a collaborative work" (13).
12. Foucault, "Le grand enfermement," 1169. One might wonder why Foucault refers here to *Histoire de la folie* rather than his more recent works such as *Les mots et les choses*, for example. Perhaps the reason was that, in March of 1972, he was already thinking about his course for the next academic year, which would be on psychiatric power.
13. Foucault, ELCP, 223.
14. My point here is probably overstated. At least some of Foucault's remarks during this period indicate astute awareness and political acceptance of gray areas. For a discussion of this and some quotations from Foucault on this point, see Keith Gandal, "Michel Foucault: Intellectual Work and Politics," *Telos* 67 (1986): 131.
15. For the GIP's enormous demands on Foucault's time see David Macey, *The Lives of Michel Foucault* (New York: Pantheon, 1993), 264.

16. *Ibid.*, 292.
17. Foucault, EFL, 19.
18. Later in the same interview, Foucault remarks that “My book is a pure and simple ‘fiction’; it’s a novel” (EFL, 24). But this is another topic altogether.
19. *Ibid.*, 102.
20. *Ibid.*, 76.
21. Foucault, “Prisons et asiles dans le mécanisme du pouvoir” (1974), FDE2, no. 136, 1391. Interestingly enough, the word is in English in the French interview. Deleuze’s phrase was in French, “*une boîte à outils*” (“Les intellectuels et le pouvoir” [1972], FDE2, no. 106, 1177).
22. Foucault, “Le grand enfermement,” 1173.
23. In at least one interview he simply refuses to say whether he is a philosopher or an historian. See Foucault, “Le grand enfermement,” 1164.
24. Foucault, EPK, 66.
25. *Ibid.*
26. *Ibid.*, 121.
27. Foucault, EHS1, 88–89; FHS1, 117.
28. *Ibid.* This claim is obviously true in Anglo-American political philosophy, but Foucault also saw an analogous sort of theoretical centralization in Marxist tendencies toward construing the capitalist class as a near monolith and toward a kind of reductive economism. Foucault’s relationship with Marxism is, however, extremely complex.
29. Foucault, ECF-SMD, 36.
30. *Ibid.*, 37.
31. Arnold Davidson, ed., *Foucault and His Interlocutors* (Chicago, IL: University of Chicago Press, 1997), 200.
32. *Ibid.*, 201.
33. Foucault, EHS2, 26–29.
34. Pierre Hadot, *Philosophy as a Way of Life*, ed. Arnold Davidson (Oxford: Blackwell, 1995), 81–82.
35. *Ibid.*, 265.
36. *Ibid.*, 267.
37. Although not wholesale in Hadot’s full formulation. The life-long consistency toward which Stoics tended to strive was not something Foucault ever embraced, and, in this sense, for him philosophy could never be construed as a “unitary act.” What undoubtedly drew him was the idea of self-transformation through practice and the subordination of knowledge to embodied life. Furthermore, Foucault seems to have been drawn more to the Cynics than to the Stoics. See ECF-CT, especially lectures 15 and 16.
38. Foucault, ECF-GSO, 227–228.
39. *Ibid.*, 239.
40. Hadot was somewhat skeptical of Foucault’s use of his work, apparently. He highlights the differences between his and Foucault’s work; see Hadot, *Philosophy as a Way of Life*, 206–212.
41. Foucault, ECF-GSO, 259–260.
42. *Ibid.*, 286. It is important to distinguish “truth-telling,” the activity of the parrhesiast, from “Truth-seeking,” the activity of the Platonic metaphysician. The parrhesiast is not in possession of timeless or universal truth; instead he or she perceives the historical situation from a vantage point that reveals a danger or some duplicity that

the auditor does not, cannot, or simply does not want to perceive and that concerns that auditor's own actions or possibilities for action. Truth-telling is very situated and limited. It is a matter of witnessing (both perceiving and testifying to what one perceives) in difficult and dangerous times.

43. Foucault, EPPC, 14.
44. Foucault, ECF-GSO, 20–21.
45. Foucault, EPPC, 121.
46. Gilles Deleuze, "Foucault and Prison," *Two Regimes of Madness: Texts and Interviews from 1975–1995* (New York: Semiotext[e], 2007), 282. See also Foucault's comments in "Luttes autour des prisons" (1979), FDE2, no. 273, esp. 813–814.
47. Foucault, "Le grand enfermement," 1173.
48. Quoted in Didier Eribon, *Michel Foucault* (Cambridge: Harvard University Press, 1991), 234.
49. Hoffman notes a similar transformation in the 1970s with regard to activism and to the conception of power on the model of war. See Hoffman, *Foucault and Power*, 47–92.
50. Foucault, ECF-SMD, 7.
51. Ibid.
52. Ibid.
53. Ibid., 8.
54. Lynne Huffer has called to my attention the fact that this description of subjugated knowledges seems to imply a repressive mechanism as an essential aspect of power (Huffer, personal communication, 8/14). I believe I have accurately represented Foucault's comments, and I see why it sounds repressive. Even given this characterization of the subjugation of subjugated knowledges, however, I do not think we must return to a conception of power as essentially repression. Regimes of knowledge exclude and discredit in a variety of ways, some of which might be well characterized as repressive, but not all. Such regimes consist in part of rules for knowledge-formation—rules of evidence, for example—and rules of verification that may simply fail to accommodate both experiential knowings and archived discourses. In many instances, precisely because experiential "knowledge" is not accommodated by regimes of veridiction prevailing in a given context, people who "know" do not know that they know something. Subjugated "knowledge" only becomes knowledge retrospectively, once the blockages that constitute a given regime of veridiction are exposed and confronted with the genealogical combination of experience and historical material and it becomes possible to "know" within a shifting or emerging regime.
55. Foucault, ECF-SMD., 9.
56. Ibid., 8.
57. Foucault, EFL, 284.
58. Foucault more or less acknowledges that he sees himself as a specific intellectual in a 1978 interview. See EPPC, 108.
59. Foucault, EPPC, 121.
60. Henry David Thoreau, *The Annotated Walden* (New York: Bramhall House, 1970), 155.
61. John Stuhr, *Genealogical Pragmatism: Philosophy, Experience, and Community* (New York: SUNY Press, 1997), 45.
62. Stephen Hawking, *The Grand Design* (New York: Random House, 2010), 5.

63. For an example, see Christopher Norris, "Hawking Contra Philosophy," *Philosophy Now: A Magazine of Ideas* 82 (2011). Accessed February 7, 2014. [http://philosophynow.org/issues/82/Hawking\\_contra\\_Philosophy](http://philosophynow.org/issues/82/Hawking_contra_Philosophy).
64. Lewis Feuer, "American Philosophy Is Dead," *New York Times Magazine* (April 24, 1966), 31 and 122.
65. "What (If Anything) to Expect from Today's Philosophers," *Time* (January 7, 1966), 24.
66. Arran Gare, "Introduction: The Future of Philosophy," *Cosmos and History: The Journal of Natural and Social Philosophy* 8.1 (2012), 3.
67. Avner Cohen and Marcelo Dascal, *The Institution of Philosophy: A Discipline in Crisis?* (Peru, IL: Open Court Publishing, 1989).
68. David Hildebrand, "Philosophy's Relevance and the Pattern of Inquiry," *Teaching Philosophy* 22.4 (December 1999), 377.
69. Michael Fox, "The 'Relevance' of Philosophy and Its Relevance for Teaching," *Metaphilosophy* 4.3 (July 1973): 266.
70. Lee McIntyre, "Making Philosophy Matter—or Else," *The Chronicle of Higher Education* (December 11, 2011). <http://chronicle.com/article/Making-Philosophy-Matter-or/130029/>.
71. Consider, for example, the extent to which Charles and David Koch financially underwrite institutional programs in various sorts of social theory, including political philosophy, to further their own radical right-wing political agenda. Philip Mirowski documents some of their donations to economics departments; see Mirowski, *Never Let a Serious Crisis Go to Waste: How Neoliberalism Survived the Financial Meltdown* (London: Verso, 2013), 45, 234–36. In many universities where there are interdisciplinary programs in or centers for leadership studies or philosophy, politics, and economics, the Koch brothers have a more direct influence on hiring as well as the research and teaching choices of political theorists. Consider this campus-wide announcement at my own university: "Want to build your resume while advancing economic freedom? The Charles Koch Institute gives students the opportunities to turn their passion for economic freedom into careers through professional education programs. These opportunities have expanded to include the Koch Internship Program, the Koch Associate Program, and Liberty@Work. Join us at the information session to learn more—Monday, Feb. 10, 5–6 p.m., THC 310." This was posted on the university listserv on February 9, 2014. It is not unique.
72. Examples of such studies include John McCumber, *Time in the Ditch: American Philosophy and the McCarthy Era* (Evanston, IL: Northwestern University Press, 2001) and G. A. Reisch, *How the Cold War Transformed Philosophy of Science* (Cambridge: Cambridge University Press, 2005).
73. Hubert Dreyfus and Paul Rabinow, *Michel Foucault: Beyond Structuralism and Hermeneutics* (Chicago, IL: University of Chicago Press, 1983), 216.

## CHAPTER 2

---

# The Untimely Speech of the GIP Counter-Archive

*Lynne Huffer*

I'm a voice that cries out in the desert.

—“H.M.” (1972)

The politics of the GIP was a politics of speech: questionnaires, public interviews, pamphlets, press conferences, and the theatrical reenactment of a prison trial were the GIP's primary weapons. But does the GIP's short life span (1971–1973) mean, as many have claimed, that its politics of speech was a failure? This chapter explores the question of the GIP's impact by reconceiving the time of its formal activity as a time of return to Foucault's earlier analysis of speech and confinement in his 1961 book, *History of Madness*. Indeed, *Madness* was reissued in a new edition in 1972 at the height of the GIP's activities. And although Foucault frequently affirmed the proximity of his anti-prison activities to his “former preoccupations”<sup>1</sup> in *History of Madness*, the GIP-*Madness* connection remains unexamined in Foucault scholarship. Resituating Foucault's anti-prison activism as a return to madness stages the GIP's politics of speech as a response to the exclusionary gestures by which deviants and abnormal—those we might label today as queer—are simultaneously produced and marginalized. Both prison and the asylum are formations that actualize the production of deviance, exposing what Foucault calls “unreason” as a function of recursive time.<sup>2</sup> In the “archeology of . . . silence”<sup>3</sup> that is *History of Madness*, we glimpse unreason or hear its murmur through the archives of confinement: the “words and texts,” which, as Foucault puts it, “were not produced to accede to language.”<sup>4</sup> If Foucault's ostensible aim in writing

*Madness* was to allow the archives “to speak of themselves,”<sup>5</sup> he repeatedly demonstrated the impossibility of that task: to speak unreason is to mask it, to eclipse it with the language of reason. Can we engage the GIP’s politics of speech within a similar frame? Can we say of the prison what Foucault said about asylums, that the words that make legible the negativity of confinement “belong to a world that has captured them already”?<sup>6</sup>

And how are we to assess this dilemma today, 40 years after the GIP’s time? For what is the GIP we encounter now as documents if not what Foucault calls in *Discipline and Punish* an “ignoble archive”<sup>7</sup> of captured speech? Although Foucault has been chastised for effacing the subalterns in whose name he speaks, both his work on madness and his anti-prison activism challenge the empiricist assumptions that ground these accusations. Resituating the politics of speech in a genealogical frame, I will argue specifically that the archive recursively redeploys imprisoned speech as genealogical events that can only emerge out of sync with their own time.

In making this specific point about the GIP, I also make a broader claim about how to understand the temporal breaks that characterize Foucauldian genealogy. Importantly, the discontinuity that defines genealogical time reiterates what *History of Madness* describes as “the time of unreason”:<sup>8</sup> an “experience,” Foucault writes, of “the untimely within the world.”<sup>9</sup> In *Madness*, the time of unreason is not only recursive but also fractured: an “unconditional return”<sup>10</sup> and an “always-instantaneous rupture.”<sup>11</sup> The time of genealogy, like the time of unreason, is the returning time of ghosts: what the French call *revenants*. The GIP archives become, then, a haunted space whose specters include not only detainees from the early 1970s but also the mad confined in the seventeenth and eighteenth centuries. Correspondingly, classical confinement returns, as *revenant*, in the modern carceral era: it returns, specifically, as sovereign power’s double in biopower. The GIP archive tracks one strand of that movement and, in so doing, comes to function as a *counter-archive* whose untimely speech “gives the floor”<sup>12</sup> to genealogical events out of sync with their own time.

Like the archives of madness, the GIP archive dramatizes, then, the ethical and political implications of Foucault’s genealogical approach to the complex play of speech and silences. One of the many effects of confinement is the production of what Foucault calls “many silences.”<sup>13</sup> How do we read an archive haunted by those silences? If the GIP’s only watchword was “speech to the detainees!,”<sup>14</sup> how does that watchword play out in the archive? And if, as some have argued, the GIP failed in

its primary aim by giving voice to prison commentators rather than prisoners themselves, does this failure characterize the speech of the GIP archive as well?<sup>15</sup> If the GIP archive is haunted, is it haunted precisely by the familiar problem of speaking for others?<sup>16</sup> Does “giving prisoners the floor”<sup>17</sup> in the form of an archive confine them further within the grids of carceral power-knowledge? Again, do the words that make legible the negativity of confinement “belong to a world that has captured them already”?<sup>18</sup>

I engage these questions in three parts. In section I, to develop my broad claim about genealogy and unreason, I frame the problem of the GIP’s archival speech by revisiting *History of Madness*. I argue, first, that Foucault’s genealogical method offers a way to approach the archive as untimely. From a genealogical perspective, hearing the complex play of speech and silences means orienting oneself to the archival event as discontinuous and untimely. Looking back at *Madness*, we can see that orientation as an attunement to unreason. In section II, I explore the biopolitical implications of that orientation by examining the rupturing return of *Madness’s* Great Confinement in the time of the GIP. Linking old confinement to the “new confinement”<sup>19</sup> of populations, I show how biopower reactivates a Cartesian ratio whose statistical order defines a regulatory norm. Finally, in section III, I resituate the spectral archive of confinement in relation to the problem of speaking for others. I argue that Foucault’s genealogical method offers a way to hear the GIP’s archival speech and silences as the untimely interruption of carceral power-knowledge.

Although genealogical rupture hardly solves the dilemma posed by reason’s occlusion of that which remains illegible in our history and our culture, genealogy disrupts the flat binarism—speaking for others versus allowing others to speak for themselves—through which the impossible political demand to “exclude exclusion”<sup>20</sup> persists. If, as genealogists, we “seize the return”<sup>21</sup> of the murmuring *revenants* who unsettle the self-identity of voices, including our own, perhaps we will become more willing to risk ourselves in the face of moral dictates whose impossible rules of representation we are bound to violate again and again. Tracking unreason as “the untimely within the world,”<sup>22</sup> we must ourselves become untimely, “lend[ing] an ear” to “words without language”<sup>23</sup> and listening for those events that “we tend to feel [are] without history.”<sup>24</sup>

Ultimately, my approach here is an attempt to link Foucault’s genealogical method to his political activism and, thereby, to rethink genealogy as a mode of political resistance. In the Great Confinement of the

Classical Age, Parisian authorities locked up 1 percent of the population, starting with the poor. That “confinement *en masse*”<sup>25</sup> has something to teach us about resistance to the mass confinements that characterize prison society today, especially in the hyperracialized US prison-industrial complex, where the percentage of imprisoned adults hovers at around 1 percent, with over 3 percent under some form of correctional control. The singular event Foucault calls the Great Confinement is now a permanent condition of contemporary American life, especially for people of color, who are disproportionately represented in the figures above. This recursive transformation of an event into a condition raises the question: can genealogy’s counter-archival effects be conceived strategically as modes of resistance within biopower? Like the petty thieves, vagabonds, sodomites, prostitutes, and scandalous monks locked up in the seventeenth century, the prisoners of Toul, Nancy, Fleuris-Merogis, Attica, and San Quentin who speak through the GIP persist into the present as material traces: they come to us as the newspaper clippings, letters, pamphlets, and registries of “singular lives”<sup>26</sup> that are “snatched . . . from the darkness” by power’s “beam of light.”<sup>27</sup> How will today’s “over-imprisoned”<sup>28</sup> populations speak in the future, as history? Will they only speak in a language that pins them down or silences them, like H.M.’s voice, lost in the desert of my epigraph? Or can a life struck down by words become a different kind of speech? Can that speech become, as George Jackson’s did, in Jean Genet’s words, “luminous,” a “carrier of light”?<sup>29</sup>

## I The GIP, *Madness*, and the Time of Unreason

If the GIP’s moment of activism barely registers—a firecracker flashing, then gone—its remains have scattered, like a firecracker’s ashes, to be gathered again as texts in archives.<sup>30</sup> But when we hear the GIP today in its archival form, how does it speak? In this section I reframe the time of the GIP as a time of return to *Madness* in order to situate my genealogical claims about the GIP’s untimely politics of speech. I show here that Foucault’s anti-prison activism triggers a return to the ideas and methods he had begun to explore a decade earlier in his study of the Great Confinement in *History of Madness*.

Quite concretely, the time of the GIP is a time of return: in 1972, at the height of the GIP’s activity, Foucault republished, in a new edition, his 1961 book, *Folie et déraison: Histoire de la folie à l’âge classique* (*Madness and Unreason: History of Madness in the Classical Age*). To be sure, as with all Foucault’s returns, this return of *Madness* was a return with a difference: the title changed, and “unreason” disappeared.

Most important, Foucault replaced the original preface with a new one, explicitly recoding the “old”<sup>31</sup> book within a new context that Foucault described, in 1972, as “the series of events to which [the book] belongs.”<sup>32</sup>

The new “series of events” to which an old *Madness* “belongs” includes, above all, the activities of the GIP as a transnational project of solidarity with activists around the world, from the Algerian militants imprisoned in their struggle for national independence to Lotta Continua in Italy and the Black Panthers in the United States.<sup>33</sup> But the recursive movement that makes way for *Madness* within Foucault’s anti-prison activism is a rupturing, unsettling return rather than a cyclical, continuous recurrence of the past. *Madness* returns to the GIP, like a ghost, as the discontinuity that “doubles history.”<sup>34</sup> This doubling of history is a doubling with a difference: a haunting return of the silences of classical unreason in the *paroles* of the detainees of the 1970s. Foucault’s return to *Madness* in the time of the GIP thus exposes the time of bio-power as inhabited by the ghosts of sovereign confinement. Sovereign power returns, in the biopolitical time of the GIP, in the form of its “infamous” double as “vile sovereignty.”<sup>35</sup> What are we to make of this untimely return?

*History of Madness* is helpful here in its description of a rupturing, recursive time Foucault calls the “time of unreason”:<sup>36</sup> the time of the disappearing *déraison* of *Madness*’s first title. The time of return Foucault calls “unreason” is not a time of chronological sequels that would regard the past as so many stepping stones culminating in a stable present. Rather, in *Madness*, Foucault introduces an unstable, shifting, tripartite movement of fracture, an internal fissuring that produces unreason as the necessary backdrop for reason and madness; in its exclusion of unreason, reason determines the rationality of historical time. In that rationality, madness is incorporated as part of reason: “madness is reason, with the addition of a thin layer of negativity.”<sup>37</sup> Correspondingly, the time of reason and the time of madness emerge, neatly paired, as the rationalized time of history. Only in the emergence of a rationalized time that allows for the writing of a history of madness can a time of unreason be glimpsed. We glimpse it, specifically, as the recursive background murmur that Foucault links to the very “possibility of history.”<sup>38</sup> Time as we know it—a sequential, diachronic temporality made legible within the grids of our rationality and our culture—is an achievement of reason, an extraction from the “background noise”<sup>39</sup> of a recursive “plunge”<sup>40</sup> Foucault calls unreason.

From this perspective, speech and confinement thus become functions of reason’s exclusions. “What we know now about unreason enables

a better understanding of the nature of confinement,” Foucault writes in 1961.<sup>41</sup> Like the hospital or asylum in *History of Madness*, the negativity of prison exposes what cannot appear within the grids that constitute our rationality and our history: “one of those hidden regions of our social system, one of the black boxes of our life.”<sup>42</sup> *Madness* reframes this famous “black box” image as events that remain illegible to those who stand outside them. Unreason exposes such events—what happens in prison—as “the Exterior” limits against which a culture defines itself: events “without history”<sup>43</sup> in a place “where nothing happens.”<sup>44</sup>

In this sense, unreason forges a conceptual link that binds *Madness* and the GIP to what Foucault dubs “genealogy” in an essay contemporaneous with the creation of the GIP: “Nietzsche, Genealogy, History” (1971). In its return to *Madness*, the GIP allows us to see what we could not see before: that the time of genealogy is the time of unreason. Correspondingly, the “new” concept of genealogy Foucault introduces in 1971 allows us to reapproach the paradoxical problem of the GIP’s politics of speech within the “old” frame of unreason as events of silence. The return to the GIP archive is an attempt to give prisoners the floor as part of history; but the time of unreason exposes that gesture as fraught, trapped within the dilemma of speech and silences as functions of confinement.

As “Nietzsche, Genealogy, History” makes clear, genealogy’s task is not to give voice to the past’s silences but, rather, to make visible the structures of intelligibility that allow some events to emerge at the expense of others. Strangely, genealogy tracks the “lacunary reserve”<sup>45</sup> of absent events, the moment “when they did not take place.”<sup>46</sup> Thus genealogy exposes the paradoxical unreason that confinement names as a backdrop of unintelligibility, as a murmur, as an “empty and peopled”<sup>47</sup> “void installed”<sup>48</sup> to make possible “the plenitude of history.”<sup>49</sup> And if the logic of exposure that separates unreason from madness “belongs” to prison as much as it does to madness, this does not mean the asylum and the prison are the same. Rather, the return-with-a-difference that Foucault calls genealogy—the recursive movement of the time of unreason—reminds us that confinement is a contingent but repeated “merciless”<sup>50</sup> gesture: a recursive, shifting movement of division that both produces and excludes history’s deviants. That gesture delineates prison, like the seventeenth-century General Hospital, as the exclusionary capture of “all that we experience today as limits, or strangeness, or the intolerable”:<sup>51</sup> “the simple, immediate converse of reason, . . . an empty form, without content or value, purely negative, where all that figures is the imprint of a reason that has fled.”<sup>52</sup>

## II The Return of Mass Confinement

Just as *Madness's* unreason exposes the GIP archive as a site of reason's violence, so too *Madness's* Great Confinement exposes modern mass incarceration as the return of sovereignty-with-a-difference, or "vile sovereignty."<sup>53</sup> Indeed, in 1972 Foucault makes clear his conception of modern incarceration as the return of a form of mass confinement he described in *History of Madness*, noting in particular the increasing displacement of an individualizing disciplinary power by a massifying one.<sup>54</sup> Individualizing disciplinary confinement "made distinctions," Foucault says: "mentally ill in the asylum, young people in the schools, delinquents in prison."<sup>55</sup> But "today," he continues, "for reasons I still do not understand very well, we are *returning* to a kind of general, undifferentiated confinement" of which the Nazi concentration camp is a "bloody, violent, inhumane variant."<sup>56</sup>

In this 1972 allusion to what he will describe, in 1976, as the regulatory pole of biopower, Foucault reframes the "over-imprisoned"<sup>57</sup> population of the GIP manifesto as a return to the Classical Age's "confinement *en masse*"<sup>58</sup> of an undifferentiated assemblage of "infamies."<sup>59</sup> Crucially, sovereign confinement returns in the present as the vile sovereignty of biopolitics: a regulatory, life-ordering power of normalization whose panoptical rationality creates the "continuous, regulatory, corrective, distributive"<sup>60</sup> continuity of prison and non-prison that is today's prison society.

This perspective on the return of sovereign power within biopower complicates the stories we tend to tell about Foucault's conception of successive regimes of power in history. Indeed, a genealogy of confinement that includes *Madness* and the GIP brings out a complex temporality of power that critics of Foucault like Agamben and Esposito have overly simplified.<sup>61</sup> If the rationalized time of madness describes a sequential displacement of sovereign power by biopower, the recursive time of unreason signals a return of sovereign power as vile within biopower. This return of sovereignty does not mean, as Esposito claims, that Foucault suffers from "indecision" about the regimes of power he describes.<sup>62</sup> Rather, critics like Esposito ignore the extent to which the time of unreason informs Foucault's approach to historicity and the regimes of power that characterize different eras. Foucault's return to *Madness* in the context of his anti-prison activism helps us to see this nuance in his thinking in concrete ways.

Specifically, with its insistence on modern mass incarceration as the "over-imprisonment" of a "population,"<sup>63</sup> the GIP allows us to reread

the seventeenth-century Great Confinement within a genealogy of biopower. That genealogy exposes what other studies of the ordering of populations have not addressed: the “experience of unreason”<sup>64</sup> as a silencing confinement. As I explained in section I, *History of Madness* narrates the transformation of madness as part of reason, as reason’s madness. More insidiously, in the 150-year transformation that will eventually make madness speak in the psychoanalytic talking cure and the confessional structures of identity politics, the mid-seventeenth-century confining event that triggered madness’s takeover by reason becomes eclipsed by reason’s speech. To put it succinctly, a confining reason produced a garrulous madness whose speech masks the silencing gesture whereby an undifferentiated mass of deviance was produced. The genealogist exposes that undifferentiated mass as experiences of unreason that return to us, retrospectively, as a queer hodgepodge of infamy: paupers, vagabonds, nymphomaniacs, petty thieves, loose women, unruly children, and oddball usurers. To make madness speak, again, in modernity, is to repeat the silencing of unreason by madness. To make the deviants of confinement speak is both to mask those silences and to obscure the very gestures that silence.

This paradox of speech and silence that characterizes classical mass confinement as an experience of unreason offers a new perspective on mass incarceration in the time of the GIP and today. Prison, through this lens, becomes the historical result of a gesture that expels “all that man would not recognize”<sup>65</sup> except as “strangeness, *or the intolerable*,”<sup>66</sup> even as it normalizes the intolerable as commonplace. It becomes the space-time of unreason, “empty and peopled,”<sup>67</sup> of a “disparate mass of experiences”<sup>68</sup> that includes everyone from drug addicts to bad check writers to violent offenders who fade, *en masse*, over the horizon of history. Together they constitute “a dull sound from beneath history,”<sup>69</sup> the background murmur out of which the events of history are extracted. Thus genealogy reframes the GIP’s archival politics of speech as a potential mode of resistance. Approached genealogically, with a view to the Great Confinement, the GIP archive allows us to hear the obscuring gestures that are themselves obscured by history’s speech.

Importantly, Foucault’s return to *Madness* in the context of the GIP exposes the “new confinement”<sup>70</sup> of populations as a return to a Cartesian rationality whose abstractions serve the statistical, stochastic ordering of biopower’s regulatory norm. In *History of Madness*, the Great Confinement describes two kinds of events: locking up prisoners and locking up thought. That second event—“the advent of a *ratio*”<sup>71</sup> in the cogito’s exclusion of madness from thinking—is as important for

understanding the GIP's intervention into biopolitical confinement as are the bodily constraints of imprisonment. The return of sovereign, mass confinement in biopower is thus also the return of a ratio whose techniques guide the rationality of the statistical norm. Paradoxically, as Foucault's analysis of panopticism will make clear, the "black boxes" of prison are the result of the statistical "permanent visibility"<sup>72</sup> of an overconfined population. The intensified legibility that obscures experiences of prison as experiences of unreason is epitomized by the supermax prison, where shackles are replaced by technologies of surveillance born in the Cartesian ratio's exclusion of madness from the cogito.<sup>73</sup>

This paradox of a legibility that obscures returns us to the paradox of a speech that drowns out unreason's many silences. Just as reason's language about madness masks the classical unreason—experiences of exclusion, confinement, and silence—out of which that language was extracted, so too the modern forms of intelligibility of the "great carceral continuum"<sup>74</sup> render invisible the background monstrosities out of which biopolitical knowledge plots little abnormals, petty delinquents, and minor deviants within its graphs, statistics, and curves.

How then can the GIP documents speak today? Can the untimely return of the GIP's speech contest the movements of confinement that constitute the imprisoning rationality of the carceral continuum, a rationality manifested not only in asylums and prisons, but also in that other site of reason's violence: the archive? If the GIP's politics of speech provides a stage or support for the speech "without support"<sup>75</sup> that is the negativity of prison, what happens when that speech becomes legible as texts in an archive? Can a life struck down by words become a different kind of speech?

### III The Untimely Speech of the Counter-Archive

Many of Foucault's critics have argued that the GIP's politics is a failed politics precisely because of the problem of speech and the tendency of intellectuals to speak for others. Most notably, in "Can the Subaltern Speak?," Gayatri Chakravorty Spivak asserts that Foucault's aim to give voice to prisoners and the mad in his own retreat from subjectivity nonetheless reaffirms the speech of Western subjects while the subalterns they represent remain silent.<sup>76</sup> Along similar lines, Cecile Brich has argued that "the failure of the GIP" is due to its "communicative hegemony"<sup>77</sup> over prisoners' discourses. Criticizing the GIP's use of a "restrictive questionnaire format" and a "remarkably biased selection"<sup>78</sup> of testimonies put forward for publication in the "Intolerable" pamphlets, Brich

argues that these methods not only “failed to ensure the participation of a representative sample of informants”<sup>79</sup> but also reproduced a pattern where prisoners “contribute experiences, while analysis and commentary was provided by the GIP intellectuals.”<sup>80</sup> Prisoners’ lives, she argues, are not presented in their own terms. Rather, they are “encased” within the overbearing “interpretive framework” of the “*enquête-intolérance*,”<sup>81</sup> the questionnaires through which the GIP gathered information for publication in their “Intolerable” pamphlets. These questionnaires, Brich argues, “bear the unmistakable stamp of Foucault’s thought.”<sup>82</sup> Aligning herself with Spivak, Brich focuses on the *enquête-intolérance*, accusing the GIP, and Foucault specifically, of turning prisoners into “objects of an interaction closely resembling an interrogation or a psychological examination.”<sup>83</sup> In Brich’s view, the GIP is ultimately just another “Panopticon.”<sup>84</sup>

But Foucault was well aware of the dangers of the *enquête*. “This judicial model of the *enquête*,” Foucault says in 1972, “is based in an entire system of power” that “defines what will be constituted as knowledge.”<sup>85</sup> Contrasting the *enquête* with the essay, the meditation, or the treatise, Foucault traces the *enquête*’s genealogy as an “inquisitorial”<sup>86</sup> mode of knowing that gives rise to the empirical sciences. “We belong to an inquisitorial civilization,” Foucault writes, one that practices the “extraction, displacement, accumulation of knowledge. The inquisition: a form of power-knowledge essential to our society. The truth of experience is the daughter of the inquisition.”<sup>87</sup>

In this context, Brich’s empiricist call for better representation of prisoners’ experiences—her call that we stop speaking for others so they might speak for themselves—fails to acknowledge those inquisitorial foundations of an empiricism caught in the dilemma of speaking unreason: the paradox of making intelligible the murmur of confinement. The GIP’s recursive, counter-archival replay of *Madness* saps those foundations. As the return of sovereign confinement in biopower demonstrates, that inquisitorial structure is actualized in modernity as rationalized data-gathering methods that are of a piece with the mass confinements of the police—the grid-like *dispositif* of what Foucault calls a “police apparatus” for the “surveillance of populations.”<sup>88</sup> To be sure, the GIP does not escape this relation of complicity any more than the empiricist in her call for a more accurate recording of subaltern speech. But as an untimely speech, the GIP disrupts and destabilizes the inquisitorial roots of biopower’s empiricist methods.

Importantly, the inquisitorial dangers of the *enquête* elaborated by Foucault are intensified, in the long term, by the perhaps greater danger

of the reduction of speech to textual traces to be gathered by positivist historians or sacralized in the pedagogies of deconstruction.<sup>89</sup> Although Foucault worries about how the knowledge extracted by the sovereign *enquête* “accumulates and gives way to a judgment or a decision,”<sup>90</sup> he worries even more about how the archival knowledge of confinement “accumulates on earth in the form of written traces”<sup>91</sup> that expand and intensify the carceral rationality of a power over life that captures everything within its net. The archive is the manifestation of biopower’s regulatory “administrative” and “recording mechanism” where “everything that is said . . . is noted down in writing” and “deposited in an enormous documentary mass.”<sup>92</sup>

Here then, are the stakes of revisiting the GIP archive in a genealogy of the politics of speech and confinement. As today’s surveillance technologies from the Internet to the supermax make clear, the problem of subaltern speech is more complex than giving voice to silence through “the invention of voices behind the text.”<sup>93</sup> The problem, rather, is how to interrupt the seductive hum of captured voices made hyperintelligible by mechanisms that range from police surveillance technologies to computer algorithms: the monitoring, documenting, registering, and tracking of data for the biopolitical ordering of life.

From this perspective, the GIP’s most enduring political legacy is its untimely counter-archival force: its recursive interruption of biopower’s hyperlegible continuities. As a counter-archival discourse, the GIP functions today not only at the disciplinary level through the *parrhesiastes*’ “counter-attack”<sup>94</sup> against panoptical power-knowledge. More important, the GIP’s untimely speech intervenes at the anonymous, massifying level by jamming the rational machinery of the regulatory mechanisms through which biopower manages and orders populations. In that intervention, the GIP counter-archive invites us to hear an experience of confinement that “none of us escapes.”<sup>95</sup> The time of unreason transforms reason’s archive into an echo chamber of silences, where “words and texts . . . not produced to accede to language”<sup>96</sup> reverberate as the remains of sound fading, like the “empty imprint of figures withdrawn”<sup>97</sup> in the deductive extraction of unreason through reason’s confining gestures. In that sense, a genealogy of the GIP as a history of speech and confinement is also “an archeology of that [reverberating] silence”:<sup>98</sup> a history of events as the absence of events “having no rightful place in history.”<sup>99</sup>

Reading the GIP documents as a counter-archive reframes the GIP’s speech in a genealogy of events, where the words of detainees become events of speech “without history”<sup>100</sup> that emerge to interrupt the false

coherence of reason's history. Other examples of prison counter-archives might be the five core demands of the Pelican Bay hunger strikers, the letters of George Jackson, posts from trans prisoners at the Sylvia Rivera Law Project Web site, or the voices of prisoners on Houston's prison radio show.<sup>101</sup> From this perspective, the GIP counter-archive exposes the historical question posed by Foucault's genealogical method: what counts as an event? What becomes legible as having taken place as an event in history? For Foucault, events are inseparable from the gestures that render them legible or not within the grids of intelligibility that constitute our history and our culture. Events are points of emergence within a process Foucault calls "eventialization" or, as Georges Canguilhem puts it, the "bringing to light of 'ruptures of evidence.'"<sup>102</sup> Whether those ruptures appear large or small or register at all depends upon the epistemic conditions that allow for their appearance. Hence the importance of genealogy. Unlike traditional conceptions of events as rare eruptions of transcendence that place them outside of the monotony of time, Foucault's events are ontologically inseparable from the everyday occurrences that never attain the singular status of "historical" events.

From the perspective of the Foucauldian, genealogical event, the GIP's speech can be heard as instances of "eventialization": the "bringing to light of 'ruptures of evidence'"<sup>103</sup> that have not taken place because they've not had a place ("*n'ont pas eu lieu*") as "history."<sup>104</sup> Anti-prison speech becomes a contestation of those modes of intelligibility that define events as existing historically. The detainee's speech becomes a counter-event: an irruptive speech that cracks the continuities of carceral ways of knowing and inhabiting the world. Rather than remaining a "black box" without history, prison becomes, as Foucault puts it, "a place in which events happen every day: hunger strikes, refusals of nourishment, suicide attempts, revolts, fights, . . . a place where history, the everyday, and life itself happen[s], where events [take] place."<sup>105</sup>

If carceral rationality puts the modes of intelligibility that constitute history in lock-down, counter-archival speech exploits the points of weakness where intelligibility begins to crack. That crack-up of reason's lock-down is unreason, and the counter-speech of a sovereign Great Confinement repeated in biopower allows us to hear its murmur. Our task today, then, is both political and genealogical: "to agitate within"<sup>106</sup> the prison of power-knowledge by hearing, again, those events of speech. To hear those events is, as Foucault puts it, "to put the prison in question."<sup>107</sup>

In this sense, the GIP's "effective work"<sup>108</sup> corresponds to what Foucault calls "'effective' history"<sup>109</sup> in "Nietzsche, Genealogy, History":

the GIP provides a platform—conditions of possibility—for eventualization as events of speech: not speech as the phenomenal appearance of a self-present voice, but speech as word-events, as weapons in a struggle whose stakes are biopolitical. The “effective work” of those speech events serves the “effective history” that is genealogy, and the political efficacy of those words must be assessed as historical questions. If the GIP comes to us as discourse in an archive, that discourse is out of sync with its own historical moment. As events, the GIP’s words are untimely.

Let me end with two concrete instances of the GIP’s counter-archival machinery-jamming in the emergence of untimely word-events. The first is a press conference, the second a line from a prisoner’s letter. First the press conference: in January 1972, Foucault described to the French press the testimony of an antipsychiatric prison psychiatrist, Edith Rose, against the Toul prison that employed her. “Here is the event”—“*Voici l’événement*”—Foucault says.<sup>110</sup> In invoking the event in the context of the “black boxes” of prison where “nothing happens,”<sup>111</sup> Foucault speaks an “I” in “The Discourse of Toul” that speaks neither for itself nor for others. Rather, he speaks as an “I” dissolved by its own temporal dislocation: as a non-self-identical, archival speech out of sync with its own time. To what “I” does the “Discourse of Toul” belong: Edith Rose, Foucault, the depersonalized “*je*” of a textual archive or, here in this essay, doubled again in an analysis of that archive? If that “I” speaks now, what is its time? In 1972, Foucault says: “The Discourse of Toul’ will perhaps be an event”—“*Le discours de Toul’ sera peut-être un événement.*”<sup>112</sup> In some future Foucault cannot name—is that future today?—“The Discourse of Toul” will perhaps become an event. Might we hear the proleptic retrospection of Foucault’s future tense as the untimely return of the voice of an “I” that cannot be heard in its own time? Does that voice crack open the grids of reason’s order? Or do we simply assimilate into ourselves what was once experienced “as limits, or strangeness, or the intolerable,”<sup>113</sup> allowing it to join “the serenity of the positive”<sup>114</sup> by giving it a name?

With these questions in mind, we can consider a second example of an archival speech out of sync with its own time in the “voice” of my epigraph at the beginning of this chapter: a single line from a 1972 letter written by “H.M.” (Gérard Grandmontagne) and published the following year in the fourth GIP “Intolerable” pamphlet, “Prison Suicides.” Born in 1940, H.M. was first arrested at age 17 for stealing candy. Arrested again two years later for two burglaries and the theft of a scooter, he was sentenced to six years in prison. Paroled in

1961, he returned to prison in 1962, serving sentences in Oermingen, Sarreguemine, and Limoges, where he participated in a hunger strike for 28 days. Transferred to Poissy, his late summer release date in 1963 was revoked after he suffered assault and severe injury from a guard who subsequently filed a complaint against him, forcing the cancellation of his release. Transferred to Privas, he was sentenced to solitary confinement for 45 days, then released from prison. He spent time with a family in the Ardèche, then moved to Valence, where he worked first in an ink factory and then as a train station food worker in Valence and Montrouge. His time out of prison was marked by escalating drug addiction and a stormy sexual relationship with a man, T. Découverte. In 1971 he returned to prison: first Fresnes, then Mauzac, then back to Fresne. Released again in 1971, he was admitted to a drug detox center. In the summer of 1972 he was arrested again and returned to prison. Thrown into solitary for homosexuality, H.M. died in his cell on September 25, 1972, after hanging himself with electrical wires he had torn from the ceiling. Five days before his death, H.M. had written in one of his letters: “I write a lot but have the impression that I’m a voice that cries out in the desert.”<sup>115</sup>

In producing its “suicide” pamphlet, did the GIP pull that voice out of the desert? Or did the GIP’s “failure” plunge that voice further into silence? If we reencounter H.M. as part of a GIP archive, what will it mean to hear him? As I’ve suggested, to name the intolerable often means to normalize it: to incorporate “the very thing” expelled by culture “to its extremities” into a form that comes “to designate us.”<sup>116</sup> In the case of H.M., to name his deviance as “homosexual” both acknowledges one of the specific ways in which his deviance was produced and, at the same time, normalizes him within a modern grid of sexual subjectivity. To refuse that normalization is to attune ourselves *not* to a positivity like “the homosexual,” but to the hollowing out gestures that signal the intolerable as something like the recognition of a voice fading.

The counter-archival reverberation between the “I” we can hear and the one we hear fading is one of the GIP’s political legacies. “Information has to reverberate,” Foucault said in a 1971 interview about the GIP.<sup>117</sup> That reverberation allows us to ask about prison society today as a sexualized, racialized, economically stratified carceral rationality whose appearance as an archive exposes a field of surveillance that is also a panoptical “network of writing.”<sup>118</sup> The “ignoble archives”<sup>119</sup> of bio-power are the result of a “power from below”<sup>120</sup> that inscribes the tiniest illegalities—H.M.’s petty thefts, addictions, and sexuality—into the “immense police text”<sup>121</sup> of our modern intelligibility. But the GIP’s

politics of speech exposes a different, desubjectified “I” that perhaps makes possible a different archive and a different way of thinking.<sup>122</sup> Perhaps, in hearing the speech of that “I” again, as untimely, we can hear the GIP’s speech as a counter-archive. Perhaps that counter-archive can speak, as Jean Genet put it in his reflections on one prisoner’s life and death in confinement, as small enlightenments that crack open, like firecrackers, the “black boxes” of our carceral order.

### Notes

1. Foucault, “Non, ce n’est pas une enquête officielle . . .” (1971), FGIP-AL, 67.
2. See Foucault, EHM, 363–364.
3. *Ibid.*, xxvi.
4. *Ibid.*, xxxiv.
5. *Ibid.*, xxiv–xxv.
6. *Ibid.*, xxxii.
7. Foucault, EDP, 191.
8. Foucault, EHM, 364.
9. *Ibid.*, 363.
10. *Ibid.*, 364.
11. *Ibid.*, 441.
12. Foucault, FDE1, 1170.
13. Foucault, EHS1, 27.
14. Foucault, “Le grand enfermement” (1972), FDE1, no. 105, 1172.
15. See especially Cecile Brich, “The Groupe d’information sur les prisons: The voice of prisoners? Or Foucault’s?” *Foucault Studies* 5 (2008): 26–47.
16. For a classic feminist articulation of this problem see Linda Alcoff, “The Problem of Speaking for Others,” *Cultural Critique* 20 (Winter 1991–1992): 5–32.
17. Foucault, “Le grand enfermement,” 1172.
18. Foucault, EHM, xxxii.
19. Foucault, “Le grand enfermement,” 1167.
20. Danielle Bouchard, *A Community of Disagreement: Feminism in the University* (New York: Peter Lang, 2012), 5. Bouchard draws on Samuel Weber, *Institution and Interpretation* (Stanford: Stanford University Press, 2001), for this phrase.
21. Foucault, EEW2, 369, trans. modified. For French original see Foucault, “Nietzsche, la généalogie, l’histoire” (1971), FDE1, no. 84, 1004.
22. Foucault, EHM, 363.
23. *Ibid.*, xxxi.
24. Foucault, EEW2, 369.
25. Foucault, “Le grand enfermement,” 1166.
26. Foucault, EEW3, 157.
27. *Ibid.*, 161.
28. Foucault, “(Manifeste du GIP)” (1971), FDE1, no. 86, 1042.
29. Jean Genet, “Préface” (1971), FGIP-AL, 107, translation mine.
30. Foucault repeatedly used the image of firecrackers or small explosives to describe his work. For example, in a 1975 interview Foucault asserts: “I would like my books to be like lancets [*bistouris*], Molotov cocktails, or siege tunnels [*galeries de mine*],

- and that, after use, they burn to cinders like firecrackers” (“Sur la sellette” [1975], FDE1, no. 152, 1593, translation mine).
31. Foucault, EHM, xxxvii.
  32. *Ibid.*, xxxviii.
  33. For documents that testify to the GIP’s transnational alliances, see FGIP-AL, 91–131.
  34. Gilles Deleuze, *Foucault*, trans. Séan Hand (Minneapolis: University of Minnesota Press, 1988), 85, original emphasis. Also see Judith Revel, *Foucault: Une pensée du discontinu* (Paris: Mille et une nuits, 2010), esp. 161–192.
  35. Foucault, ECF-AB, 44. For the French original (“*souveraineté infâme*”), see Foucault, FCF-CV, 13.
  36. Foucault, EHM, 363–64.
  37. *Ibid.*, 84.
  38. *Ibid.*, xxxii.
  39. *Ibid.*, xxxii.
  40. *Ibid.*, 364.
  41. *Ibid.*, 249.
  42. Foucault, “(Manifeste du GIP),” 1043.
  43. Foucault, EEW2, 369.
  44. Foucault, “Luttes autour des prisons” (1979), FDE2, no. 273, 809.
  45. Foucault, EHM, 547.
  46. Foucault, EEW2, 369, translation modified. For French original see Foucault, “Nietzsche, la généalogie, l’histoire,” 1004.
  47. Foucault, EHM, xxxi.
  48. *Ibid.*, xxviii.
  49. *Ibid.*, xxxi.
  50. *Ibid.*, xxvii.
  51. *Ibid.*, 541, emphasis added.
  52. *Ibid.*, 174, trans. modified. For French original, see Foucault, FHF, 192.
  53. Foucault, ECF-AB, 44.
  54. See esp. Foucault, EHS1, 139 for an analysis of these two poles of biopower.
  55. Foucault, “Le grand enfermement,” 1166.
  56. *Ibid.*, emphasis added.
  57. Foucault, “(Manifeste du GIP),” 1042.
  58. Foucault, “Le grand enfermement,” 1166.
  59. Foucault, EEW3, 163.
  60. Foucault, EHS1, 144.
  61. See Giorgio Agamben, *Homo Sacer: Sovereign Power and Bare Life*, trans. Daniel Heller-Roazen (Stanford, CA: Stanford University Press, 1998), 6 and Roberto Esposito, *Bios: Biopolitics and Philosophy*, trans. Timothy Campbell (Minneapolis: University of Minnesota Press, 2008), 33.
  62. Esposito, *Bios: Biopolitics and Philosophy*, 33.
  63. Foucault, “(Manifeste du GIP),” 1042.
  64. Foucault, EHM, 339.
  65. *Ibid.*, 174.
  66. *Ibid.*, 541, emphasis added to mark the resonance of this description of madness with the language of the “intolerable” later adopted by the GIP.
  67. *Ibid.*, xxxi.
  68. *Ibid.*, 174.

69. *Ibid.*, xxxi.
70. Foucault, “Le grand enfermement,” 1166.
71. Foucault, EHM, 47.
72. Foucault, EDP, 201.
73. See Lisa Guenther, *Solitary Confinement: Social Death and Its Afterlives* (Minneapolis: University of Minnesota Press, 2013) and Lorna Rhodes, *Total Confinement: Madness and Reason in the Maximum Security Prison* (Berkeley: University of California Press, 2004).
74. Foucault, EDP, 297.
75. Foucault, EHM, xxxv.
76. Gayatri Chakravorty Spivak, “Can the Subaltern Speak?” in *Marxism and the Interpretation of Culture*, ed. Cary Nelson and Lawrence Grossberg (Urbana, IL: University of Illinois Press, 1988), 271–313.
77. Brich, “The Groupe d’information sur les prisons: The voice of prisoners? Or Foucault’s,” 44.
78. *Ibid.*, 30.
79. *Ibid.*, 30.
80. *Ibid.*, 35.
81. *Ibid.*, 39.
82. *Ibid.*, 39.
83. *Ibid.*, 47.
84. *Ibid.*, 46.
85. Foucault, “Théories et institutions pénales” (1972), FDE1, no. 115, 1259, translation mine. All subsequent translations of this text are mine.
86. *Ibid.*
87. *Ibid.*
88. *Ibid.*, 1260.
89. This problem is central to the Foucault-Derrida debate. Crucially, after almost a decade of silence, *it was in the context of the GIP* that Foucault finally responded to Derrida in 1972 (see esp. Foucault, EHM, 573). For Jacques Derrida’s original critique of Foucault, see “Cogito and History of Madness,” in *Writing and Difference*, trans. Alan Bass (Chicago: University of Chicago Press, 1978), 31–63.
90. Foucault, “Théories et institutions pénales,” 1259.
91. Foucault, EEW3, 166.
92. *Ibid.*, 166.
93. This phrase comes from Foucault’s critique of Derrida (Foucault, EHM, 573).
94. Foucault, EHS1, 157.
95. Foucault, “(Manifeste du GIP),” 1042.
96. Foucault, EHM, xxxiv.
97. *Ibid.*, xxxi, trans. modified. For French original, see Foucault, “Préface” (1961), FDE1, no. 4, 191. Foucault’s term here in the 1961 Preface to *Madness*, “prélevées,” anticipates his analysis of the sovereign power of “deduction” (*prélèvement*) in *History of Sexuality Volume One*; in biopower, this “subtraction mechanism” becomes “only one piece among others” and “finds its support” in a power “bent on generating forces, making them grow, and ordering them” (EHS1 136, translation modified). For the French original, see Foucault, FHS1, 178–79.
98. Foucault, EHM, xxviii.
99. *Ibid.*, xxxii.

100. Foucault, EEW2, 369.
101. For the demands of the 2013 Pelican Bay hunger strikers, see <http://prisonerhungerstrikesolidarity.wordpress.com/the-prisoners-demands-2/>, accessed December 31, 2014. For George Jackson's letters see George Jackson, *Soledad Brother: The Prison Letters of George Jackson* (Chicago, IL: Lawrence Hill Books, 1994). For activities of the SRLP Prison Advisory Committee, including trans prisoner posts and a collaborative newsletter, *In Solidarity*, see <http://srlp.org/our-strategy/prisoner-advisory-committee/> accessed December 31, 2014. For the country's only prison radio show that allows relatives to call in weekly to speak with loved ones in Texas prisons, see Houston's "The Prison Show" on KPFT 90.1 <http://kpft.org/>, accessed December 31, 2014.
102. Georges Canguilhem, "On 'Histoire de la folie' as an Event," *Critical Inquiry* 21.2 (Winter 1995): 284.
103. *Ibid.*
104. A literal translation of the French phrase "*avoir lieu*," to happen or to take place, would be "to have place."
105. Foucault, "Luttes autour des prisons," 809.
106. *Ibid.*
107. *Ibid.*
108. Foucault, "Le grand enfermement," 1169.
109. Foucault, EEW2, 380.
110. Foucault, "Le discours de Toul" (1972), FGIP-AL, 167, translation mine. All subsequent translations of this press conference are mine.
111. Foucault, "Luttes autour des prisons," 809.
112. Foucault, "Le discours de Toul," 168.
113. Foucault, EHM, 541.
114. *Ibid.*, 541.
115. "Lettres de H.M." (1972), FGIP-I, 292, translation mine. The "Intolérable 4" pamphlet, "Suicides de prison," was redacted in the fall of 1972 and published by Gallimard in February 1973.
116. Foucault, EHM, 541.
117. Foucault, "Enquête sur les prisons: brisons les barreaux du silence" (1971), FDE1, no. 88, 1046.
118. Foucault, EDP, 189.
119. *Ibid.*, 191.
120. Foucault, EEW3, 168.
121. Foucault, EDP, 214.
122. On resubjectivation in relation to the GIP, see Revel, *Foucault: Une pensée du discontinu*, 181–186. While Revel's concern is primarily how detainees might reconstitute themselves as subjects, mine is the desubjectification at work in marginalizing processes. My aim is not to romanticize desubjectification, but rather to show how it functions in both the disciplinary and biopolitical production of positivities, and how that exclusionary movement might resonate differently through a counter-archival speech.

## CHAPTER 3

---

# Conduct and Power: Foucault's Methodological Expansions in 1971

*Colin Koopman*

### I Why Methodology?

In assessing Michel Foucault's most recent publications, posthumously collected now some 30 years after his death, it is tempting to do everything we can to train those texts on the political problems of our present. In the context of Foucault's writings and words documenting his engagement with the Prisons Information Group, this is no doubt an urgent task. But we might also ask how Foucault's engagement with the Prisons Information Group transformed his conception of the work of philosophical critique. Such an inquiry might even help to enrich that seemingly more urgent task of putting Foucault into contact with the politics of today. Or so at least we (those of us who would philosophize with political intent) should hope. The specifically philosophical task of engaging political realities must always work in reflexive engagement with both its subject matter and its own conditions of critique. Methodology is one useful label for this reflexive work of self-reconditioning, even if for many political theorists the term "method" is unfortunately a jarring provocation.<sup>1</sup>

One of the greatest gains of Foucault's contributions to the history of political thought is his methodological transformation of inherited notions of philosophical critique. I shall be arguing that Foucault's methodological transformations in his practice of critique were crucial for his well-known but little-understood politicization in the early 1970s—it was his specifically methodological transformations that were decisive in the becoming-political of his practice of critique. Methodological transformations explain the political force of Foucault's thought more

so than his more obvious contemporaneous shift in his fields and objects of inquiry. I develop this argument below by way of a contrast between philosophical *methodos* (the way that inquiry travels) and *topos* (spaces in which inquiry travels). This distinction helps me show why the political force of Foucauldian critique has more to do with genealogy than it has to do with prisons. That may seem like a strange conclusion, but to understand why it is needful to think only of the surfeit of theoretical work on prisons that is thoroughly depoliticizing.

We should try to learn from Foucault not only what he said about contemporary political realities but also how he used philosophy to confront his present with a critical interrogation of its most acute problems. For if we learn this, we may then be better equipped to philosophically confront our own present. Foucault thereby becomes a possible resource for us.<sup>2</sup> If Foucault offers a model for philosophy as a critical confrontation with its present, then we can benefit from an excavation of the methods through which he came to enact such philosophical occupations and resistances.

I here excavate Foucault's elaboration of genealogical critique on the basis of two sets of writings. I focus on Foucault's 1970–71 Collège de France course lectures (recently posthumously published and translated into English as *Lectures on the Will to Know*) and his 1971–72 writings with the Prisons Information Group (Groupe d'information sur les prisons [GIP]) in the context of contemporary prison reform movements.

## II Political Topics and Politicizing Methods

Foucault's inaugural 1970–71 lecture series at the Collège de France is dry in its extended scholarly discussions of ancient Greek agriculture, economy, and ritual. The lectures followed on the heels of what was undoubtedly Foucault's most technical book, his 1969 *The Archaeology of Knowledge*. Was the thunder of Foucault crashing across the pages of his 1961 *History of Madness* now gone? Was he becoming just another boring old professor? Far from it.

The lecture series on the Greeks concluded in March 1971. At the time Foucault was already agitating. His involvement with the GIP was already very public. After the conclusion of his lecture series, Foucault shifted the central focus of his research presentations in Paris for the next eight years. His topics at the Collège de France the following two years were the strikingly different locale of the urgent political problematic with which he was already engaged in the streets: in 1971–72 and 1972–73 he lectured on “Penal Theories and Institutions” and “The Punitive Society.”

In light of these observations, it would seem plausible to assume that Foucault came into his own as a political philosopher by working on topics that enabled him to think politically, namely topics of imprisonment and punishment. My argument, by contrast, is that the becoming-political of Foucault's thought was an effect not only of his shift to explicitly political topics but also, and indeed more so, his *methodological* reorientations of the practice of critique.

My argument relies upon a distinction between two different kinds of elements central to Foucault's writings.<sup>3</sup> Foucault's work was certainly political in that his research frequently addressed itself to political *topics* (or what we might call *objects of inquiry*). But insofar as some of these objects of concern were taken by many as patently apolitical, there must be something else in Foucault's work that played a distinctively politicizing role. To bring this into view we should focus on Foucault's *methodology* (or again, more technically, his *analytics of inquiry*). By distinguishing the political *topos* of the prison and the politicizing *methodos* of genealogy, we can recognize how Foucault's lectures in Paris in early 1971 may have already been politicizing in intent without yet being political in subject matter.

This distinction could help to discourage the unfortunate allergy against method characteristic of much of recent political theory. If Foucault is a paradigmatic political theorist and if the political quality of his thought owes something to its methodological features, then quite possibly political theory stands much to gain from more self-reflexive methodological self-transformation.<sup>4</sup> In Foucault's case, at least, my claim is that denying the importance of method in his work makes it difficult to explain the force of politicization at work in genealogy. Too much goes missing if we understand Foucault as a political theorist only insofar as he wrote about such patently political topics as prisons.

Consider, for instance, the politics of sexuality. The readiness with which we today think of sexuality as political can easily be bewitching. That sexuality had a politics was hardly obvious back in 1976 (even if some, especially early feminists, had been saying so for some time). Foucault was a political philosopher not only because he wrote about political institutions, sites, and topics. His politics was primarily a function of his way of politicizing the problematics at the heart of the practical functioning of his present—this amounted to an effective politicization of problematics that are otherwise too easily taken as depoliticized. Foucault politicized sexuality in ways that would have been provocative at the time and to which we are quite accustomed today. He also, it is worth remembering, politicized the prison in ways that were not at all customary at the time (even if some, especially

Frankfurt School Marxists, had begun developing more subtle versions of traditional accounts of the political economy of imprisonment).

Consider now that the *topos* of Foucault's 1971 lectures could hardly be called political. Indeed what could seem less political in our historical present than a dry discourse on antiquity? Nevertheless, as I shall discuss below, Foucault's 1971 lectures on the ancients invite us to consider how he was developing a *method* of inquiry that would increasingly qualify his work as an effort in politicizing agitation. Foucault's political orientation is therefore far more complex than the simple training of critical thought on some already political site. Foucault's thought became political not only because he came to write about prisons. There are, after all, innumerable accounts of the prison (not to mention sexuality) that are thoroughly depoliticizing. Foucault's thought became political because it pressed toward a politicized confrontation with features of its present widely taken as devoid of struggle, contest, and conflict. Foucault's methodological focus on an analytics of struggle could thus be present in 1971 even in writings seemingly devoted to apolitical topics (as I show in section IV analyzing the Collège de France lectures). At the same time, in other involvements in this period, Foucault was already focusing attention on explicitly political topics, such as the prison in the context of his practical work with the GIP (in section V).

Foucault's work in 1971, we might say, was becoming-political in a double sense: it was politicizing in both its methodological intent and its topic of survey. It is the former that has been too much neglected. Foucault in 1971 teaches us, if we can keep our ear to his methodology as well as his subject matter, how to attune ourselves to the jolting reverberations of politicization-in-motion. Thus I attend in what follows to Foucault's 1971 writings with an eye toward the expansion of archeological method into genealogical method and the becoming-political effected therein. I begin with an abstracted outline of two general shifts constitutive of this expansion. From there I turn to analyses of these shifts as featured in the Collège de France lectures and GIP writings from 1971.

### III Expanding the Method of Critique

One standard account of the difference between archeology and genealogy is that the elaboration of genealogy in the early 1970s entailed a repudiation of archeology as it featured in his work in the 1960s. A better account is that archeology and genealogy are fully compatible, though nonidentical, methodologies (or analytics) for philosophical-historical

critique. Arnold Davidson captures the gist of the better view in writing that, “genealogy does not so much displace archeology as widen the kind of analysis to be pursued.”<sup>5</sup> Following Davidson, I here pursue the question of how Foucault expanded or widened his archeological methodology into the more capacious orientation of genealogy. It is crucial to note that there were multiple such expansions at work here. None of them is the key to all the others. I focus on just two.

A first familiar way of getting a grip on Foucault’s expansions is in terms of the observation that Foucault’s earlier work offers archeologies of *knowledge* whereas his later writings offer genealogies of *power/knowledge*. Archeology is an inquiry from the perspective of the single vector of the epistemic. Genealogy involves an interrogation taken up from the perspective of the relation between the multiple vectors of the epistemic, the political, and so on. Construed as such, it seems clear that genealogy must include archeology within its work. Inquiry into the relation between a regime of power/knowledge should involve inquiry into the analytically distinguishable powers and knowledges forming that regime, even if part of the point of genealogy is that what really matters are the reciprocal interferences among these epistemic and political vectors. Most commentators agree that through this shift Foucault helps us rethink epistemology as incipient political theory.<sup>6</sup> Since much attention has already been devoted to this issue, I attend below not so much to why Foucault expanded his work as to *how* he expanded it.

A second expansion enacted by Foucault in this period concerns the analytic categories through which Foucault gained critical grip. Archeology and genealogy offer two differing, but again not incompatible, methodologies for undertaking problem-focused critique, or what Foucault would come to describe as an analytics of problematization.<sup>7</sup> Archeology focuses problems in terms of *epistemes* (as in Foucault’s 1966 *The Order of Things*) or *discursive formations* (as in his 1969 *The Archaeology of Knowledge*). The focus, it is often observed, is on discourse. Although Foucault’s concept of discursiveness is capacious, it also raises the specter of linguisticism. Archeology is not only an archeology of what is said, but it does give analytic priority to what is said, and it tries to locate the sayable in the broader historical milieu that help unpack the meaning of what was once said but no longer can be. Genealogy, by contrast, grips problems in terms of *conducts* or *practices* (notions prominent in his 1975 *Discipline and Punish* and 1976 *The Will to Know*, that is, *The History of Sexuality, Volume 1*, and a number of the Collège de France lectures from the late 1970s). In the genealogical writings, there is never a question of reduction to the level of

the linguistic, the statement, and the sayable. It is clear in these writings that the analytic emphasis is on *conduct*, to focus on a term that Foucault made increasing use of in the 1970s.

While the category of conduct is central to the two major genealogical books from 1975 and 1976, the most striking and self-aware formulations of this category are all located in 1978.<sup>8</sup> In “Questions of Method,” Foucault holds: “To analyze ‘regimes of practices’ means to analyze programs of conduct.”<sup>9</sup> In “The Subject and Power,” he employs the term as a constituent component of power itself: “The exercise of power is a ‘conduct of conducts’ and a management of possibilities.”<sup>10</sup> And in the 1978 Collège de France lectures, *Security, Territory, and Population*, he offers a brilliant formulation of power and resistance via this term: “We can say that there was an immediate and founding correlation between conduct and counter-conduct.”<sup>11</sup> In later work, perhaps most notably in methodological writings from 1984, Foucault would gravitate more toward an analytic idea of “practice.”<sup>12</sup> Genealogical histories of conduct and practice are about problematizations as composed by acts—this includes, of course, speech acts, but it is crucially not restricted to those alone. The privilege accorded to action in Foucault’s work has been aptly described by Tuomo Tiisala as Foucault’s “pragmatist commitment.”<sup>13</sup> I would not disagree.

To summarize so far, genealogy expands archeology in (at least) a double sense. Genealogy widens the archeological analysis of knowledge to include an analysis of knowledge in relation to power and it also extends the field of focus from the discursive regimes of archeology to broader assemblages within which discourse is just one of many interpenetrating kinds of conduct. These two expansions resonate with one another—an account of knowledge cast in terms of discourse may seem quite sensible, and a shift of focus to knowledge-power relations is better achieved by an actionistic lens. This double expansion need not involve any abandonment—there is, embedded within the operation of every genealogy, the effort of archeology insofar as power-knowledge regimes involve structures of knowledge and analyses of action include analyses of specifically discursive acts.

Similar accounts of Foucault’s methodological expansions have, to be sure, been ventured before.<sup>14</sup> What I propose to do in what follows is to train these familiar observations on the particular cases of writings from 1971 (some of which have only recently been published). With this new work in hand, we stand an even better chance of understanding the factors at play in Foucault’s methodological double expansion.

Both sets of writings I focus on were authored primarily in 1971. But there is nothing magical about this year. It is largely a convenience.

Nonetheless, it is interesting to observe how Foucault's writings from that year give us glimpses into some of the *very first* formulations of some of his most important methodological categories. By 1975, Foucault was operating with well-established notions of *power/knowledge* and of *conduct*. Back in 1969, however, neither of these ideas is all that conspicuous. When exactly did things change? I am not sure we can give an exact answer (nor do I think we need to). What we gain by focusing on 1971 is the potency of Foucault's early formulations of what would only later become full-fledged genealogy. There is something to be said for witnessing, through early and incomplete formulations, the work of thought in motion. Early formulations often lack polish, but they also often make up for it in fecundity. Attending to Foucault in 1971 gives us a glimpse of philosophy-in-transit where the later published writings appear more solid, stable, and sorted.

It is a curious thing about philosophies that we tend to want to regard them as final and conclusive. But what if philosophy could also be initiating in form and design? In Foucault's case, we should note that no philosopher in recent memory resisted being pinned down as much as he did. One example is found in an interview in 1972 in which Foucault's interviewer (repeatedly) asks him about certain of his ideas originally published during his year of high fame back in 1966. Foucault, clearly agitated, finally exclaims at one point: "Ok, don't constantly go back to things I said before! When I say things, they are already forgotten. I think in order to forget. Everything I said in the past is absolutely without importance. One writes something when one has already worn it out in one's head."<sup>15</sup> What if we did not try to hold Foucault in place but allowed his thought to roam? We might lose a tight hold on genealogy as a finalized theory, but we might thereby gain a grip on genealogy as a mobilizable practice of critique.

#### IV An Analytics of Power/Knowledge at the Collège de France

Foucault's 1971 Collège de France lectures furnish a site for witnessing the philosophical transformations involved in his expansion of archeology into genealogy. In these lectures, Foucault mines Nietzsche's philosophy to develop an idea of knowledge as the product of struggle. Foucault's idea is that there is always something exterior to knowledge that conditions its production.

It is worth remarking that Foucault had at this point in time earned his reputation on the basis of erudite archeologies that had given little focus to knowledge in the very midst of struggles. The archeological image was of stable and calm regimes of knowledge. To be sure,

processes of formation were implied in the archeological work insofar as what is most striking about these texts is their illumination of the stark contrast between differing regimes of knowledge (or *epistemes*). But the catastrophic differences implied by Foucault's archeologies remained merely implications.

Then, seemingly quite suddenly, in the 1971 lectures, the storms that must have taken place between differing regimes came to flash across Foucault's work. It was no longer enough to mark out the difference between discursive regimes. What Foucault was doing now involved charting transformations from one regime to the next: "Instinct, interest, play, and struggle are not that from which knowledge tears itself away. . . . This is its permanent, perpetual, inevitable, necessary support."<sup>16</sup> Foucault in these lectures began to fabricate a new perspective that he would come to call, in a word that makes his Nietzschean inspirations quite plain, genealogy.

The site of analysis for Foucault in 1971 involved a turn away from his previous focus on the discursive formations of modernity to attend instead to Ancient Greece. He began with Aristotelian epistemology. Aristotle's epistemology is paradigmatic of the very kind of theory for which Foucault sought an alternative. The entire point of the Aristotelian theory of knowledge, Foucault suggests, is that it treats knowledge as self-sufficient. Its task, on Foucault's view, is "to ensure that the will to know is not founded on anything other than the precondition of knowledge itself; to ensure that the desire to know is enveloped entirely within knowledge."<sup>17</sup> Foucault calls this "the sovereignty of knowledge."<sup>18</sup> His analysis also suggests another phrase: the purity of knowledge.<sup>19</sup>

On this view, knowledge is sovereign only if it is not an effect of a desire, instinct, or interest in knowledge. Aristotle's philosophical task is thus to show how knowledge need not depend on a will preceding it. If knowledge were so dependent, then that on which it depends would be sovereign, and knowledge its mere slave. The paradigm of knowledge for Aristotle is sensation, which in and of itself is useless, but nevertheless pleasurable.<sup>20</sup> We take a natural pleasure in sensation not for the sake of some interest or desire, but because sensation as knowing is itself naturally pleasurable to us. Knowledge drives desire through our natural pleasure in it, thus securing knowledge in its purity. Foucault concludes that for Aristotle "there was knowledge at the root of the desire."<sup>21</sup> We do not desire this knowledge or that knowledge as our will varies. Rather we, everywhere and always, want the real knowledge, the one knowledge, and it is this knowledge itself that drives us. The sovereignty of knowledge is therefore connected to its unity, internal

coherence, and systematicity. It is only if we could possibly will different, even competing, knowledges that we could come to question sovereign and pure knowledge.

After surveying Aristotle's metaphysics of knowledge, Foucault turns to Nietzsche's history of knowledges. Foucault powerfully shows not that Aristotelian epistemology is untrue, but rather that the truth of Aristotelian epistemology is itself the outcome of a struggle. In the first lecture, Foucault writes of "seeing what real struggles and relations of domination are involved in the will to truth."<sup>22</sup> In detailing these struggles over the course of the lecture series, Foucault does not so much refute Aristotle's theory of knowledge as develop a historical account of the emergence of Aristotelian epistemology as itself the outcome of struggle. Foucault calls his history a "morphology,"<sup>23</sup> but it is really a proto-genealogy in that the work is tuned by an analytical attentiveness to relations between knowledge and an exterior that would come to be described in later work as power. Foucault's morphology is not meant to undermine Aristotle's theory of knowledge. Rather its point is to show how a particular epistemology can fail to account for the practices by which it was itself instantiated. Morphology tracks conditions of transformation that are also conditions of stabilization. Foucault spends almost the entire lecture series patiently recounting minute historical episodes in the configurations of power-knowledge in Ancient Greece that led up to Aristotle. All these dry little details are in fact crucial because they alone can show how Aristotle's theory gained the stability it came to possess. What Foucault's morphological method shows is not that Aristotle's theory is false, but rather that the truth that Aristotle's theory came into possession of was itself the outcome of contested complexes of power-knowledge. (Consider an analogy: Foucault's work in *Discipline and Punish* does not amount to the cliché complaint that our present regime of punitive imprisonment is self-contradictory, but rather it works to produce the provocative and disturbing insight that this regime distracts us from its own complex histories of struggle.)

Foucault can thereby show how Aristotle had his own antagonists against which he posited his ideal of self-sufficient knowledge. Among these antagonists were sophistic discourses,<sup>24</sup> preclassical judicial discourse,<sup>25</sup> and a poetic discourse of struggle in which truth was not the expression of natural order but the outcome of contest and conflict.<sup>26</sup> The most important of these opponents were the Sophists, whom both Plato and Aristotle sought to rigorously exclude.<sup>27</sup> This familiar exclusion was in fact directed at a whole set of figures who were but the

culminating expression of a long tradition of Greek practices within which truth itself was a site of struggle. The Aristotelian epistemology, proclaiming knowledge's self-sufficiency, was itself always involved in struggles and resistances, or with what Foucault would soon come to call by the name of "power."

In a later lecture, given in Montreal in April 1971 and concerning these same themes, Foucault again uses Nietzsche to disrupt the old theme of the self-sufficiency of knowledge: "Behind knowledge is something altogether different, something foreign, opaque, and irreducible to it. Knowledge does not precede itself; it is without pre-existence, without secret anticipation."<sup>28</sup> What lies behind a knowledge that is not self-sufficient are struggles among knowledges that need to invoke much more than their own sovereign status in order to remain competitive. Behind knowledge there lies a will to knowledge (a will not to *the* knowledge, but to *this* knowledge). For Nietzsche, knowledge's conditioning exterior is defined in terms of will, itself a heterogeneous bundle that involves instinct, need, play, and struggle. Foucault enriched Nietzsche's account by further complicating the factors exterior to knowledge that work to condition knowledge. That enrichment should be seen as a way of leveraging Nietzsche's critique of "the philosophical tradition" ranging from Plato and Aristotle to Descartes, Kant, and even Heidegger.<sup>29</sup> Nietzsche's point was that the tradition failed to recognize knowledge's imbrication in the heterogeneous bundle of the will. Foucault would soon repurpose this point in arguing that the tradition had failed to recognize the interdependence of knowledge with power.

In the final lecture of the Collège de France series, delivered in March, Foucault was already writing of an "interdependence of knowledge and power."<sup>30</sup> Then, almost a year later, in a lecture given in March 1972 in Buffalo that was focused on the very same themes and texts as the final 1971 Collège de France lectures, Foucault would speak of analyses of "a struggle between forms of power-knowledge," employing therein, in one of its very first uses, a subtle formulation that would later become a signature Foucauldian category.<sup>31</sup>

What we witness in these writings is how a signature category gains its force as an aspect of *methodos* through which the work of critique might attack a *topic* that could otherwise readily see itself as depoliticized. The intervention of power-knowledge gains political purchase on knowledge by way of destabilizing more traditional methodologies, namely those that would treat knowledge as even possibly self-sufficient. This is one way epistemology can become incipient political theory.

## V An Analytics of Action with the Groupe d'information sur les prisons

If the Collège de France lectures were a site for methodological transformation by way of a Nietzschean rereading of Aristotle, then the GIP was a site for a transformative reworking of acts of critique in the midst of ongoing struggles for prison reform. These transformations illuminate aspects of Foucault's methodological expansion not clearly featured in his academic writings of the early 1970s. The idea of *power-knowledge* comes to the fore in the lecture series from 1971, but the analytic focus on *conducts* is not yet readily apparent in these texts.<sup>32</sup> The GIP writings, by contrast, help us make sense of Foucault's increasing tendency to frame his researches in terms of an analytics of conduct, a methodological category that would only later emerge with clarity in more scholarly venues. The GIP writings, despite the dating of their production, are characterized throughout by an analytics of *action* or *conduct* (and *counter-action* or *counter-conduct*) rather than the analytics of *discursive formations* and *statements* that one might have expected.

In contrast to the 1971 Collège de France lectures, the GIP writings are without doubt political in their *topos*—they are situated squarely within the politics of prison reform. Less obvious, however, is that these writings are political in *methodos* as well. We find Foucault situating the prison midst a politics of conducts in struggle. This aspect of these writings could help us understand how Foucault was so successful at turning his reader on to the politics of the prison. Recognition of this is needful in contexts where all too often we confront theorizations of the prison problem that fail, and for *methodological* reasons, to politicize a topic whose depoliticization we should refuse to abide.

Looking back nine years from the vantage of 1980, Foucault responded to a critic of the GIP in an exchange in the pages of *Esprit*. Foucault tellingly writes of the divergences and differences internal to the membership of the GIP. The group, he says, did not work together on the basis of “sharing the same indignation.”<sup>33</sup> Rather, he continues, “we together defined a mode of action, objectives, means, and a specific significance for this action.”<sup>34</sup> What defined the work of the GIP, Foucault here insists, is a type of action or a mode of conduct. Of course, by the time of this 1980 interview, Foucault had already developed an analytic of practices. Was this emphasis on the work of the GIP in terms of its action merely a retrospective reconceptualization? Or did Foucault think of the GIP from the start in terms of action? An examination of his GIP writings from 1971 and 1972 suggests the latter.

Consider first an interview that appeared on March 18, 1971, just one day after Foucault delivered that year's final Collège de France lecture. The interviewer opens by asking whether or not the labors of the GIP merely reproduce documentary and journalistic work that has long been underway. The response: "What we want to be is this: an information group that searches for, provokes, and distributes information, and marks targets for possible action."<sup>35</sup> The work of the GIP is here registered on the level of action. Foucault does not claim that the GIP changes the conversation, initiates a deliberation, clears a communicative channel of systematic distortion, or enlightens a public. The GIP will work to mark targets for action, not to make interventions into discourses. Tellingly, a little later, this clarification is offered: "Information has to reverberate. Individual experience [of the prisoners] must be transformed into collective knowledge. That is to say, into political knowledge."<sup>36</sup> Such work of actions upon targets is intimately connected to the very idea of knowledge as itself political.

A second text is an announcement published by Foucault only a few days prior, on March 15, 1971. Foucault writes there of "imagining new modes of action" in the context of those who have "decided to stop tolerating the present prison system."<sup>37</sup> Concluding the text, Foucault writes of the GIP's "first act of this 'intolerance-inquiry'."<sup>38</sup> It may seem that there is little at stake here in the innocent use of a word as familiar as "act." But it is crucial to note that Foucault, a philosopher who was always rigorous about his categories, had over the course of the past five years become famous for his innovative analytics of discourse. Here the analysis was, seemingly quite suddenly, framed quite otherwise.

A third text is the preface to the GIP's first pamphlet published in late May 1971. The preface begins with a description of the "intolerance-inquiries" publicized in the pamphlet. Following this description, the preface, unsigned but overseen by Foucault, insists that, "Each inquiry, ought therefore, to be a *political act*."<sup>39</sup> Here again we are confronted with a definition of work in terms of action. Foucault is not yet analyzing power struggles in terms of the conduct of conduct, but he is expressly analyzing power in terms of political conduct in a way that signals an expansion beyond the more narrowly discursive frame of his earlier writings.

To be sure, these and other GIP writings make frequent reference to "speaking" and "communication."<sup>40</sup> Foucault in numerous instances also characterizes the work of the GIP in terms of "giving detainees the right to speak."<sup>41</sup> But it would be misleading to see the work of the GIP, or at least Foucault's conceptualization of it, as an effort in discursive analysis. Foucault is clear that he is not trying to excavate the discursive

rules that enable detainees to say this or that. Rather he presents his collaborative effort as undertaking an action that makes possible the act of speaking from the subject position of detention. The point is not that discourse does not matter—surely it does. The point is rather just that discourse is not the only thing that matters—so too do practical conditions of action. We have here, in incipient form, an expanded category of analysis that one would have been hard pressed to find as such in Foucault's then-famous archeological writings. It is no longer enough to just talk about talk. We must also talk about the conditions in action that make talk, but much else too, possible.

In what sense is Foucault's analysis of the work of the GIP as action rather than discourse a marker of a shift in critical intent? What does an analytics of conduct have to do with analyses of complexes of relations between knowledge and power? A key idea for Foucault throughout 1971 was the Nietzschean theme of struggle. I argued above that it is in virtue of this analytic focus on conflict that Foucault's work was in that year becoming-political. That same focus is also notably present in the GIP writings. Indeed, it would be missing almost everything that was crucial about the prison reform movement in Foucault's eyes to not regard it as a site of struggle. The idea is central in Foucault's descriptions of the actions in which the GIP is enmeshed: "a new type of struggle thus appeared"<sup>42</sup> in one instance and "the process of struggle that has broken ground and developed to this day"<sup>43</sup> in another.

## VI Transforming Philosophy

There are two key moves enacted by Foucault in 1971. In one move, the refusal to take knowledge as self-sufficient facilitates the commitment to an analytics of knowledge as the outcome of a struggle. Knowledge is that which we craft amidst tangled complexes of struggle conditioned by a multiplicity of wills and forces, as per Nietzsche. In another move, woven together with the first, these struggles are regarded as a quality of conducts and counter-conducts rather than of discursive assertions and negations. Though these latter can indeed exhibit the signs of struggle, it is more appropriate to analyze struggle on the register of action, conduct, or practice where more than mere words are involved. Words slung like arrows can indeed take form as weaponry. But in almost every instance they are one element midst a broader arsenal. Speech is not the high point of contest—the apex where struggle is most clearly exhibited. Action and conduct are the terrain on which conflicts are most thoroughly revealed—in all their muddiness, fog, blood, and confusion.

If philosophers take away just one methodological lesson from Foucault's writings in 1971 it should be this: reducing contests to the weaponry of words and detaching discursive regimes of knowledge from contests over power are but two philosopher's tricks for making things seem much more manageable than they have ever been. Every philosopher has a bit of the idealist inside of them. We must learn to resist this part of ourselves. Foucault can help us in this. He can thereby help us learn to think politically, which is decidedly not always the same as thinking philosophically about political matters. Foucault transformed philosophy. It is incumbent upon us to do the same in our present. Foucault can help us to do this work, but we should not pretend that he has already done our work for us. Hence the value of reading Foucault with an attention to a methodology that we can mobilize once again within the struggles of the now.<sup>44</sup>

### Notes

1. My argument involves a self-conscious alternative to recent tendencies in political theory to disparage the importance of method in the work of political critique. The explicit refusal of method in political science branches of political theory is largely due to the influence of Sheldon Wolin—see “Political Theory as a Vocation,” *The American Political Science Review* 63.4 (1969): 1062–1082. I believe that Wolin's argument is better read as a critique of a specific family of methods than as a generalized assault on method in political theory. For it simply cannot be the case that all methodological self-preparation is a postponement of political engagement.
2. Two issues should be distinguished here. One concerns the biographical influences that caused Foucault to become political himself. About this matter I am relatively silent, but I assume that at play here were Foucault's own internal philosophical tensions, his practical engagements with the prison reform movement, and also no doubt his relationships with French academic life (see Ladelle McWhorter in chapter 1 of this volume). A second issue concerns the intellectual engagements and styles in virtue of which Foucault's work gained political force in this period. This latter issue is my central focus. Thus I am not making a claim about how a philosopher becomes politically engaged so much as a claim about how philosophical critique can gain its political edge.
3. I develop this distinction in Colin Koopman and Tomas Matza, “Putting Foucault to Work: Analytic and Concept in Foucaultian Inquiry,” *Critical Inquiry* 39 (2013): 824.
4. See note 1 above.
5. Arnold Davidson, “Archaeology, Genealogy, Ethics,” *Foucault: A Critical Reader*, ed. David Hoy (Malden: Blackwell, 1986), 227.
6. For one recent exposition, see Linda Alcoff, “Foucault's Normative Epistemology,” *A Companion to Foucault*, eds. Christopher Falzon, Timothy O'Leary, and Jana Sawicki (Malden: Wiley-Blackwell, 2013).
7. See Foucault “The Concern for Truth,” EPPC, 257; see also my commentary in Colin Koopman, *Genealogy as Critique: Foucault and the Problems of Modernity* (Bloomington: Indiana University Press, 2013).

8. On “conducts” and “practices” in the major published books of this period, see Foucault, EDP, 172–3, 235, 295, and EHS1, 26, 44, 47–48, 130, 138.
9. Foucault, “Questions of Method” (also known as “Round Table of 20 May 1978”), EEW3, 225.
10. Foucault, “The Subject and Power,” EEW3, 241. Though first published in 1982, I agree that “there is compelling internal evidence that parts of [“The Subject and Power”] were written several years earlier,” probably in 1978, as argued by Arnold Davidson, “In Praise of Counter-Conduct,” *History of the Human Sciences* 24 (2011): 39n4.
11. Foucault, ECF-STP, 196.
12. Foucault, EHS2, 11 and Foucault, “Foucault, Michel, 1926–,” *The Cambridge Companion to Foucault*, ed. Gary Gutting (Cambridge: Cambridge University Press, 1994), 318.
13. Toumo Tiisala, “Keeping it Implicit: A Defense of Foucault’s Archaeology of Knowledge,” *Journal of the American Philosophical Association* (forthcoming), ms. on file with the author.
14. In addition to Davidson’s work noted above, see also Paul Rabinow and Hubert Dreyfus, *Michel Foucault: Beyond Structuralism and Hermeneutics* (Chicago: University of Chicago Press, 1982); my own prior work on this subject is in Koopman, *Genealogy*, 3–44.
15. Foucault, “Le grand enfermement” (1972), FDE1, no. 105, 1172; see also Foucault, EAK, 17.
16. Foucault, ECF-WK, 206; cf. 197.
17. *Ibid.*, 15.
18. *Ibid.*, 5.
19. I thank Verena Erlenbusch for discussion of these matters.
20. See Foucault, ECF-WK, 8, 23. Foucault’s reconstruction of Aristotle’s argument, which he then calls into question, is intriguing in part because of suggestive connections to analytic-pragmatic critiques of empiricism circulating around the same time such as Richard Rorty’s Sellarsian critique of empiricist givenism in *Philosophy and the Mirror of Nature* (Princeton: Princeton University Press, 1979). Foucault’s critique of the Aristotelian thesis that “sensation really is a knowledge” (ECF-WK, 8) is what is especially reminiscent of the Anglophone critique of empiricism: “Difference therefore from empiricism, which puts perception, or sensation, or impression, or representation in general behind knowledge” (ECF-WK, 203).
21. *Ibid.*, 22; cf. 215.
22. *Ibid.*, 2.
23. *Ibid.*, 1.
24. *Ibid.*, 64, 68.
25. *Ibid.*, 71ff., 75–76.
26. *Ibid.*, 88.
27. *Ibid.*, 32ff., 41ff.
28. *Ibid.*, 203.
29. *Ibid.*, 214–5.
30. *Ibid.*, 191; cf. 244.
31. *Ibid.*, 256; cf. 244. The first written and public formulations of the signature “pouvoir-savoir” phrasing appear in Foucault’s Spring 1972 course summary for his 1971–72 lectures on “Penal Theories and Institutions” (see FDE2, 1258, and EEW1, 317) and in the 1973 “Truth and Juridical Forms” lecture on Nietzsche and Oedipus in Rio (see FDE2, 1456, and EEW3, 52). The phrasing in the “Oedipal

Knowledge” lecture from Buffalo in March 1972 (which has only recently been published as part of the *Lectures on the Will to Know* volume) may thus be the chronologically first appearance of the “power/knowledge” pairing in Foucault’s corpus. Michel Senellart, however, notes the phrase’s appearance in the final lecture of the still-unpublished (at time of writing) 1971–1972 Collège de France lecture series *Théories et institutions pénales* (ECF-GL, 339). An even earlier but somewhat different usage of the phrasing is found in the February 17, 1971, Collège de France lecture when Foucault refers to a “knowledge-power break” (ECF-WK, 120). But what we have here is a kind of negative (“break”) conceptualization of what Foucault would later thematize as a productive and positive “power/knowledge” pairing. What is in any event quite clear is that Foucault in early 1971 was already thematizing the connection between knowledge and power even if the idea of a conjunct of the two as an analytical category seems to have emerged with full clarity only in early 1972. Indeed the entire 1970–71 lecture series can be fruitfully read as hunting down the power-knowledge idea beginning as early as that year’s inaugural lecture on “The Order of Discourse” where Foucault writes at one point of “a distribution and an appropriation of discourse, with all its powers [*pouvoirs*] and its knowledge [*savoirs*]” (in EAK, 227; translation modified). My thanks to Daniele Lorenzini for pointing me to this passage.

32. See for proximate mentions Foucault, ECF-WK, 2, 53, 104, 195, 224.
33. Foucault, “Toujours les prisons” (1980), FDE2, no. 282, 915. Consider also: “one can and must refuse the theatrical role of pure and simple indignation that is proposed to us” (Foucault, “Confronting Governments: Human Rights,” EEW3, 475). For discussion of Foucault’s refusal of indignation in the GIP context, see the provocative analysis by Nancy Luxon in chapter 11 of this volume.
34. Ibid.
35. Foucault, “Enquête sur les prisons: brisons les barreaux du silence” (1971), FDE1, no. 88, 1045.
36. Ibid., 1046.
37. Foucault, “(Sur les prisons)” (1971), FDE1, no. 87, 1044.
38. Ibid.
39. Michel Foucault, “Préface” (1971), FDE1, no. 91, 1063. As Luxon puts it, the GIP’s work is “less an inclusion of new voices (although it was in part that)” and more “the creation of a *new* regime of veridiction that might apprehend audiences and claims differently” (see Nancy Luxon in chapter 11 of this volume, 210).
40. Foucault, “(Sur les prisons),” 1043–1044.
41. Foucault, “Non, ce n’est pas une enquête officielle . . .” (1971), FGIP-AL, 67.
42. Foucault, “Pour échapper à leur prison . . .” (1971), FGIP-AL, 151.
43. Foucault, “Il y a un an à peu près . . .” (1972), FGIP-AL, 195.
44. For comments on earlier versions of this piece, I thank Verena Erlenbusch, Nancy Luxon, volume editors Perry Zurn and Andrew Dilts, and members of the University of Oregon Critical Genealogies Collaboratory (especially Nick Dorzweiler and Larry Busk); I am also grateful to Daniele Lorenzini for his help in confirming a small hunch.

## CHAPTER 4

---

# Work and Failure: Assessing the Prisons Information Group

*Perry Zurn*

### I Introduction

Perhaps the most banal question one can ask of an activist effort is this: Did it work? Did you accomplish something? Did you get something done? I want to ask this very banal question of the Prisons Information Group. I do so, however, with the conviction that the philosophical analysis requisite to answering such a question will uncover something significant about the nature of work, about the subject of work, and their relative failures.

The Prisons Information Group (GIP) was a French activist organization, extant between 1970 and 1973, in which thinkers like H el ene Cixous, Daniel Defert, Gilles Deleuze, Michel Foucault, and Jean-Paul Sartre were involved. It aimed to resist the prison system by gathering and disseminating information about prison conditions, whether relative to the institution, to its prisoners, or to its personnel. Inaugurated in December 1970, the GIP was officiated by Jean-Marie Domenach, Foucault, and Pierre Vidal-Naquet. At its height, the GIP publicized information from prisoners, catalyzed prison revolts, and created a network of prison activists across France. It did not, however, aim to or successfully institute any full-fledged prison reforms during its time. Given its aspiration to *donner la parole*, or give detainees the floor, the GIP eventually gave way to the entirely ex-prisoner led Prisoners Action Committee (CAP) in 1973.

So did the GIP work or not? Was it real work? Did it fail? And what are the implications of such an assessment? To properly answer these

questions, one needs to identify criteria for failure or work. Such criteria could be garnered from any number of sources. We might turn, for instance, to a scientific account of theories that work and those that do not. At issue in such a case is a scientific theory's completeness, generalizability, and truth or, when it does not work, its incompleteness, nongeneralizability, and productive falsity.<sup>1</sup> We might ask, then, whether the GIP is, as a model of prison activism, incomplete. Are there limitations to its explanatory power or its strategic resistance? Further, is the GIP a generalizable model of prison activism? Is it generalizable across time? That is, should it be implemented today as it was in 1971? Is it generalizable across space? Which of its tenets and practices were appropriately transplanted to similar movements in Italy and the United States at the time and which were not? Lastly, assuming the GIP was not a final or ultimate model of prison activism, was it at least an important stepping stone in the process of developing appropriate and timely resistance strategies to the prison system?

Turning to philosophical accounts of failure and work, we might draw from Heidegger, for whom failure is a revelatory malfunction. A tool fails when it breaks, is damaged, or becomes unusable. The consequent disruption of routine allows the tool to actually appear to the user, rather than be taken for granted. Failure is then a condition of *aletheia* or of Being coming to the fore.<sup>2</sup> Did the GIP mark a moment in which the prison malfunctioned or failed and was it precisely this failure that allowed the prison to be seen rather than to be passed over? Or we might turn to Bentham, for whom what works is whatever creates the greatest good for the most people.<sup>3</sup> We might ask: Did the GIP at least serve the majority of the people with whom it was concerned, especially prisoners? And then, more critically, we might ask: For whom did the GIP not work—for which constituents, populations, or causes?

Any number of these theories of failure or work would provide rich vantage points from which to address the question of the GIP's efficacy and each, no doubt, deserves further investigation. It is my aim in this chapter, however, to develop criteria of work and failure that are implicit within the GIP's terrain itself. How did the GIP characterize work or attribute failure? And what were the theories of failure or work circulating among its leading members? For this particular investigation, I have chosen to consult the thought of Foucault, the only member to publish a book on the prison's history and failure. How, then, did Foucault understand work or attribute failure in this period? By analyzing these discursive practices together, I first identify five internal criteria of failure: *discursive*, *structural*, *systemic*, *deconstructive*, and *productive* failure. Second, I test the GIP against each criterion, marking where it does and

does not fail. I therefore offer an internal assessment of the GIP. I offer it as one of several possible assessments but one that recommends itself as sensitive to the movement's own discourse and development.

## II A Short History of the Debate

There is already a nascent debate over whether or not the GIP worked. It began with the GIP's own definition and defense of its work. It continued in the reception of the GIP's work within the activist community, as well as in GIP members' reflections after it disbanded. Finally, scholarly assessment of the GIP today has again broached the question of its efficacy. By beginning with this nascent debate, the contours of an internal assessment can be discerned. In particular, we will notice a developing concern not only with the nature of work but with the subject of work. Who and what works?

From its inception in 1970, the GIP understood itself to be doing important work. With a final flourish, its "manifesto" states: "All those who want to inform, be informed, or participate in the work can write to the Prisons Information Group, 285 Rue de Vaugirard, Paris-XV."<sup>4</sup> Throughout its short life span, the GIP expressly defined its work as neither the sociological work of observing and recording prison conditions nor the reformist work of revamping prisons.<sup>5</sup> Rather, the GIP aimed to do the "effective work" of creating a public network for disenfranchised voices.<sup>6</sup> For Foucault, this was a strong antidote to "university yacking and book scribbling."<sup>7</sup> Unlike the academic factory, the GIP undertook "a concrete political action" "charged with meaning."<sup>8</sup> Such work was real work.

After it disbanded, GIP members began to reflect on its efficacy. Foucault's immediate assessment was this: the GIP had failed. It did not work. It did no work. As Deleuze reports, "things returned to exactly the way they were."<sup>9</sup> But by the time Paul Thibaud, editor of *Esprit*, leveled this same accusation against the GIP in 1980, stating that it "succeeded no better than others in finding a way out of the present impasses," Foucault had a defense.<sup>10</sup> Whatever evidence might be marshaled for the GIP's failure—whether its lack of reforms or its swift dissolution in favor of the Prisoners Action Committee—"all that was the result of our cause, rather than an effect of contradictions."<sup>11</sup> And what was that cause? To do the "effective work" of *donner la parole* to the detainees. Its "failures" are the proof it worked.

Among contemporary scholars evaluating the work of the GIP, Cecile Brich offers perhaps its most devastating critique. If, in fact, the GIP's work was "to give the floor" and "to give voice" to detainees, and

if the GIP must be judged on the success of this work, then the GIP did in fact fail. Why? The GIP did not simply step aside and create a vacuum within which prisoners could suddenly speak. Rather, through its format and self-understanding, members of the GIP—especially its leading intellectuals—constructed the floor and determined the voices of prisoners. As Brich states, “The prisoners’ discourse was not simply ‘set free,’” but was also “subtly constrained by the GIP’s agenda.”<sup>12</sup> Its work, as advertised, did not work.

From this brief summary of the debate, it is apparent that the question of what counts as activist work is quite salient. If you renounce, as the GIP did, any commitment to reform, do you also relinquish any claim to having worked? What is work if it does not accomplish something? If it does not change something concrete, in this case for prisoners? Furthermore, insofar as the GIP’s express mission was to change the subject who speaks, the subject who identifies intolerable prison conditions and demands change, the question of the GIP’s efficacy is inextricably tied to who effects the work. What is work and who works?

In what follows, I will develop and apply internal assessment criteria from this vantage point: the nature of work. I will evaluate the success of the GIP through the ideational scope of work within the temporal frame of the early 1970s. In the next section, I will address the question of the GIP’s efficacy from the vantage point of work itself. Interweaving the GIP and Foucault’s assessment that the prison is a failed institution—a failure that is, as they assert, especially demonstrable in its abuse of prisoner labor—I will argue that the GIP failed according to some, although not all of the criteria it utilized. In particular, while the GIP demonstrated that the prison fails in all five ways—discursively, structurally, deconstructively, systemically, and productively—I will argue that the GIP itself fails in the final three ways. By developing this assessment of the GIP’s failure, I will ultimately suggest both that failure can never be assessed unilaterally and that failure is not in itself a problem. It may be a productive agitation.

### III The Work of the Prison

The GIP’s success can be evaluated through its own development of work as a problematic. If the GIP worked to uncover failure, within the interworking of the prison, surely it must approach both the notion and criteria of work with an intensely critical eye. Moreover, if the work of the prison is precisely the work of failure, as the GIP argued, the GIP must aim to work (and potentially fail) differently. Drawing on

documents from the GIP as well as Foucault's *Discipline and Punish*,<sup>13</sup> I argue that, according to Foucault and the GIP, not only did the prison not work, but one of its primary loci of failure was its abuse of prisoners' labor. At the most basic level, the prison failed because it did not fulfill its promise to reform criminal souls, or, in more contemporary terms, recalibrate prisoners for successful re-entry into society. One of the specific instances of this failure is traceable in the prison employment system. The very labor touted to effect reform was and remains essentially dehumanizing. In what follows, then, I will analyze prison history and prison labor to systematize implicit criteria of failure.

From the outset, the prison promised to be a place within which the most degenerate and recalcitrant of persons might be constrained into a transformative solitude and a redemptive productivity. At first blush, the prison promised redemption. Confinement, however, went hand-in-hand with industry. From its spokesmen in legislation and administration, the prison claimed to work by making prisoners work. We can see this in the 1808 French criminal code, which asserts that, "although the penalty inflicted by the law has as its aim the reparation of a crime, it is also intended to reform the convict, and this double aim will be fulfilled if the malefactor is snatched from that fatal idleness which, having brought him to prison, meets him again within its walls."<sup>14</sup> Prison labor is not merely an addendum or a salutary supplement to confinement but is in fact a critical component of confinement's proper function: reformation.

GIP documents repeatedly indicate its assessment that the prison is a bankrupt institution. Far from ensuring the recalibration of criminal lives for reinsertion into the social fabric, the prison has proven to be a complex network of violence and de-socialization. In a 1973 interview concerning the GIP, Foucault states:

When prisons were first put in place, it was as instruments of reform. That failed. It was imagined that confinement, the break from society, solitude, reflection, obligatory work, continual supervision, moral and religious exhortations would lead the condemned to self-reformation. Since then, it has been one hundred and fifty years of failure.<sup>15</sup>

The prison fails, in this sense, by not fulfilling its originally stated aim of improving those who pass through its doors. By the 1970s, French prisons had shifted away from the language of reformation to that of "reeducation" and "humanization." Following the 1971 Toul revolt, the GIP accused the prisons of failing in these supposed aims as well: "the

French penitentiary administration fails to perform its task: ‘the reeducation of prisoners’” and “it has failed in its supposed mission: ‘the humanization of prisons.’”<sup>16</sup> Whether tested by old or new claims, then, the French prison system was, for the GIP, a failure.

Since its inception, the prison has developed any number of justifications for its existence, and these justifications have, by turns, led or sometimes reflected shifts in penal techniques. Theorists today typically identify at least three main shifts in the prison’s stated mission and technical practices: from reformation, through behavior modification, to contemporary risk management.<sup>17</sup> Isolation, for instance, shifts from spiritual and medical use to now sheer governmental use. Whatever the claim, the critique remains the same. Whether the prison purports to save, train, or manage the lives within it, an analysis of the ultimate social effects of the penal regime indicates that it continues to fall short, to miss the mark.

At one point, Foucault suggests that beneath the turnstile of justifications for the prison lies one simple, unstated aim: repression. Early in the GIP’s course of rabble-raising, Foucault makes the claim that, however much the penitentiary administration might protest against such an accusation, the prison has always worked to repress.

Our intention . . . is not to propose an ideal prison. I believe that by definition the prison is an instrument of repression. Its function was defined by the Napoleonic code, almost one hundred and seventy years ago, and it has evolved relatively little since.<sup>18</sup>

While Foucault will critique the repressive hypothesis in the latter half of the 1970s,<sup>19</sup> arguing that it obscures the really productive side of power, here in 1972 the interpretation remains salient for him. Nevertheless, alongside this so-called force of repression, there has been an equal force of resistance. There is a long history of prison revolts, reform movements, and abolitionist efforts. This is a history in which the GIP takes its proper place. In fact, it is on the back of the prison’s failure that the GIP launched some of its general “intolerance-investigations,” of which the Truth Committee of Toul is just one example. The prison’s failure then is compounded. Consequent to its failure to fulfill its stated or intended mission—whether reformation, modification, or management—the prison prompts resistance movements, which indicate its failure to fulfill its seemingly “actual” aim of repression. Voices do break out. Walls are breached. Some people, in some places, and by some means, have begun to think otherwise.

The prison specifically fails to work within the regime of prisoners' labor. The GIP's concern with prison work as such relates to working conditions both inside and outside of the prison, for current prisoners as much as for those who have been released. Inside the prison, the GIP decried the menial character of and insufficient compensation for prison work. Prisoners, the GIP reports, "work 8 to 10 hours a day for a pittance (less than a franc)."<sup>20</sup> As Foucault and Vidal-Naquet explain: "When you know that a detainee has to pay for his stamps, that an escalope in the canteen costs 6 francs, that the mere enrollment in a correspondence course costs 35–50 francs a year, without counting the required books, you see what this means."<sup>21</sup> Alienated work with negligible remuneration, however, does not tell the whole story. The availability of work, the kind of work, and the recompense for work modulated according to systemic divisions familiar on the outside but accentuated on the inside: divisions by wealth, race, gang affiliation, offense, and informant status.<sup>22</sup> Work became yet another way to punish on the inside and support institutional interests, whether of businesses or the government, on the outside.

Of course, work is employed as a means of discipline well after prisoners are discharged from custody. Given the effect, for instance, of criminal records on the nature and accessibility of work for prisoners, the GIP called for their dismissal. As Foucault summarized in a lengthy interview of 1972, relating the GIP's work to his analysis of the "Great Confinement":

[Prisoners] explain that, due to their criminal record, they have difficulty finding work, or they have difficulties after finding work, or they explain that those who have already been convicted are always the first to be laid off, or to be assigned the meanest work.<sup>23</sup>

The GIP argued that criminal records extend the injustice, discrimination, and targeting from within the prison to the outside. This produces a migrant workforce that is easily taken advantage of by businesses and institutions on the outside. With a criminal record, the GIP reports, "there is no release; there are only reprieves."<sup>24</sup> Without it, ex-prisoners have half a chance of successful reintegration into the social economy.

How is it, then, that the prison has consistently, on multiple levels, and in multiple kinds of ways failed and yet it still remains? Not only does it remain, but it also gathers speed and strength. How is this possible? Does it signal the sheer weakness of resistance as an infinitely derivative response to power or does it mark the brute and brutal

strength of the penal regime? Commenting on the prison revolt at Toul in 1972, Foucault asserts that it lies within the very function of the prison to generate and absorb failure:

Our institutions feign offense when we critique them from within; but they accommodate those critiques; they live through them; it is the glamour of their style, the blush in their cheek. But what they do not tolerate is when someone suddenly turns their back on them and begins shouting in the other direction: "This is what I just saw here, now, this is what is happening. This is the event."<sup>25</sup>

If the prison absorbs and even dallies with its failure, we can understand the GIP's aim as to launch a critique or attribution of failure that the prison cannot structurally tolerate. The GIP tried to point out "intolerable" failures, failures that are both intolerable to prisoners and intolerable for the prison itself.

In *Discipline and Punish*, Foucault returns to theorize what, in 1972, was a mere observation. Within the context of this systematization of the role of work in the carceral regime, Foucault both grants that the prison has never worked and reevaluates the status of this attribution of failure. He observes that critiques of the prison are coterminous with the prison itself. He further argues that the prison and its own reforms are co-constitutive. "For the past 150 years," he notes, "the proclamation of the failure of the prison has always been accompanied by its maintenance."<sup>26</sup> The prison continues to exist today precisely because it structurally demands and absorbs criticisms, movements of reform, and attributions of failure. But he then asks, "what is served," or what succeeds, "by the failure of the prison?" Even beyond its maintenance, Foucault identifies another more fundamental success: the production of a new criminal subject. While "the prison fails to eliminate crime," it just as surely "succeeded extremely well in producing delinquency,"<sup>27</sup> the modern-day object of penal power and knowledge that supports a system of heightened policing, targeted criminalization, and revolving incarceration. This does not mean that Foucault ceases to be interested in failure. He merely asks how failure works. What do failures do? How do failures succeed?

#### IV Modalities of Failure

Given this cursory review of Foucault and the GIP's critique of both prison as an institution and the particular role of work therein, we can

surmise that the GIP clearly assessed failure in at least the following five ways.

1. *Discursive failure.* To discursively fail is to not do what you say you do. Insofar as the prison claims to reform, or to train, or to manage its prisoners, but does not, it fails in this way.
2. *Structural failure.* To structurally fail is to not do what you try to do. Whether the prison tries, irrespective of rhetoric, to reform or to repress, its inability to do either is a failure in this sense.
3. *Deconstructive failure.* To deconstructively fail is to create consequences that inhibit or cancel out what you do. Perhaps not despite but because of the prison's consistent attempts to repress or to "merely" punish, revolts and resistance movements abound.
4. *Systemic failure.* To systemically fail is to participate in a system that inhibits or cancels out what you do. In this case, the prison participates in the broader systems of capitalism, penal justice, and racial projects that prohibit the restorative function of work both in and outside of it.
5. *Productive failure.* To productively fail is to successfully accomplish one thing by "failing" to accomplish another thing. The prison produces delinquency by failing to reform prisoners.

Here, then, is a taxonomy of failure. It is not exhaustive. There are no doubt other forms of failure that might be culled from the GIP archive and there are surely other modalities that mark the prison of our present—perhaps chief among which would be inherited failure. But this list provides a general account of the GIP's critique and offers a sufficient platform from which to launch an internal critique of the GIP itself.

Before turning to that assessment, there are a couple implications to this taxonomy that are worth highlighting here because they further illuminate the nature of work and failure. First, there is the correlative taxonomy of work. Each of these forms of failure implies a correlative notion of work. To work discursively is to do what one claims to do. To work structurally is to do what one tries to do. To work constructively is to create consequences that support or enhance what you do. And to work systemically is to participate in a system or several systems that support or enhance what you do. Finally, to work productively is to not do something by doing something else. These are several ways in which an enterprise—whether institutional or anti-institutional—might set to work.

Second, this multiplication of modes of failure troubles our common sense of failure. Failure cannot be assessed unilaterally nor appreciated simplistically. The mere attribution of failure to the prison or to any prison resistance movement does an injustice to those realities, their histories and the multifarious techniques of their present. Each failure must be carefully identified, extricated, and then assessed. Failure is not already an inherent evil or a moral fault. As I have characterized it here, failure can be defined as a specific relationship of an act to itself, to discourse, to systems, and to effects. Granted the GIP determines these failures of the prison to be political injustices; it does so, however, not through its characterizations of failure but rather through finding the prison's specific failures to be consistent with "the intolerable." One might, nevertheless, actualize one of these modes of failure in a way that is consistent with "active intolerance"—which the GIP did, as I argue below. In either case, this analysis raises the possibility that political resistance might require us to fail—and to work—in more and in different ways.

With this taxonomy of work and failure on the table, let me return to the GIP and ask if it worked or failed in any or all of these senses. This will allow me to develop a historically and conceptually internal evaluation of the group itself. Given these five forms of failure diagnosed by Foucault and the GIP, the question is: Did the GIP fail in these ways?

## V Did the GIP Work?

Did the GIP work or fail? Did it succeed in its mission, despite arguable indications to the contrary? Here, I will take each form of failure in turn: discursive, structural, deconstructive, systemic, and productive.

First, did the GIP fail discursively? No. It fulfilled its stated aim of giving prisoners the floor by collecting, publishing, and publicizing prisoners' assessments, demands, and stories. It did so against the reigning paradigm, established in different ways by Benjamin Appert's *Bagnes, Prisons et Criminels* and Pierre Lacenaire's *Mémoires, Révélations, et Poésies*, both published in 1836. As Foucault recalls in 1979, Appert was a philanthropist who reported the individual testimonies of "great criminals," "adventurers who had seen the Revolution, the imperial armies, [and] who led wild lives across Europe."<sup>28</sup> The GIP diverged from this model. Whenever possible, it did not "report" on the fetishized lives of criminals, but rather let the detainees themselves tell the often mundane facts about their existence. In doing so, the GIP relied on "real collaboration" and "collective" work between its members, whether intellectuals, journalists, doctors, lawyers, or prisoners.<sup>29</sup>

Merely publishing detainees' reports, however, was not enough. Lacenaire, a notorious murderer, wrote his own memoir, which was published after his death. The work was censored. Whenever Lacenaire depicted himself romantically, as an incorrigible scoundrel, the passages remained. Whenever he launched into a "theory of crime," or his own ideas rather than his exploits, the editor expunged them.<sup>30</sup> The GIP worked against this paradigm of the prisoner as a self-identified solitary and unthinking exemplar of criminality. In his preface to Livrozet's *De la Prison à la Révolte*,<sup>31</sup> Foucault indicates the critical importance of blending philosophy and autobiography. Livrozet's text resists the paradigm of a singular criminal adventurer in the throes of chance. It also resists images of the delinquent as an addle-minded hedonist. Instead, it emphasizes the "collective" experience, about which Livrozet's reflections and interpretations are eminently relevant. The GIP shared this emphasis. For the most part (a) it did not focus on individual testimonies,<sup>32</sup> but rather on a chorus of voices, and (b) it did not repeat the trope of criminal adventures, but shifted attention from the exhilarating crime to prisoners' own experiential and theoretical analyses of the prison. In this way, the GIP facilitated the development of collective theory, or, as Foucault calls it, "a philosophy of the people."<sup>33</sup> This is who and what works.

Second, did the GIP fail structurally? Did it fail to accomplish what it set out to do? If the GIP's most common profession was to give prisoners the floor, its more specific intention—on my reading—was to identify the intolerable. The GIP did not fail to identify the intolerable. Instead, it succeeded in self-publishing and widely disseminating four large booklets in a series they called *Intolérable*. The first booklet testifies to the deplorable conditions, the sheer violence, filth, and misery in the prisons. Subsequent booklets then refract that depiction through race, sexuality, and prison suicides.

There are several ways to reflect on the significance of identifying the intolerable so as to "heighten our intolerance."<sup>34</sup> Tolerance is today a liberal virtue.<sup>35</sup> It marks a shift from tolerating religious beliefs to tolerating naturalized differences like identities and ethnicities.<sup>36</sup> Cultivating intolerance, then, is a means of resisting the construction of oneself as a liberal subject. Moreover, against the toleration of the "secret truth" of each individual, the GIP's intolerance targeted secrets and surfaces equally, such that insufficient heat was as intolerable as the loss of bodily integrity.<sup>37</sup> There is another pathway, however, by which to appreciate this summons to the intolerable and intolerance. Here, I turn to Jacques Derrida's analysis of tolerance in *Philosophy in a Time of Terror*. Derrida is quick to point out how tolerance, particularly

after 9/11, is conditional hospitality—that is, hospitality not worthy of the name. Within this context, as Giovanna Borradori summarizes it, Derrida indicates that, “as is true with organ transplants and pain management, the threshold of tolerance designates tolerance as the extreme limit of the organism’s struggle to maintain itself in balance before collapse.”<sup>38</sup> Implicit in this analysis is the possible conceptualization of intolerance, or some form of intolerance, as the organism’s collapse. This is a critical contribution to our analysis of the failing prison system that lives through its own failures. The GIP aimed to produce an intolerable failure, a failure not only that the body of the prison rejects but also that compromises that body.

Third, did the GIP fail deconstructively? That is, did the GIP create consequences that canceled it out? Yes, it did indeed fail in this way. By giving prisoners the floor, the GIP not only facilitated the establishment of the CAP, an entirely ex-prisoner-led group, but ultimately dissolved itself in favor of it. The CAP’s official inauguration by Serge Livrozet, Claude Vaudez, and Michel Boraley was marked by the first issue of *Le Journal du CAP*, coedited with Michel Foucault and published on December 1, 1972. While the GIP’s last major act was to publish *Intolérable 4* in February of 1973, the GIP, the CAP, and the ADDD cosigned a tract as late as May 1973.<sup>39</sup> During this transition period and thereafter, there was admittedly some tension between the two groups. As Livrozet put it, “These specialists in analysis are a pain. I don’t need anyone to speak for me and proclaim what I am.”<sup>40</sup> Moreover, while the CAP really flourished, publishing 67 issues of *Le Journal du CAP* from 1972 to 1980 and reaching a distribution rate of 50,000 copies,<sup>41</sup> it did not have the same public impact as the GIP. Guérin explains this discrepancy as a by-product of the CAP members’ social position: not being born into the elite, the inner circle, and therefore not knowing the ropes or having the same facility with public forums.<sup>42</sup>

There are two critical ways to differentiate the CAP from the GIP. First, the CAP did not use templates or questionnaires. There was no editing or censorship. It just printed what came in.<sup>43</sup> Second, right out of the gate, the CAP made specific demands. A list of those demands, ending with prison abolition, follows:

- [1] The abolition of criminals records, [2] travel bans, [3] imprisonment for debt and court fees, [4] the abolition of the death penalty, [5] life sentences, [6] preventive control and supervision after release, [7] the reorganization of prison labor, [8] free speech and the deregulation of prisoners’ correspondence, [9] the right to proper medical

and dental care, [10] the right of appeal and right to a defense against the penitentiary administration (the *prétoire*, conditional release, clemency, etc.) and [11] freedom of association in prison (an essential means of asserting the preceding demands). . . . [12] The abolition of the prison.<sup>44</sup>

Through its demands, the CAP handled the failure of the prison, on the micro and macro level, much differently than the GIP. As Michelle Perrot puts it, the CAP utilized “*une optique un peu différente*” (a slightly different optic), calling for immediate reforms and ultimate abolition, two points on which the GIP remained tentative.<sup>45</sup>

Fourth, did the GIP fail systemically? That is, did the GIP participate in a system that inhibited or cancelled out its work? Yes. The GIP participated in the academy. Its roots in intellectual culture extend from the student revolts of May 1968, through the leadership of Foucault, Defert, Deleuze, Sartre, and Cixous, to its current afterlife in the biographies and scholarly studies of precisely these figures.<sup>46</sup> As such, the GIP’s floor is sullied, reduced to the mahogany floorboards of today’s ivory halls.

The GIP’s legacy has especially been overtaken by the name of Michel Foucault. In their 2003 publication of *Le Groupe d’information sur les prisons: Archives d’une lutte 1970–1972*, editors Philippe Artières, Laurent Quéro, and Michelle Zancarini-Fournel note that the GIP’s struggle “has thus far been envisaged in the shadow of Michel Foucault,” but the GIP itself properly “passes beyond the mere confines of a biography.”<sup>47</sup> The editors are therefore quick to attest that “no fetishism has motivated” the publication of GIP archive material.<sup>48</sup> In fact, Artières and Mathieu Potte-Bonneville wrote even *D’après Foucault* (published in 2007) in this spirit. They wrote it “after Foucault” because they wrote both following his death and following his lead in taking the present as a question.<sup>49</sup> More recently, in 2013, with the publication of the collected Intolerable booklets in *Intolérable*, Artières notes, “We understand this volume to be neither an object to be put in a display case nor a marble statue of Michel Foucault or the GIP. It is an instrument.”<sup>50</sup> It is not a mere curiosity or a monument, but a “transmitter.”<sup>51</sup> It does not amplify, synthesize, comment on or analyze. It is as a relay station.<sup>52</sup> It demands that we “become ear.”<sup>53</sup> Over the last decade, then, from “beyond Foucault,” to “after Foucault,” to neither an object or monument but a tool, even the French editors of the GIP archives have increasingly acknowledged and resisted the submersion of the GIP within Foucault studies. This situation is only exacerbated

in the Anglophone world, where access to most of the primary and secondary literature remains significantly truncated. More than anything, prisoners' voices have gone missing, whether incarcerated voices from the 1970s or today. This is indeed a failure.

Lastly, did the GIP fail productively? That is, do its failures accomplish any work? If so, what is this work? Yes, the GIP does fail in this fifth and final sense. Just as the prison's repeated failures produce the delinquent, the GIP's repeated failures also produce something. Here I will take the GIP's two failures already identified: (1) its deconstructive failure, which facilitated the GIP's dissolution in favor of the CAP, and (2) its systemic failure, which subordinated the GIP to intellectual history, especially Foucault studies. What do these failures also produce? How do these failures act productively?

First, what does the GIP's deconstructive failure produce? What is its work? By instigating and facilitating the construction of the CAP, which ultimately replaced the GIP, the GIP produced a paradoxically lasting model of a momentary, provisional, dynamic movement that passed out of existence almost as quickly as it appeared. In March 1975, a few weeks after the publication of *Discipline and Punish*, Foucault stated, "I would like my books to be lancets, Molotov cocktails, or siege tunnels; I would like them to self-destruct after use, like fireworks."<sup>54</sup> It is perhaps not unwarranted to speculate that Foucault hoped *Discipline and Punish* would be a flash of lightning on the scene—no less powerful for its brevity. The GIP at least had done as much. By preparing the way, clearing the brushwood, and building the scaffolds, the GIP made a viable if not straight path for the CAP to take over. In this sense, it leaves today's activists with a model of alliance. This is the first, positive impact of the GIP's productive failure. Its work may yet be utilized for the improvement of our fleeting present.

Second, what does the GIP's systemic failure do? What does its participation in the system of academic production work to accomplish? First and foremost, perhaps, it works to reproduce the widely assumed neutral, universal human subject of experience. There is, therefore, a replication of academic whiteness and maleness within the nonacademic, nonwhite, and nonmale elements of the GIP's legacy. There has been, up to this point, a forgetting of the role of women, the AIDS context, and the impact of sexuality. Scholarship has failed to richly replicate, for instance, the GIP's relationship to the women's liberation movement, which collaborated vibrantly with the group at La Roquette, or its work beside the Front homosexuel d'action révolutionnaire (FHAR).<sup>55</sup> More than this, however, the GIP has become unmoored from its deep roots in the early 1970s race wars. As Artières indicates, "the major event in

this history is not World War II, but more so the Algerian war.”<sup>56</sup> Brady Heiner has argued extensively that Foucault himself erased his own and the GIP’s indebtedness to the Black Panther Party.<sup>57</sup> This is the second, negative impact of the GIP’s productive failure. This work of reduction must continually be resisted.

## VI Conclusion

It is almost a truism now that the prison has failed, that it does not work as a form of punishment or means of social governance. Not only are the critiques of the prison coterminous with and in fact co-constitutive of the prison itself, but the prison continues to exist precisely because it structurally demands and absorbs criticisms, movements of reform, and attributions of failure. “From the beginning,” Foucault writes in *La Société Punitiv*e, “prison has been dysfunctional.”<sup>58</sup> “Our failed prison system,” Steve Champion further attests, is part of a “long string of failures” in the social and penal sphere.<sup>59</sup> In this chapter, I have identified five modalities of failure by which the GIP assessed the prison: discursive, structural, systemic, deconstructive, and productive. I then tested the GIP against its own criteria. In doing so, I offered an assessment internal to the GIP itself. This was not a mere historical-theoretical exercise. It was an act of work understood as agitation, deploying the sense of *travailler* as ‘to trouble.’ I first multiplied and thereby troubled our senses of failure. Second, I decoupled failure from any moralizing schemas by defining its multiple modes simply as the relationship of an act to itself, to discourse, to systems, and to effects. By developing what is, ultimately, a constellation of failure, I tried to extend the discussion of the prison’s failure beyond its current confines. To my mind, the mere attribution of “failure” inhibits our ability to address the multimodal reality of the prison itself. Rather than simply assert that the prison has failed or repeat the Foucauldian mantra that its failure is its work, I have provided multiple ways to precise that assessment and work differently. This can equip thinkers and activists alike to explore how transnational reform and abolitionist movements might by turns resist or harness the work of failure.

## Notes

1. Allen Janis, “The Value of Scientific Failure,” in *Scientific Failure*, ed. Tamara Horowitz and Allen Janis (Washington DC: Rowman and Littlefield, 1994), 13–18.
2. Martin Heidegger, *Being and Time*, trans. Joan Stambaugh (1927; New York: SUNY, 1996), 68.

3. Jeremy Bentham, *An Introduction to the Principles of Morals and Legislation* (1781; Amherst: Prometheus Books, 1988), Chapter 1.
4. GIP, "(Manifeste du GIP)" (1971), FDE1, no. 86, 1043.
5. Daniel Defert, "Quand l'information est une lutte" (1971), FGIP-AL, 69–73; Foucault, "(Sur les prisons)" (1971), FDE1, no. 87, 1043–1044, and "Je perçois l'intolérable" (1971), FDE1, no. 94, 1071–1073.
6. Foucault, "Le grand enfermement" (1972), FDE1, no. 105, 1169.
7. Ibid.
8. Ibid.
9. Gilles Deleuze, *Two Regimes of Madness: Texts and Interviews 1975–1995* (Los Angeles: Semiotext[e], 2007), 277.
10. Paul Thibaud, Jean-Marie Domenach, and Foucault, "Toujours les prisons" (1980), FDE2, no. 282, 917.
11. Ibid., 915.
12. Cecile Brich, "The Groupe d'information sur les prisons: The Voice of prisoners? Or Foucault's," *Foucault Studies* 5 (2008): 27.
13. Reflecting on the effects of the GIP, Foucault asserts that the limited strengths of *Discipline and Punish* owe themselves to the work of the GIP: "this book owes much to the GIP and . . . if it contains two or three good ideas, it gleaned them from there." See "Toujours les prisons," FDE2, 916.
14. Foucault, EDP, 240.
15. Foucault, "Prisons et révoltes dans les prisons" (1973), FDE1, no. 125, 1297.
16. See "Le GIP propose une commission d'enquête" (1971), FGIP-AL, 146.
17. See Sharon Shalev, *Supermax: Controlling Risk through Solitary Confinement* (New York: Willan, 2009) and Lisa Guenther, *Solitary Confinement: Social Death and Its Afterlives* (Minneapolis: University of Minnesota, 2013).
18. Foucault, "Je perçois l'intolérable," 1072.
19. See Foucault, EHS1.
20. Defert, "Quand l'information est une lutte," 72.
21. Foucault and Pierre Vidal-Naquet, "Enquête sur les prisons: brisons les barreaux du silence" (1971), FDE1, no. 88, 1049.
22. Daniel Defert, "Sur quoi repose le système pénitentiaire" (1971), FGIP-AL, 127.
23. Foucault, "Le grand enfermement," 1171.
24. GIP, "Préface" to *Intolérable 1* (1971), FDE1, no. 91, 1065.
25. Foucault, "Le Discours de Toul" (1972), FGIP-AL, 167.
26. Foucault, EDP, 272, cp. 234–235.
27. Ibid., 277.
28. Francois Colcombet, Foucault, and Antoine Lazarus, "Luttes autour des prisons" (1979), FDE2, no. 273, 811.
29. Ibid.
30. Foucault, "Préface" to *De la Prison à la Révolte* (1973), FDE1, no. 116, 1265.
31. Serge Livrozet, *De la Prison à la Révolte* (1973; Paris: L'Esprit Frappeur, 1999). Livrozet was a former prisoner, GIP activist, and a founding member of the CAP.
32. Two important exceptions to this are George Jackson and the letters from H.M. It is instructive, I think, that these exceptional testimonies focus specifically on the intersection between race, gender, and the prison.
33. Foucault, "Préface" to *De la Prison à la Révolte*, 1267.
34. Foucault, "(Sur les prisons)," FDE1, no. 87, 1044.

35. Wendy Brown, *Regulating Aversion: Tolerance in the Age of Identity and Empire* (Princeton: Princeton University Press, 2006).
36. *Ibid.*, 43.
37. Foucault, “Prisons et révoltes dans les prisons,” 1296.
38. Giovanna Borradori, *Philosophy in a Time of Terror: Dialogues with Jurgen Habermas and Jacques Derrida* (Chicago: University of Chicago Press, 2003), 16.
39. See chronology in FGIP-I, 270 and 335. The ADDED stands for *L’Association pour la défense des droits des détenus* (Association for the Defense of Detainee Rights).
40. See Didier Eribon, *Michel Foucault* (Cambridge: Harvard University Press, 1991), 234.
41. Anne Guérin, *Prisonniers en révolte: Quotidien carcéral, mutineries et politique pénitentiaire en France, 1970–1980* (Marseille: Agone, 2013), 40–41.
42. *Ibid.*, 96.
43. *Ibid.*, 41.
44. Audrey Kiefer, *Michel Foucault: Le GIP, l’histoire et l’action*, 91–92. Cp. Guérin, *Prisonniers en révolte*, 101, and Loic Delbaere, “La plate-forme des revendications du CAP,” *Le système pénitentiaire à travers les luttes des détenus de 1970 à 1987* (Université de Haute Bretagne, Rennes II, 2001–2002), 3.2.2.1. These demands were addressed incrementally across the first nine issues of *Le Journal du CAP*.
45. Michelle Perrot, *Les ombres de l’histoire: Crime et châtement au XIXième siècle* (Paris: Flammarion, 2001), 34.
46. Defert will ultimately assert that the effort of intellectuals involved in the GIP to subvert their own position of knowledge and power was “a failure [*un échec*].” The only one to have succeeded, he suggests, was Dr. Edith Rose. See Daniel Defert, “L’émergence d’un nouveau front: les prisons” (2003), FGIP-AL, 318.
47. Artières, Quéro, and Zancarini-Fournel, “Contexte,” FGIP-AL, 13.
48. Artières, Quéro, and Zancarini-Fournel, “Avant-propos,” FGIP-AL, 11.
49. Philippe Artières and Mathieu Potte-Bonneville, “Avant-propos,” in *D’Après Foucault: Gestes, Luites, Programmes* (Paris: Les Prairies ordinaires, 2007), 9 and 23.
50. Artières, “Un instrument en héritage,” FGIP-I, 339.
51. *Ibid.*, 341.
52. *Ibid.*, 344.
53. *Ibid.*, 346; “*Devenir oreille*.”
54. Foucault, “Sur la sellette” (1975), FDE1, no. 152, 1593.
55. Defert, “L’émergence d’un nouveau front: les prisons,” 323 and 326. For more on the question of women in French prisons at the time, see Guérin, “Et les femmes?” *Prisonniers en révolte*, 301–329. See also the book by FGHAR leader, Guy Hocquenghem, titled *Homosexual Desire* (1972; Durham: Duke University Press, 1993).
56. Artières, “Un instrument en héritage,” 340. For more information, see *La France en guerre, 1954–1962: Expériences métropolitaines de la guerre d’indépendance algérienne*, ed. Raphaëlle Branche and Sylvie Thénault (Paris: Autrement, 2008).
57. Brady Heiner, “Foucault and the Black Panthers,” *City: Analysis of Urban Trends, Culture, Theory, Policy, Action* 11.3 (2007): 313–356.
58. Foucault, FCF-PUN, 230.
59. Steve Champion, *Dead to Deliverance: A Death Row Memoir* (Vestal: Split Oak Press, 2010), 11 and 48.

# Intolerable 1

Abu-Ali Abdur'Rahman

(1) People harrasing other people - just for the sake of harrasing

(2) hate

(3) rape

Abu Ali  
A pad

(4) Domestic Violence

(5) Bullies

(6) Tyrants

(7) Disloyalty

PART II

---

*Body: Resistance and the Politics of Care*

## CHAPTER 5

---

# Breaking the Conditioning: The Relevance of the Prisons Information Group

*Steve Champion (Adisa Kamara)*

In 1970, a group of activist intellectuals in France led by Michel Foucault created the Prisons Information Group (GIP). The creation of the GIP grew out of the need to respond to the wave of prison uprisings and the crackdown on activist leaders by the French government in 1968. The primary purpose of the GIP was, as indicated in their singular proclamation, “Speech to the detainees!” This enabled the GIP to form a partnership with prisoners and gave them a voice. By submitting questionnaires to prisoners, the larger society was able to hear prisoners speak on their own account about prison conditions. Even though the GIP has been, in my opinion, unfairly criticized by some for overstepping its bounds and speaking for prisoners,<sup>1</sup> I assert it was due to the GIP that prisoners’ voices were heard and resounded. As a California prisoner housed on death row at San Quentin State Prison, I want to speak about my experience of dealing with the mental conditioning of prison and the utility of a GIP-like organization.

\* \* \*

Prison is a restrictive and controlled environment. The movements of prisoners, especially death row prisoners, are monitored day and night by the prison guards. Privacy is virtually nonexistent because it can be

invaded anytime by a guard peering into your cell. A guard can walk in unannounced to any prisoner's cell, order the prisoner to strip down for a body search, place handcuffs on the prisoner, and then conduct a cell search. Every day prisoners fight against sensory deprivation, spiritual emptiness, and physical and social isolation. In Security Housing Units (SHU), you can't sneeze without someone writing it down if they so choose. You start to wonder: Do secrets exist in prison?

In order to control prisoners, a system of effective management must be put in place. Phrases like "effective management" are polite euphemisms for terror. This terror manifests itself on multiple levels. The most overt and glaring is prison guards patrolling guardrails packing Mini-14 rifles and .38 handguns—licensed, authorized, and trained to kill any prisoner who gets out of line. If terror or the threat of terror isn't the chief means used to control prisoners, how else can you explain why a mass group of men, frustrated and angry by their living conditions and their personal lives, are not ripping each other and their captors apart on a daily basis? The threat of terror is a deterrence and the primary factor, for the most part, that keeps prisoners in check.

Prisons are created as a form of social control. They are designed to condition their captives to submit and surrender to a daily routine of reward and punishment. Violate a rule, you get punished. Submit to the rules, you are granted some privileges. Yet, at the same time, prisoners are stripped of control, making them reliant on their captors for the bare essentials: food, clothing, shelter, and other necessities. Prison is not an academy that develops and encourages men to become independent or to exploit their potential for the greater good of humanity. It is psychologically infantilizing and dehumanizing to condition grown men and women to feel like dependent children.

Every prisoner wants control over his or her life. Once you lose your freedom, you relinquish that control. I had to come to terms, like every prisoner does, with that hard truth. I had to prepare myself, on a psychological level, to grasp the changing variables unique to prison life. I was a quick learner who sensed the inevitability of changes I would have to make in order to survive. One morning, circumstances emerged that would hasten my change.

\* \* \*

The summer of 1984, I got a wake-up call. The California Department of Corrections (CDC)<sup>2</sup> declared a state of emergency throughout California prisons, due to the torrent of prison violence taking place at

that time surrounding a race war between Blacks and Southern Latinos, Blacks and Whites, and Northern Latinos versus Southern Latinos and Whites. Prison guards stationed at San Quentin wasted little time in seizing and confiscating my meager belongings, as well as those of everyone else housed in the building. Alone in an empty four-by-ten cage, I was left with nothing but time to think and reflect, time to pinpoint and confront the root of my rage and search for an outlet through which to channel the years of bottled up aggression stirring inside me. Gradually, I began to wake up from my slumber and open my eyes to the way in which prison conditioning affected me and the group of men with whom I was housed. For instance, I noticed that when dinner was late, prisoners got agitated. I found myself getting angry and annoyed. My body would undergo a chemical reaction (manifesting itself as severe hunger pangs) because physiologically and psychologically I have been conditioned, like Pavlov's dogs, to expect food at a certain time of the day. And when I didn't get it, I reacted like a junkie in need of a shot of heroin. I realized then that if I didn't find a way to overcome this, I would always be a victim to the caprice of prison life.

During this same period, there was a complete control of information by the San Quentin Prison Administration. The general public had no idea what was happening inside San Quentin, just as the public is clueless about what goes on inside most prisons today. There was a total media blackout. The public was unaware that we were waging massive protests against what we felt were the deteriorating conditions of prison.

The objective of San Quentin was to keep everything in-house so as to conceal their malfeasance. This is similar to how a dictatorship or totalitarian regime operates—keeping their crimes against their own people hidden from international scrutiny by controlling and denying access to information. San Quentin was able to achieve this by delaying mail, canceling visitation, and denying media access. They controlled the narrative by controlling information entering and exiting the prison.

Because there was no outside political entity or information group like the GIP to facilitate collaboration between outside intellectuals and prisoners, the voices of prisoners didn't travel beyond prison walls. We were completely isolated. Being isolated is equivalent to being silenced. I argue that if there had been a GIP-like group that allowed inmates to speak of their own accord, the general public would have heard another point of view about what was happening inside San Quentin, instead of being told a unilateral version of events.

It is important to highlight that in 1984 there were approximately 12 prisons in the state of California. Since that time, 22 new prisons have been built at a cost of 280–350 million dollars. Perhaps a group like the GIP could have been effective in dramatizing the expansion of the prison industrial complex (the drive to incarcerate and build prisons for economic purposes and social control) and developing alternative solutions to counter it.

## I Overcoming the Conditioning

To overcome or change behavioral patterns requires a shift in thinking and consciousness. When I changed my attitude, it changed how I reacted to what went on around me. I created a program for myself that helped me to grow in confidence. I didn't care if yard was cancelled at the last minute, canteen didn't arrive on time, or dinner was served late into the night instead of at the usual time. In the past, whenever things didn't happen in the way I expected, I would get upset. I used to take it personally. I felt like I was being singled out for special punishment, even though every prisoner in the unit experienced the same things I did. I needed to believe I was being targeted, because this false notion fueled my anger and justified my misbehavior. But the truth was simple. I allowed what I could not control to get under my skin, to rattle me, and to move me off my center.

The first thing I had to accept is that incarceration, by its very nature, significantly reduced my options. But in spite of this, I didn't want anything to impede my development or deter me from accepting reality. No matter how unfairly the guards chose to deal with yard, showers, property, canteen, or mail, I would not allow it to affect or unsettle me. To prevent that, I had to find a purpose that was both inspirational and aspirational, something that, no matter what was going on inside prison, I wouldn't be deterred from. Finding a purpose is important for any person who is facing long-term incarceration, because it can give life meaning, something incarceration seeks to rob from you. The pursuit of education became my purpose.

When I began to grow, my attitude changed. It wasn't a concern if my personal property was confiscated or I ended up in a Security Housing Unit. I am still the one who determines if I am frustrated or not. What I learned is the more control I had over myself, the less power my captors had over me. I've learned that everything of value I carry within myself. That means that the people and relationships I've built and the things I've learned are important archetypes embedded in my consciousness.

When I am in my cell and I hear a prisoner holler, “Where’s the food?,” “When is mail going to be passed out?,” “Is yard running today?,” “When is shower going to start?,” I know what feelings are going on inside him. I know the reasoning process he is going through. I know his questions and desire for answers stem from a conditional routine many prisoners don’t consciously think about. Nor do they see themselves as being programmed, but that is exactly what happens. When you are conditioned to expect something every day at a specific time and it is cut off without warning, you feel it like you’ve been sucker-punched in the stomach. You can’t help but react. It is a natural and normal reflex. During these situations, I take a step back and take a deep breath, because I understand whatever prison officials decide is beyond my control. But how I react to their decisions is solely up to me.

I am not implying, nor do I advocate, a policy of silence when repressive prison policies are mentally and emotionally abusive to prisoners. On the contrary, I am a fierce proponent of every prisoner being vocal when prison policies are draconian and tyrannical. However, a clear distinction ought to be made between taking a stand for valid reasons and protesting just for the sake of protesting. For example, if prisoners are being unjustly mistreated, it merits some form of protest. Going berserk over breakfast being delayed or yard being cancelled is misspent energy. These things happen. Getting upset or bent out of shape over minuscule issues like these leads to headaches and further shows how the conditioning process can keep prisoners stuck, stagnant, and prevent them from developing themselves. Every prisoner has to pick and choose their battles.

Breaking the conditioning process requires identifying the problem, critically analyzing it, and then devising a solution. These steps are important on an individual level as it relates to gauging one’s progress and understanding how to combat the conditioning process.

No matter what is going on around me, my program continues. Without a personal routine centered on developing and enhancing my potential, I would regress and fall prey to the destructive behavior that once chained me. So I would gut-check myself daily as a reminder to stay focused and vigilant, which gave me the ability to recognize the powers of negative conditioning that permeate the prison environment. I realize the less I expect from others and the more I demand from myself, the more attentive I am to what I can control and the less I obsess over what I can’t. All of this serves to increase my quality of life, my chances of managing myself and the trauma of incarceration, and breaking free from the conditioning imposed on me by the prison.

## II Traumatic Stress Disorder

A plethora of literature has been written about post-traumatic stress disorder (PTSD). Soldiers returning home from long wars in Iraq and Afghanistan have been diagnosed with PTSD. Psychologists and mental health experts have shown that a serious threat or harm to one's life or physical integrity can cause PTSD. This is merely one of several stressors that can precipitate mental or emotional trauma.

Over the last 20 years or so, the penal system in California and across the United States has drastically changed. There has been a steady influx of mentally ill people who have been sentenced to prison terms. The problem is that mentally ill people, who ought to be housed in a medical facility, are being housed and intermixed with the general prison population.<sup>3</sup> This creates a huge problem on many levels. For instance, if someone who is diagnosed as mentally ill commits a rule infraction, they are treated like a regular prisoner. They wind up in solitary confinement. A myriad of mentally impaired prisoners are placed in Security Housing Units, which only amplifies their mental condition.

Both psychiatrists and psychologists have reported that long-term solitary confinement is a form of torture. Working under the auspices of the Office of the United Nations High Commissioner for Human Rights (UNHCHR), UN Special Rapporteur on Torture Juan Mendez, addresses the issue of solitary confinement in US prisons and specifically those in California.<sup>4</sup> According to him, the use of solitary confinement in California prisons can amount to "cruel punishment, even torture."<sup>5</sup> A supermax prison, like Pelican Bay, housed numerous prisoners within its SHU program. One prisoner has been held in various SHUs for 42 years and many other prisoners live 10, 20, or 30 years in a SHU.<sup>6</sup> As a result of long-term solitary confinement, some prisoners have experienced rapid mental deterioration, some have been driven insane, and it has provoked perceptual disorientation, delusional thoughts, etc.<sup>7</sup> This doesn't include other stressors that justify a traumatic stress disorder diagnosis like intense fear, terror, and helplessness. Prisoners are subjected to these traumatic experiences over and over again.

While there are a number of agencies and institutions to address the needs of veterans who suffer from PTSD, there is no real discussion about the vast number of prisoners who experience PTSD. Unlike soldiers who are actively engaged in combat but are granted furloughs and respite, prisoners receive neither. Prisoners live under constant trauma

and stress. They are not granted any furloughs or breaks. A lot of prisoners cope with their trauma through an array of means.

Based on my observations, I see the various ways death row prisoners cope with their trauma. Both positive and negative coping mechanisms are requisite for the management of their life. I've created a chart to highlight the coping activities in which death row inmates participate. These can be broken down into the following categories:

Positive	Neutral	Negative
Education	TV watching	Drugs
Reading	Music	Alcohol
Writing	Recreational yard	Foolish talk
Arts and crafts	Board games	Abrasive behavior
Religion	Chess, Monopoly	Troublemaker
Meditation	Oversleeping	Rumor mongering
Regular exercising	Phone calls	Fixating on guards
Self-betterment	Visits from family and friends	

Every death row prisoner consciously or unconsciously gravitates toward one or more of these categories as a way of coping with being traumatized. It's important to underscore some of the coping mechanisms—such as self-medication, gambling, excessive talking, and others—that prevail in the behavior of many death row prisoners.

Many guys on the row were casual drug users on the streets, but, once they came to death row, they graduated to using heavy drugs like methamphetamine, crack cocaine, prescription drugs, heroin, and other narcotics as ways to eradicate their pain. Excessive talking over the tier is another way death row prisoners mask their trauma. I've noticed that if a prisoner isn't comfortable with his own company or lacks a central purpose in his life, he is going to do his time outside his cell. This means he is going to be loquacious and seek out people to ease his boredom. He is going to look for conversations in order to validate himself, without realizing he is the only one who can validate who he is. I think Michel Foucault and the GIP anticipated this. By providing a platform for prisoners to speak for themselves, the GIP empowered them. When you think about that, it was a provocative and powerful idea that prisoners, who were deemed social outcasts, could validate themselves by speaking in their own voice.

Gambling is another way to cope with trauma. It is less about winning and more about feeling the adrenalin rush of being involved in

the everyday activity of betting. Usually, it is the same group of people who gamble and circulate the same paltry sum of money back and forth between each other.

Then, there is the compulsive behavior of sex. Because death row prisoners are deprived of sex, there is a hyper awareness of it. The fixation is so strong, some prisoners spend their time daily scanning the television set for sexually risqué videos and TV shows. They've convinced themselves and swear up and down to anyone within earshot that they've seen a nipple or a pubic hair of a woman who slipped in or out of her undergarments. Some prisoners derive pleasure from exposing themselves to female guards and personnel. There is an entire ritual involved here. First, they target a female. Then, they expose themselves. Finally, believing this exposure is equivalent to intercourse, they fantasize about this moment, like their past sexual experiences, over and over again.

Focusing and fixation on the law is a way some prisoners deal with their trauma. There is nothing wrong with this. After all, the law got you in and the law might get you out. The problem is the almost fanatical and narrow-minded focus with which some death row prisoners zero in on the law. They think because a police officer lied under oath, or the witness said the person they saw was five foot seven inches but they are five foot eleven inches, or because the prosecutor lied to a jury, it's enough to overturn a conviction, despite overwhelming evidence pointing toward their guilt.

This is in no way an attack on or criticism of anyone incarcerated or on death row. Everyone sentenced to death or a long prison term has been traumatized to some extent. The question is: How do prisoners manage the trauma? Some prisoners manage trauma better than others do because everyone is different. The fact is: some coping mechanisms are more constructive than others and indulgence in too much of the negative coping mechanisms can be disastrous.

### **III The Pelican Bay Human Rights Movement**

In early 2011, a small group of death row prisoners at Lucasville prison, in Ohio, launched a peaceful hunger strike for the right to touch their loved ones on open visits. They won! Word of their victory spread to other supermax prisoners.

A group of men who were languishing in Pelican Bay State Prison SHU got word of this victory. So on July 11, 2011, they initiated a peaceful hunger strike to protest several things: the policy of being held

indefinitely in the SHU, false gang validation, misuse of confidential informants, and arbitrary and cruel treatment.<sup>8</sup>

The Pelican Bay hunger strike galvanized and inspired men throughout California prisons. Over 30,000 prisoners across California went on a hunger strike to protest against prison conditions in their respective institutions. The hunger strike garnered national attention and awoke Californians to what was really happening in their own backyard.

In my opinion, the protest would not have gotten the national coverage it did and the CDC would not have begrudgingly enacted policy changes to placate prisoners, if prisoners hadn't taken a stand and generated outside support. The prisoners listed five core demands. Even though, to this day, those demands haven't been met, there is a continuous dialogue between representatives of the Pelican Bay Human Rights Movement and Pelican Bay officials. There is also a class action lawsuit pending against the CDC.

What is extraordinary about the men in Pelican Bay SHU is that they were able to transform their protest into a movement—the Pelican Bay Human Rights Movement. They were able to bring together a cross-section of people including academics, lawyers, intellectuals, grassroots organizations, families, and former inmates to heighten intolerance toward the prison industrial complex. It was this cadre of people from different social and economic strands who acted as an ad hoc GIP. They were the ones who created a voice for the voiceless.

During the hunger strike, there were family members of the prisoners, grassroots organizations, and academics being interviewed on several occasions. What impressed me is how well informed everyone who spoke was, at any given time, about the prisoners' plight and why a hunger strike was necessary to dramatize the repressive conditions to which prisoners were subjected.

The GIP once argued that the voice of prisoners is critical to understanding the prison—the prisoners can make visible what others can't see. This is true. Although no questionnaires were submitted to prisoners at Pelican Bay (as the GIP did in order for prisoners to make their voices heard), there is a vehicle today that continues to allow prisoners to speak in their own voice and cause what is hidden to come to light. The *San Francisco Bay View*,<sup>9</sup> a national Black newspaper, is run by Willie and Mary Ratcliff. They have created one of the most progressive newspapers in the United States. The *Bay View* has been a conduit for incarcerated men and women throughout this nation to speak to the public about prison conditions. While Michel Foucault envisioned the GIP as being a vehicle of constructing theories of resistance, the

*Bay View* goes further by allowing prisoners to call for social mobilization and create theories for their resistance. The hunger strikes are one example. The general public was aware of the targeted date of the Pelican Bay hunger strike in large part due to the *Bay View*.

I know Foucault and others felt that the GIP was a failure<sup>10</sup> because it didn't achieve what it sought. But I disagree. The GIP was critical in shedding light on prison conditions in France during that time. It facilitated a partnership between prisoners and certain segments of the population that didn't previously exist. It gave prisoners a voice and that is more than what any prison facility has ever done.

### Notes

1. See Cecile Brich, "The Groupe d'information sur les prisons: The voice of prisoners? Or Foucault's?" *Foucault Studies* 5 (2008): 26–47.
2. In 2004, it was renamed the California Department of Corrections and Rehabilitation.
3. See, for example, Michael Rembis, "The New Asylums: Madness and Mass Incarceration in a Neoliberal Era," in *Disability Incarcerated* (New York: Palgrave Macmillan, 2014), 139–162.
4. Juan Mendez, "Report on Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment," A/HRC/19/61. August 5, 2011. <http://solitaryconfinement.org/uploads/SpecRapTortureAug2011.pdf>
5. Ibid.
6. Albert Woodfox, one of the Angola 3, has been held in solitary since 1972.
7. In "Psychiatric Effects of Solitary Confinement," *Journal of Law and Policy* 22 (2006), Stuart Grassian identifies seven basic components of SHU syndrome: (1) hyperresponsivity to external stimuli, (2) perceptual distortions, illusions, and hallucinations, (3) panic attacks, (4) difficulties with thinking, concentration, and memory, (5) intrusive obsessional thoughts, (6) overt paranoia, and (7) problems of impulse control (335–336).
8. Sal Rodriguez, "Hunger Strike at Pelican Bay State Prison," *Solitary Watch*, July 22, 2011. <http://solitarywatch.com/wp-content/uploads/2011/06/fact-sheet-hunger-strike-at-pelican-bay.pdf>
9. The *San Francisco Bay View* is accessible here: <http://sfbayview.com/>.
10. See Gilles Deleuze's testament in "Foucault and Prison," in *Two Regimes of Madness: Texts and Interviews 1975–1995* (Los Angeles: Semiotext(e), 2007), 258.

## CHAPTER 6

---

# Between Discipline and Caregiving: Changing Prison Population Demographics and Possibilities for Self-Transformation

*Dianna Taylor*

The problem is the following: to offer a critique of the system that explains the process by which contemporary society pushes a portion of the population to the margins.

—Michel Foucault, “Le grand enfermement”

In the 1972 interview from which the above epigraph is taken, Michel Foucault identifies the prison as an institution that produces the marginalization of which he speaks. Indeed, the final chapter of *Discipline and Punish* makes clear that the disciplinary function of the prison continually produces the very population of delinquent individuals it was ostensibly created to reform. Through this production, the prison both justifies its own existence and effectively reproduces existing normalizing power relations within society as a whole. In short, Foucault reveals the prison as a productive failure. From his perspective, part of the work of Le Groupe d’information sur les prisons (GIP) was to make visible the normalizing and therefore oppressive function of the prison—to cast light on it precisely as a productive failure—by allowing the voices of prisoners themselves to be heard; hence, therefore, its collection and publication of prisoner accounts of the conditions of their incarceration.

Following in the tradition of the GIP, this chapter incorporates inmate voices. It does so in order to elucidate a phenomenon that I believe is contributing to the undoing of the prison's disciplinary function within the contemporary United States: an increasingly aging prison population and the subsequent need for prisons to provide care for elderly inmates, especially those suffering from age-related cognitive impairment. In what follows, I argue that the tension between exacting discipline and providing care produces possibilities for transformation at the level of the self-relations of inmates who participate in caregiving activities; specifically, caregiving facilitates possibilities for inmate caregivers to constitute, understand, and relate to themselves as other than delinquents. I focus on a specific program at the California Men's Colony (CMC) in San Luis Obispo, California, in which inmates care for their aging and cognitively impaired fellows. My aim is not to show that the inmate caregivers necessarily engage in a process of self-transformation, only that the potential exists for them to do so.

I proceed by first providing an overview of Foucault's analysis of the disciplinary function of the prison, paying particular attention to how it reproduces both delinquency as a normalizing mode of self-relation and normalizing power relations more broadly. I focus on disciplinary power both because Foucault conceived of prisons as disciplinary institutions and because of my concern with transformation at the level of the self-relation: disciplinary power functions at the level of the individual.<sup>1</sup> Next, I show that, in his late work, Foucault explores possibilities for alternative, non-normalizing modes of self-relation. After briefly examining factors that have contributed to the aging US inmate population and their effects on prisons, I turn to the CMC program. I show that what inmate caregivers told me about their experience in the program suggests that the tension produced by participating in caregiving within a disciplinary context can create possibilities for positive personal transformation on the part of these inmates. To be clear, my point is that this tension creates such possibilities. I am not suggesting that the activity of caregiving *as such* is transformative in the ways I shall describe. Nor am I claiming that any inmate who participates in caregiving will necessarily engage in a process of self-transformation. My chapter concludes with a brief summation of my argument and speculation about its broader implications.

## I

As Foucault emphasizes throughout his work, subjectivity is a mode of self-relation: it provides individuals with a way to understand and relate

to themselves and therefore to be understood by and relate to others. Thus, even in this most fundamental aspect of facilitating intelligibility, subjectivity endows individuals with capacities they would not have were they not construed, and did they not likewise construe themselves, specifically as subjects. At the same time, Foucault makes clear that subjectivity comes at a price: the new capacities to which it gives rise provide sites for the (re)production and proliferation of normalizing power. His genealogies of the 1970s identify modern institutions as playing a key role in this reproduction and proliferation, within both the institutions themselves and society as a whole. The emergence of modern hospitals, schools (including institutions of higher education), the military, workplaces, courts, “press organizations and information centers,” and prisons produced new forms of subjectivity.<sup>2</sup> In order to maximize their efficient use within the institution, the capacities of these new forms were systematically identified, categorized, analyzed, and distributed. This simultaneous production and general management or disciplining of subjects determined standards or norms that would achieve that maximization and by extension determine the normality or abnormality of individual functioning. Hence Foucault’s argument that disciplinary power produces subjects who are normalized: they can efficiently channel their capacities (and their capacities can also be externally channeled), but only toward a narrow range of modes of expression. In short, disciplinary subjects are useful because they are obedient: they reproduce as opposed to challenge prevailing power relations.

In *Discipline and Punish*, Foucault argues that, insofar as the modern prison fails to fulfill all of the purposes for which it was ostensibly developed, it must be concluded that the prison is performing some other function that justifies not only its continual existence but, indeed, its expansion. That function, he shows, is the production of delinquency as a mode of subjectivity. Delinquency, Foucault argues, is useful in the disciplinary sense described above. The delinquent is a “type”: whereas previously crime was defined in terms of the act an individual had committed, in the modern era criminal acts came to be understood as external reflections of *criminality*—the inherent nature of the individual who had committed the act. As *inherently* “politically and economically less dangerous” than other forms of illegality,” but also both “pathological” and ubiquitous, the delinquent fueled the development of an entire carceral system within which the prison figures prominently.<sup>3</sup> Foucault’s analysis shows that both constituting oneself and being constituted as a delinquent effectively channels individual capacities into reproducing delinquent subjects and, therefore, demonstrating the need for and facilitating the reproduction of the carceral system. Moreover, the fact

that delinquency was construed as a characteristic of the lower socioeconomic classes furthered the criminalization of already marginalized segments of the population, thereby sustaining prevailing normalizing relations of power within society more broadly.<sup>4</sup>

Foucault's analysis reflects several aspects of the GIP's work that are relevant here. Responses provided by inmates and their families to questionnaires the GIP covertly distributed point to institutional conditions that facilitate the production of delinquency as a mode of disciplinary subjectivity. They describe, for example, an institution that fosters and effectively reproduces "perfect obedience."<sup>5</sup> Capacities are channeled back into reproducing a hierarchical system that emulates "all the ideological constraints of the exterior milieu."<sup>6</sup> Inmates "work 8 to 10 hours a day for a pittance;" those with more financial resources are privileged relative to those without; "absolute respect for superiors" is demanded; sexuality is repressed.<sup>7</sup> At the same time, the documents also show that the (re)production of delinquency within the carceral system is not seamless. Part of the impetus for the formation of the GIP was a hunger strike staged by inmates in an attempt to gain recognition as political prisoners; this is not the act of obedient subjects.<sup>8</sup> According to the GIP, "exploited" groups within society have always recognized their oppression; it is simply the case that they have "been constrained to submit to it."<sup>9</sup> The GIP aimed to promote and support opposition to that constraint through "[giving] the right to speak to . . . people that have in one way or another been excluded from discourse,"<sup>10</sup> "making the reality of the prison known," and inciting broad intolerance of that reality.<sup>11</sup>

In his later work, Foucault became increasingly concerned with not only the relationship we have to external entities such as institutions, but also with the relationship we have to ourselves. As a key nodal point within the overall matrix of power relations, our self-relation, according to Foucault, is a linchpin for both the reproduction and countering of normalization. Attending to the relation of the self to itself, he argued, was an "urgent, fundamental, and politically indispensable task," and he further asserted that "the relationship one has to oneself" might be the only "point of resistance to political power."<sup>12</sup> Given the significance Foucault attached to the self-relation, it is not surprising that he dedicated the last four of his courses at the Collège de France to tracing a genealogy of subjectivity as a mode of self-constitution, self-relation, and self-understanding. In that extended genealogy, Foucault shows that not merely the particular forms of subjectivity he analyzes in his work during the 1970s, but also subjectivity as such inculcates

a relation of self-to-self characterized by self-renunciation and obedience that promotes conformity with prevailing norms and, therefore, relations of power. Subjectivity is thus a harmful mode of self-relation: on the one hand, it requires self-constitution in terms of some aspect of ourselves that is deemed objectionable; on the other hand, by promoting perpetual self-renunciation and obedience it greatly curtails the cultivation of critical and creative capacities through which we are able to challenge prevailing norms and foster change. Simply put, our self-relation reverberates when we act in the world.<sup>13</sup>

Once we recognize that we do, in fact, constitute ourselves rather than merely being constituted (by external forces such as institutions and, more broadly, norms), we can begin to analyze how we constitute ourselves, identify the harmful effects of our current modes of constitution, and begin experimenting with alternative modes of constituting, understanding, and relating to ourselves. Antinormalizing modes cultivate capacities, such as “refusal,” curiosity,” and “innovation,” which counter the self-renunciation and will to obedience that characterize normalization.<sup>14</sup> As Foucault describes these capacities, refusal entails an intentional unwillingness to uncritically accept what is presented to us as natural and necessary; curiosity entails critical analysis of contemporary reality; innovation entails the cultivation of “what has never been thought or imagined.”<sup>15</sup> In short, antinormalizing modes of self-constitution, self-relation, and self-understanding are characteristically *disobedient*. They do not get us outside of normalization; rather, they facilitate from within that very context the navigation of normalizing power relations in ways that do not merely and uncritically reproduce them.

## II

While prisons may not, as noted earlier, seamlessly reproduce obedient subjects of disciplinary power, institutional responses to inmate protests that took place during the 1970s illustrate the degree to which prisons can effectively and repressively quell overt disobedience. I believe, however, that contemporary prisons within the United States are changing in ways that create opportunities not for overt resistance against the institution itself, but for antinormalizing and therefore disobedient transformation at the level of the self-relation. These opportunities should not be taken to indicate newfound benevolence on behalf of prisons. Rather, they have emerged within a context where the purely disciplinary function of the prison, against its will, is beginning to fray.

Multiple factors contribute to this fraying.<sup>16</sup> I am concerned here with a particular aspect of changing prison demographics: an overall prison population that is increasingly aging.

While the number of people incarcerated in the United States has exploded since the 1970s,<sup>17</sup> the number of aging inmates has increased at an even greater pace: between 2007 and 2010 alone, “the number of sentenced state and federal prisoners age 65 or older grew at 94 times the rate of the overall prison population.”<sup>18</sup> This increase is largely attributable to various “tough on crime” measures implemented during the 1980s, primarily in conjunction with the war on drugs. These measures include “three strikes” laws, mandatory minimum sentencing, and more frequent use of life sentences as a result of an increase in “the number of crimes punished with life and life-without-parole sentences.”<sup>19</sup> Such “front-end policy changes” have been coupled with measures such as “truth in sentencing conditions that require 85 percent or more of a prison sentence be served before the inmate becomes eligible for release . . . making some crimes ineligible for parole . . . and harsh parole revocation policies” that increase the likelihood of recidivism.<sup>20</sup> Other notable aspects of “getting tough on crime” include the fact that violent offenders in particular are receiving lengthier sentences and serving higher percentages of those sentences,<sup>21</sup> and that since 1984 “the number of individuals serving life sentences has more than quadrupled.”<sup>22</sup> (Twenty-nine percent of inmates serving life sentences in the United States have no possibility of parole.)<sup>23</sup> As inmates serving lengthy and life sentences age, over time their numbers increase or “stack up” relative to the prison population as a whole:<sup>24</sup> among inmates serving state sentences, 20 percent of those “between the ages of 61 and 70 are serving sentences of more than 20 years (not including life sentences), compared to 11.4 percent of prisoners age 31–40.”<sup>25</sup>

Elderly inmates have needs that their younger counterparts do not. In general, they “may need more time to eat,” their mobility may become impaired, they may need extra blankets in the winter and better mattresses, they may become incontinent and therefore require more frequent changes of clothing and bedding; they also require “age-appropriate educational, recreational, and vocational opportunities.”<sup>26</sup> Seriously or chronically ill elderly inmates, as well as those who develop major physical, mental, or cognitive impairment, require specialized care. The number of elderly inmates in US prisons with age-related cognitive impairment is not known because “prisons do not ordinarily screen for” such conditions.<sup>27</sup> Moreover, the routine, structure, and

cultivation of obedience within the prison as a disciplinary institution in many ways masks early signs of cognitive decline. “Dementia usually becomes observed by staff or other inmates . . . when a prisoner exhibits bizarre or erratic conduct, for example, by refusing to bathe or clean up after himself.”<sup>28</sup>

Prisons have attempted to provide care for the increasing number of elderly inmates housed within their walls, including those with age-related cognitive impairment, in a variety of ways. Some prisons have modified existing facilities or built new ones in order to develop separate housing units for elderly inmates where they can receive care and are free from possible victimization by their younger counterparts.<sup>29</sup> In some cases, inmates with age-related cognitive impairment are housed in the same facilities with other aging inmates; some prisons house them in their medical facilities; some have created separate, therapeutic facilities for inmates with age-related cognitive impairment; and others house these inmates in their administrative segregation units.<sup>30</sup> Many more elderly inmates, including those with age-related cognitive impairment, however, simply remain in the general population.

While the most obvious challenge prisons face in providing care for elderly inmates is economic, the aging prison population poses an even more fundamental challenge to the prison at the level of its disciplinary function. On the one hand, even minor changes required to accommodate increasing numbers of elderly inmates disrupt both the prison structure and the daily routines and schedules that function to produce delinquent subjects who obediently reproduce their own delinquency and, hence, legitimize the existence and expansion of the carceral system. On the other hand, in providing care, the nature of the prison as a disciplinary institution is called into question. People in prison are not considered to be worthy of (or, in most cases, to be capable of providing) care—for others or themselves. Indeed, as Foucault shows, prisons are reserved for marginal groups (whose marginalization they entrench even more deeply) who are seen as deserving of their incarceration, and whose incarceration is in turn believed to be in the best interests of society as a whole. What happens, then, when prisons find themselves in a position of having to provide care for such individuals?

What doesn’t happen is that the prison as an institution is completely undermined. In a manifesto he wrote on behalf of the GIP, Daniel Defert acknowledges the reality that providing care to inmates may well serve a normalizing function. He cites the views of former prison doctors and inmate hospital workers who argue that caring for inmates within the

existing prison structure both fosters obedience and compliance among inmates, and serves to support and therefore maintain the prison as an institution. “To compensate for nutritional deficiencies, to give a sedative to a ‘bull-headed’ patient, to put a hunger striker on an IV drip, to give valium to someone who has been preventatively detained from three years,” this group asserts, “this is not ‘saving a man,’ it is ensuring that detention functions smoothly . . . [w]e cannot offer care without siding with the cops.”<sup>31</sup> The presence of elderly inmates within contemporary prisons may also reproduce the prison in its current form. As a recent report by Human Rights Watch shows, given their status as convicted “felons,” these inmates may simply invoke “animosity, anger, and distaste” on the part of prison staff who care for them, a disdainful attitude that in turn shapes “how such staff exercise their responsibilities.”<sup>32</sup>

Yet while institutional change may not be forthcoming, I nonetheless believe that the tension between caregiving and discipline can provide possibilities for positive (i.e., antinormalizing, freedom-enabling) *individual* self-transformation among inmate caregivers. On my view, in other words, engaging in caregiving activities may facilitate (some) inmates’ fostering of refusal, curiosity, and innovation in their self-relations such that the possibility exists for them to constitute, understand, and relate to themselves as other than delinquents. As noted at the outset of this essay, I am not suggesting that any and all caregiving can facilitate such change; indeed, I believe the potential exists for caregiving to foster self-renunciation. Rather, I think possibilities for cultivating an antinormalizing, disobedient self-relation emerge within the juxtaposition of having been constituted and constituting oneself as a delinquent, of having one’s capacities continually and over a long period of time merely channeled back into reproducing oneself in a particular kind of way, and of having the experience of developing new capacities. In other words, gaining awareness—precisely within the very normalizing context that has (re)produced a harmful relation of self to self—that one can be or in fact is different, that one is changing, affords the possibility to refuse to be what one has been and has been told one must be, to gain critical perspective on one’s current self-relation, and to experiment with and more fully develop that difference.<sup>33</sup> The mere existence of possibility does not, of course, mean that the potential for self-transformation will be actualized. Not every inmate who engages in caregiving will begin to cultivate refusal, curiosity, and innovation relative to herself; those who do, moreover, will not do so in the same way.

## III

I began thinking about the transformative and antinormalizing potential of inmate caregiving in earnest after reading a *New York Times* article describing the program at the CMC in which inmates provide care for their counterparts suffering from age-related cognitive impairment such as Alzheimer's disease and other forms of dementia.<sup>34</sup> The formal name for this program is the Special Needs Program for Inmate-Patients with Dementia (SNPID),<sup>35</sup> but the program is also referred to as the Gold Coat Program, in reference to the gold-colored jackets inmate caregivers wear as a means of identification.<sup>36</sup> The Gold Coats at the CMC care for "approximately 170" inmates housed in the prison's East facility.<sup>37</sup> All of these inmates "need distinct support due to cognitive impairments" and approximately "26 have moderate to severe dementia."<sup>38</sup> The six<sup>39</sup> Gold Coats who care for these inmates had to meet strict criteria in order to secure their positions: a "long or life sentence;" at least ten years without a disciplinary violation; no history of "cognitive or emotional problems;" and a "history of commitment to rehabilitation and community service within the prison setting."<sup>40</sup> The Gold Coats receive 12 months of training by the Alzheimer's Association. Their responsibilities include assisting fellow inmates with a variety of daily tasks ("showering, shaving, applying deodorant . . . changing adult diapers");<sup>41</sup> sitting with them at meals and "monitor[ing] their food intake;" as well as "help[ing] them write requests for services, direct[ing] them to their groups, and to appointments with their nurses, psychologist, etc."<sup>42</sup> The Gold Coats also protect "inmate-patients" from inmates who might harm or exploit them and mediate between inmate-patients and prison guards who, unaware of their condition, would be likely to construe noncompliance with rules or orders as grounds for disciplinary action.<sup>43</sup> The Gold Coats are compensated for their work: they earn 25 cents an hour or a maximum of 36 dollars a month, a higher rate than is paid for other prison jobs.<sup>44</sup>

I was able to contact the Gold Coats through Dr. Heriberto Sanchez, chief psychologist at the CMC, who told them about my project. Three Gold Coats, David A. Barnhill, Phillip DeWitt Burdick, and Secel Romerious Montgomery, Sr., contacted me and indicated their willingness to answer my questions; all of my correspondence with them was by mail.<sup>45</sup> The ten questions I posed covered basic biographical information, the men's experience in the Gold Coat Program, and how that experience has affected them. David Barnhill is 44 years old. He was sentenced to 25 years to life and has served 20 years. Phil Burdick

is 63 years old. He was sentenced to seven years to life and has been in prison for 37 years. Secel Montgomery is 49 years old. He has served almost 29 years of a 26 years to life sentence. Phil Burdick has been a Gold Coat the longest: 18 years. Both David Barnhill and Secel Montgomery have been Gold Coats for five years.

I asked the Gold Coats to discuss what their job entails. “You might,” my question states, “describe a typical day caring for fellow inmates.” Phil Burdick politely yet pointedly informed me that, simply put, there is no “typical day;” he emphasized that he was describing a “typical day in the life of *this* Gold Coat.” The descriptions all three men provided mention the tasks outlined by Hodel and Sanchez; in doing so they portray, as David Barnhill puts it, the “hands on or direct” nature of the care they provide. At the same time, the Gold Coats clearly do more than simply attend to their fellow inmates’ material needs. Burdick and Montgomery mention the need to protect inmates with Alzheimer’s and dementia from “predators.” (Burdick notes, as well, the heat the Gold Coats take from other inmates for doing so.)<sup>46</sup> All three men describe themselves as providing companionship. “Being a Gold Coat,” Secel Montgomery asserts, “entails guiding and helping the mentally ill and dementia/Alzheimer’s individual to never feel unloved and uncared for in their confused state of being in prison . . . helping to make an individual not feel alone with no one to talk to (overall to not feel afraid so much) in this strange but unnatural environment.” Phil Burdick informed me that he, like several other Gold Coats (including Secel Montgomery), is a trained Hospice worker and grief counselor: they “sit with the dying, so no one has to die alone in here.”

In response to my question about why they chose to become Gold Coats, Phil Burdick and Secel Montgomery both indicate that participating in the program provided them with an opportunity to make amends for their crimes. Burdick states that a fellow inmate encouraged him to get involved in the Gold Coat Program, and that he decided to do so in order to “show I was remorseful for my past criminality and to my victims and their families . . . and my own family as well.” Being a Gold Coat allows Montgomery to “live the acts, and not just speak the words of true service; compassion, understanding, and giving back to society for the crime I committed.” David Barnhill relates that his reasons for being involved in the program have changed over time. He was “attracted by what appeared to be the most prestigious job available to a prison inmate,” as well as to the external validation that inmates involved in the program received. Whereas helping others initially allowed him to “feel good” about himself, Barnhill describes reaching a point where

“the job began to ask more than I had to give. . . [t]he patients needed my patience, the unkind needed my kindness. The unlovable needed my love.” It was at this point that his work as a Gold Coat afforded him “the opportunity to grow.” “Today,” he states, “I am motivated by the desire to learn more and more about living from my heart, and the Gold Coat program is the best school in town.”

I also asked the Gold Coats whether and in what ways their work has changed them and their attitudes toward other people. The fundamental change that all three men report is a move away from what they refer to as self-centeredness and selfishness. “I was pretty self-centered 18 years ago,” Phil Burdick writes. “Now I’m more sensitive and compassionate toward others, especially those who are less fortunate than myself. . . It’s really a complete metamorphosis and transformation. I didn’t expect it to be as life-changing as it has been and still is.” David Barnhill describes a similarly self-transformative experience that he characterizes in terms of “finding his heart again.” “It really is the first time in my life,” Barnhill writes, “that I have escaped self-centeredness. . . before I traveled down this path people and relationships were commodities from which I met my own needs, but today the value of each relationship is in the connection I get to experience in the moments we share.” “I was a coward with fear,” Secel Montgomery explains, “and I projected the negative view I had of myself upon others through actions of theft and manipulation. . . I was all about doing what I needed to do to get over on other people.” Montgomery goes on to express that his work as a Gold Coat “has changed me as a person in that I no longer live my life carrying on my shoulder upon my back a sack full of selfishness, resentments, manipulative and criminal minded thoughts, vengeance, and teachings of unforgiveness. . . my change in life has come from years of putting forth the necessary actions and thoughts of selfless outlook to care for others and humanity with empathy.”

Phil Burdick believes that programs like the Gold Coats ought to be established “perhaps [in] all prisons [and] especially where there are men with special needs.” Secel Montgomery is supportive, but emphasizes that proper training for participants is essential because “what is bred in prison can enter society and become a trend.” David Barnhill’s more ambivalent response to the question of whether inmate caregiving programs should be expanded provides additional insight into his process of self-transformation. “I just don’t know the answer to that,” he writes. Barnhill attributes the success of the Gold Coat Program at the CMC to the fact that the program has been able to largely “isolate” itself “from the average prison environment and mentality”—an environment and

mentality that, from his perspective, are devoid of conditions for the possibility of self-awareness. Barnhill sees lack of self-awareness as a major factor contributing to behavior that lands people in prison; prison life, in turn, provides no opportunity to become self-aware.<sup>47</sup> “With few exceptions,” he states, “men in prison lack the self-awareness needed to change.” Thus, while Barnhill characterizes his caregiving work as providing an opportunity for personal “growth,” he nonetheless asserts that being a Gold Coat does “not possess nor provide the fundamental ingredients necessary for rehabilitation.” “Prison is full of people who have cultivated predatory behavior as a way of life,” he reflects. “To put them in positions of responsibility for the care of a vulnerable population creates a dangerous situation . . . Certainly our sense of self needs to shift, and does as a result of serving others, but before that is possible something or someone has to make us look at ourselves, and then support and guide us through a process of change. This is the process that consumes me today.”

#### IV Conclusion

What makes someone look at themself in a way that sparks a process of self-transformation? From a Foucauldian perspective, there is no simple or single answer to this question. I have identified the tension between the aim of exacting discipline and the need to provide care for aging inmates, especially those with age-related cognitive impairment, that characterizes contemporary US prisons as one set of conditions that can facilitate self-transformation of inmate caregivers. As I see it, the caregiving activities undertaken by the Gold Coats possess transformative potential because they may produce at the level of the self-relation the institutional tension between the prison’s disciplinary function and its need to provide care. The experience of this tension within the self introduces difference and, therefore, possibility—including the possibility of refusing to be what one has been told and believed one is and therefore must be; of becoming curious about how one has come to be what one is and how one might become otherwise; and of experimenting with alternative ways of constituting, understanding, and relating to oneself. It is, in other words, the experience of the possibility for critical self-awareness and self-transformation.

Through their work as Gold Coats, David Barnhill, Phil Burdick, and Secel Montgomery have cultivated what they describe as new capacities. These include sensitivity to the needs of others, compassion, empathy, courage, forgiveness, and self-critique. These new capacities

have not merely been channeled back into self-renunciation and the obedient reproduction of delinquency; rather, they are being utilized in the service of refusing to simply reproduce a “prison mentality” that is self-centered yet lacking in both self-awareness and the capacities needed to foster it; of curiosity about the possibility of being different; and of in fact becoming so. This transformative process is not the same for all three men because they are unique individuals who have been shaped by their own life experiences and circumstances. Nonetheless, all three do describe their transformation in terms of an ongoing and continually unfolding process. The men also, albeit in different ways, all speak of possibility: perhaps most poignantly, Secel Montgomery writes that through his work as a Gold Coat he has learned to “always show up for . . . and never give up on life.” The Gold Coats’ experiences as they describe them call into question the view, expressed in the GIP document discussed earlier, that providing care within the prison merely sustains the institution. These inmates’ caregiving work might be said to be within but not of a piece with the prison, in the sense that what it reproduces is a prison whose disciplinary function is not seamless and within the gaps of which something new and unexpected can occur within the self-relation of individual inmates.

Because of its potential to create conditions under which a disobedient self-relation may be cultivated on the part of inmate caregivers, I don’t view the Gold Coat Program in the same way that Foucault ultimately viewed the work of the GIP: as not making a difference.<sup>48</sup> Leonard Lawlor and Janae Sholtz note that in contrast to Foucault, despite the fact that the GIP “did not succeed in bringing about long-lasting concrete changes in the French prisons,” Gilles Deleuze considered the work of the GIP to have been significant. This significance existed, for Deleuze, in the fact that the GIP had facilitated the emergence of something new—specifically, new “statements” and “concepts” that could in turn open onto new ideas and new ways of thinking and acting. Following Deleuze, Lawlor and Sholtz see the GIP as having facilitated new modes of self- and other-relations for “inmates and their families.”<sup>49</sup>

For Deleuze, Lawlor, and Sholtz, then, the GIP fostered possibilities for change. So, as I see it, does the care-giving performed by the Gold Coats. And insofar as this is the case, neither the GIP nor the work of the Gold Coats can be merely normalizing. In his later work, Foucault takes the perspective that ultimately the only way to make a difference, in the sense of countering normalization, is to cultivate conditions under which change is possible. For him, these conditions

neither guarantee that change will happen, nor determine what social or individual self-transformation will look like, nor ensure its uniformity. Countering normalization, Foucault makes clear, is neither pure nor monumental nor permanent: it always takes place in and through normalization; it occurs in small, imperfect ways; and it is ongoing. Guaranteed ongoing struggle turns many people away from the anti-normalizing “work of freedom.”<sup>50</sup> “It’s hard,” Phil Burdick confides, “to find someone who wants to do [the] difficult work” of a Gold Coat. And yet he, David Barnhill, and Secel Montgomery bear witness to the fact that some persons continue to be willing to confront and endeavor to transform themselves, to relate to others differently and, therefore, to change the society in which they live.

### Notes

\* I am indebted to David Barnhill, Phil Burdick, and Secel Montgomery for taking the time to respond to my questions in such a thoughtful and thought-provoking manner, and for allowing me to include their responses in this chapter. I am also very grateful to Dr. Heriberto Sanchez, who was extremely generous with his time in facilitating my contact with the Gold Coats and providing me with information about the Gold Coat Program. Finally, I wish to thank Kevin Waters, an inmate at CMC, who is not a Gold Coat but performs other caregiving activities at the prison and who took the time to write to me about his work.

1. My analysis, while not concerned with populations as such, but rather with how changing population demographics create a space for individual self-transformation, nonetheless has implications with respect to the nature and function of biopower. What I present here illustrates the extent to which prisons manage populations in ways that sustain prevailing, normalizing relations of power within society as a whole: the aging inmate population provides a whole new set of points of intervention into the delinquent population that function to reproduce and sustain it and, in doing so, justify the continued existence and expansion of the carceral system.
2. Foucault, “Préface” (1971), FDE1, no. 91, 1065.
3. Foucault, EDP, 277. Foucault summarizes the workings of the carceral system as follows: “Police surveillance provides the prison with offenders, which the prison transforms into delinquents, the targets and auxiliaries of police supervisions, which regularly send back a certain number of them to prison” (282).
4. Foucault shows that the carceral system functions in such a way as to separate delinquents from other socioeconomically disadvantaged and especially from working class people. By using delinquents as “informers, police spies, strike-breakers [and] thugs,” the carceral system divides socioeconomically disadvantaged groups against themselves, thereby inhibiting recognition of shared experiences and oppression that might facilitate political solidarity and organization. See Foucault, EDP, 285.
5. Daniel Defert, “Quand l’information est une lutte” (1971), FGIP-AL, 72.
6. *Ibid.*
7. *Ibid.* The document describes sexuality as “doubly” repressed, given the absence of women and the prohibition of homosexual contact.

8. These inmates had been arrested for participating in antigovernment protests. See Kevin Thompson, *The Prisons Information Group Overview* (unpublished manuscript).
9. Foucault, "Préface," 1065.
10. Foucault, "Non, ce n'est pas une enquête officielle..." (1971), FGIP-AL, 67. This interview originally occurred on "Format France" radio program of Radio-Canada, April 21, 1971.
11. Foucault, "(Manifeste du GIP)" (1971), FDE1, no. 86, 1043.
12. Foucault, ECF-HOS, 252.
13. I do not equate caregiving with what Foucault refers to as care of the self. The inmate caregiving I describe here does constitute care of the self insofar as it entails critical analysis of one's self-relation that opens onto broader, social critique. As I point out, however, not all caregiving has this critical character and, indeed, caregiving can in fact be normalizing.
14. Refusal, curiosity, and innovation are clearly not the only practices possessing anti-normalizing potential that Foucault articulates in his work. The three practices figure prominently within my work because of my concern with how, within the specific context of the self-relation, normalization manifests in terms of self-renunciation and obedience. As I see it, cultivating refusal, curiosity, and innovation relative to oneself directly counters such renunciation and obedience. Given the interconnection Foucault draws between our self- and other/world-relations, cultivating an antinormalizing self-relation has the potential to extend beyond the self when persons act in the world and, therefore, to counter widespread conformity with prevailing relations of power.
15. I am referring here to the version of this interview, "Power, Moral Values, and the Intellectual. An Interview with Michel Foucault by Michael Bess, November 3, 1980," that is housed in the IMEC Archive (folder number FCL2. A02-06). The interview is also available in *History of the Present* 4 (Spring 1988): 1-2, 11-13, and online at <http://www.michaelbess.org/foucault-interview/>.
16. Other factors contributing to the undermining of the disciplinary function of prisons include the incarceration of increasing numbers of people with mental illness, the disproportionate incarceration of people of color, and the overall social harm of mass incarceration. A recent editorial provides a fine synopsis of these issues: *New York Times* editorial board, "End Mass Incarceration Now," *New York Times*, May 24, 2014. <http://www.nytimes.com/2014/05/25/opinion/sunday/end-mass-incarceration-now.html>. More in-depth analysis may be found in *Disability Incarcerated: Imprisonment and Disability in the United States and Canada*, eds. Liat Ben-Moshe, Chris Chapman, and Allison C. Carey (New York: Palgrave MacMillan, 2014). While the volume in some ways effectively "expand[s] notions of 'incarceration,'" it does not address the issue of age-related cognitive impairment and the resulting "incarceration" (i.e., institutionalization) of aging individuals (Preface, x).
17. The US prison population "has increased six-fold since 1980, despite declining crime rates." Human Rights Watch, *Old Behind Bars*, 17, <http://www.hrw.org/reports/2012/01/27/old-behind-bars-0>.
18. Human Rights Watch, *U.S.: Number of Aging Prisoners Soaring*, 1, <http://www.hrw.org/news/2012/01/26/us-number-aging-prisoners-soaring>. If the age range is expanded to prisoners age 55 and older, the aging prisoner population "grew at six times the rate of the overall prison population between 1995 and 2010" (1). It is also

- noteworthy that “the 2010 rate of incarceration of men 65 and over in the United States exceeds the total rate of incarceration in most countries” (14).
19. Human Rights Watch, *Old Behind Bars*, 17.
  20. *Ibid.*, 17.
  21. *Ibid.*, 22.
  22. The Sentencing Project, *No Exit: The Expanding Use of Life Sentences in America*, 6, [http://sentencingproject.org/doc/publications/publications/inc\\_NoExitSept2009.pdf](http://sentencingproject.org/doc/publications/publications/inc_NoExitSept2009.pdf).
  23. *Ibid.*, 3.
  24. Human Rights Watch, *Old Behind Bars*, 18.
  25. *Ibid.*, 19.
  26. *Ibid.*, 32.
  27. *Ibid.*, 36. The California prison system’s Developmental Disabilities Program screens inmates upon admission to the system and places them in one of the thirty-three state prisons, such as the California Men’s Colony, with programs in place that can address needs and provide care. See Bettina Hodel and Heriberto Sanchez, “The Special Needs Program for Inmate-Patients with Dementia (SNPID): A Psychosocial Program Provided in the Prison System,” *Dementia*, 12.5 (2013): 654–660, <http://dem.sagepub.com/content/12/5/654.full.pdf+html>. The SNPID is “based on the approach that agitation or socially inappropriate behavior in dementia can often be avoided or reduced by making changes in the physical environment, the social environment, and the activities offered to the person” (656).
  28. *Ibid.*, 36.
  29. *Ibid.*; Timothy Williams, “Number of Older Inmates Grows, Stressing Prisons,” *New York Times*, January 26, 2012. <http://www.nytimes.com/2012/01/27/us/older-prisoners-mean-rising-health-costs-study-finds.html>.
  30. *Ibid.*, 36–38. New York, California, and Ohio have special dementia units. None are large enough to handle the number of inmates needing care.
  31. Defert, “Quand l’information est une lutte,” 73.
  32. Human Rights Watch, *Old Behind Bars*, 31.
  33. To be clear, the harmful mode of self-relation I am referring to here is subjectivity. As disciplinary and therefore normalizing institutions, prisons intensify the obedience and conformity and further diminish already lacking critical and creative capacities.
  34. Pam Belluck, “Life, with Dementia,” *New York Times*, February 25, 2012. <http://www.nytimes.com/2012/02/26/health/dealing-with-dementia-among-aging-criminals.html>.
  35. Hodel and Sanchez, “The Special Needs Program for Inmate-Patients with Dementia.”
  36. Belluck, “Life, with Dementia.”
  37. *Ibid.*, 655.
  38. *Ibid.*, 655. There are also Gold Coats who provide care for inmates with mental illness.
  39. As I note later, one of the Gold Coats, Phil Burdick, told me that the program has difficulty maintaining this optimal number of participants.
  40. Hodel and Sanchez, “The Special Needs Program for Inmate-Patients with Dementia,” 656.
  41. Belluck, “Life, with Dementia.”

42. Hodel and Sanchez, "The Special Needs Program for Inmate-Patients with Dementia," 4.
43. Belluck, "Life, with Dementia."
44. Letter from Phil Burdick, May 7, 2014. It is of course important to recognize that while the Gold Coats may earn more than inmates who perform other types of labor, they are still grossly underpaid.
45. A fourth CMC inmate, Kevin Waters, wrote to me after being told of my work by a Gold Coat. Waters works as a "peer mentor in a pilot program . . . that caters to" elderly inmates generally. He told me that because he knew my work was focusing specifically on age-related cognitive impairment and the Gold Coat program, he did not answer my questionnaire; therefore, I did not obtain information from him about how his work has affected him. Still, it is worth noting that, like the Gold Coats, Waters identifies the development of self-awareness as crucial in facilitating a change in behavior on the part of inmates; he also sees adherence to "prison etiquette" as a major impediment to undertaking such change. I am grateful to Kevin Waters for taking the time to write to me.
46. Pam Belluck notes the difficulties associated with the protective aspect of the Gold Coats' work. She describes Secl Montgomery demanding the return of a stolen dessert to an inmate under his care. See "Life, With Dementia."
47. To the extent that lack of self-awareness can be considered a contributing factor in these men's imprisonment, it is important to recognize—and indeed, it would be important to analyze—conditions under which this lack gets (re)produced and validated. In other words, their imprisonment cannot be reduced to some sort of individual pathology.
48. Leonard Lawlor and Andrea Janae Sholtz, "Speaking Out for Others: Philosophical Activity in Deleuze and Foucault (and Heidegger)," forthcoming in *Between Deleuze and Foucault*, eds. Daniel W. Smith, Thomas Nail, and Nicolae Morar (Chicago: University of Chicago Press).
49. Lawlor and Sholtz, "Speaking Out for Others," 20.
50. Foucault, "What Is Enlightenment?," EFR, 46–47.

## CHAPTER 7

---

# Unruliness without Rioting: Hunger Strikes in Contemporary Politics<sup>1</sup>

*Falguni A. Sheth*

### **I The Status of Hunger Strikes**

In the general literature on hunger strikes, hunger strikes appear to be understood in several predominant ways. (1) They are taken to be a form of suicide as a political weapon.<sup>2</sup> (2) In an economistic/neoliberal framework, they are considered part of a prisoners' dilemma strategy by which to negotiate or even "harm" the state.<sup>3</sup> (3) Situated in a general liberal political framework, they are construed as a form of civil disobedience as well as a form of communicating with other prisoners or citizens, and as a demand for recognition.<sup>4</sup> (4) Another perspective, as described by Ewa Ziarek, considers them part of a biopolitics of resistance, in which "bare life" is "on strike."<sup>5</sup>

Each of these frameworks reflects an important dimension of the political, cultural, and strategic roles that hunger strikes can play in transforming or challenging a political conversation. The first two frameworks view hunger strikers from the perspective of the sovereign or the prison officials; the third framework is a conventional understanding of a hunger striker. With the exception of the last framework, these are narrow readings, largely located within a conventional liberal-theoretic framework. As such, understandably, these frameworks do not consider the political status of the hunger within the context of governmentality—namely from the perspective that the role of sovereign power is to manage its interests, its populations, and with an eye to its self-preservation.<sup>6</sup> This is a key insight into understanding why, at various moments, a hunger strike may or may not be effective

in calling attention to the “intolerable,” as Foucault and Le Groupe d’information sur les prisons (GIP) suggest. I want to mark a different view of the hunger strike when engaged in by prisoners:<sup>7</sup> briefly, it is a technology that is deployed in the face of abjection, at a point when few, if any, other options exist for communication or negotiation. The hunger strike is an attempt to contest the hold over life maintained by prison officials. It is unclear, as the prevailing literature on hunger strikes shows, whether the striker always intends to fast to the death.<sup>8</sup> Some strikers will fast for several days and stop; others will attempt to go longer. Still others will indeed decide to fast until their demands are met—this could very well result in death.

Within the tradition of liberal political philosophy, one’s right to self-defense is surrendered to the sovereign in return for protection. But with the political abrogation of self-defense, the sovereign appears to have a monopoly over the lives of its citizens (or residents within its domain, as we see in the contemporary moment). For Foucault, the mode of management by sovereign power has changed from the Hobbesian period to the modern moment, in that this currency—life—is deployed to force subjects to live or to let others die, whereas for Giorgio Agamben, “bare life” has no possibility of negotiation or resistance.<sup>9</sup> However, as Ziarek challenges Agamben, life “cannot be regarded in complete isolation from all cultural and political characteristics.”<sup>10</sup> Rather, it must be understood as having a range of contours and nuances that characterize it. As Ziarek points out, there have been multiple instances in which bare life engages in resistance, as in the case of striking slaves, or as in the case of British suffragettes, who deployed the hunger strike successfully, in precisely a prisoners’ dilemma strategy as described by Michael Biggs.<sup>11</sup>

In this context, the hunger strike can be seen as a technology of political resistance, among other things, wielded by vulnerable populations against sovereign power as such, whether in the form of prison officials, military officials (as in the case of Guantánamo Bay detainees), or the state.<sup>12</sup> Through the use of hunger strikes—especially in grievous cases where subjects have no other recourse, perhaps because the technology of a human rights framework<sup>13</sup> is denied them—“life,” understood as a resource, can become the currency of communication or negotiation for those who are in abject political positions, such as long-term prisoners or those who are subjected to solitary confinement. It is possible, then, for prisoners to deploy hunger strikes in order to battle sovereign power—even if not always successfully.

That is perhaps the crucial point of difference, as readers will see in the comparison between the two cases I wish to consider here: punk band Pussy Riot member Nadezhda Tolokonnikova's hunger strike and that of the Guantánamo Bay detainees. It is not the hunger strike itself, as some kind of bare, material politics that is the currency of negotiation (as the first three frameworks listed above suggest) but rather a vehicle—an instrument—by which to negotiate the conditions of “life.”

Tolokonnikova's strike was followed by her relatively prompt release from prison, whereas that of the Guantánamo Bay prisoners, as led by Shaker Aamer, is still met with indifference. Most of the Guantánamo Bay detainees remain in prison and we know little of their physical status. The comparison indicates that Tolokonnikova was a sympathetic figure—or at least more sympathetic than Aamer et al. In part, this may have been due to their differing statuses in relation to the sovereign authorities with whom they were “negotiating,” as well as because of their ideological statuses and the ensuing level of publicity that they were able to muster to pressure the authorities in question. As a technology of life, the prisoner's ability to deploy a hunger strike successfully depends on the ability to harness external, public engagement in the spectacle of the strike.

In both cases, their responses fall along the lines of Dylan Rodríguez's notion of “radical prison praxis,” defined as

the embodied theoretical practices that emerge from imprisoned liberationists' sustained and historical confrontations with, insurrection against, and dis- or rearticulations of the regimes of (legitimated and illicit) state violence inscribed and signified by the regime of the prison.<sup>14</sup>

Rodríguez argues that such praxis is radical because it is “materially situated at the ‘base’ of the state's punitive white-supremacist mode of production.”<sup>15</sup> As such, this kind of praxis is based on a fundamental awareness that the “production of prison space is a socially constitutive technology,” and, as such, is directed to challenge or disrupt the direction of power or the institution's urge to “immobilize, neutralize, or eliminate targeted populations.”<sup>16</sup>

## II I Will Not Remain Silent: “Bare Life on Strike”<sup>17</sup>

In 2012, Nadezhda Tolokonnikova was sentenced to Penal Colony No. 14 in Mordovia Prison. She and a bandmate were convicted of

“hooliganism motivated by religious hatred.”<sup>18</sup> Known as one of the harshest prisons in Russia, “Mordovlag’s”<sup>19</sup> prison officials were ready to punish Tolokonnikova. In a letter smuggled out by her lawyer and published in the *Guardian* news Web site in September 2013, Tolokonnikova announced her intention to go on a hunger strike.<sup>20</sup>

In her letter, Tolokonnikova explained the motivations behind her decision:

I will not remain silent, resigned to watch as my fellow prisoners collapse under the strain of slavery-like conditions. I demand that the colony administration respect human rights; I demand that the Mordovia camp function in accordance with the law. I demand that we be treated like human beings, not slaves.<sup>21</sup>

Tolokonnikova’s comparison between prisoners and slaves strikes an important resonance with the writings of prison abolitionists such as Angela Davis and Michelle Alexander, both of whom have pointed out that in the United States, at least, prison is a continuation of a centuries-old system of slavery—slavery by other means.<sup>22</sup> Tolokonnikova’s reasons for comparing prison conditions with slavery had good foundations: besides the fact that the labor is noncontractual, as she points out, prisoners were allowed to sleep for only 4 hours a night, while working 16 to 17 hours daily. Their days consisted of intolerable conditions, devised to punish prisoners beyond their confinement and expectation of 16 hours of daily labor.

Their environment was constituted by technologies, as Michel Foucault and Pierre Vidal-Naquet suggest in a 1971 interview. Foucault and Vidal-Naquet quote from a letter by a prisoner, who indicates that prison conditions are designed to render the prisoner “the object of perpetual social aggression.”<sup>23</sup> The prison practices imposed by Mordovian prison officials, as Tolokonnikova acknowledges, are designed to manage and control prisoners by isolating them, requiring them constantly to question their decisions, resistance, or actions. As Daniel Defert suggested in a 1971 speech in France:

Fundamentally the prison regime rests on division between detainees. Division along the lines of money, division along the lines of work (scarcity, unequal salaries, tasks of different severity . . .).<sup>24</sup>

Prison practices are also designed to enforce a system of mutual control, by which prisoners coerce each other to conform, succumb to authorities’

pressure, and break down their fellow prisoners, all on the authority of the prison officials. The “true enemies” of the prison, to borrow further from Defert, are not the detainees but “the screw [*maton*], the snitch, the penitentiary administration . . .” among others.<sup>25</sup> Tolokonnikova confirms this dynamic in her letter.

Generally, the success of the prison authorities’ disciplinary techniques is that even when prisoners understand that they are being “egged on” to fight, beat, or induce violence upon other prisoners, it appears that they often find it nearly impossible to resist what they are being directed to—that is, if they also wish to protect themselves and retain their lives, even if not remaining physically, psychically, intact. According to Foucault’s analysis in *Discipline and Punish*, the structure of disciplinary power makes it nearly impossible for the subject to behave differently from the direction that the source of power is pulling toward. In his discussion of prisons, Foucault describes disciplinary power in prisons as almost total.<sup>26</sup> However, as even a cursory familiarity with prison history suggests, resistance has not been prevented or curtailed entirely.

In the case of Tolokonnikova, her general defiance, as witnessed through her requests for decent work/sleep hours, hygiene, and so on, most likely prompted or sustained an interest among prison officials to discipline her through the creation of animosities between herself and her fellow prisoners. In the GIP writings, Foucault and other members of the group point to multiple instances where, despite the seemingly ubiquitous control that prison officials have, prisoners and their families are able to circumvent the constant attempts to control the actions and communications of prisoners. It seems accurate to consider these, as both Foucault and Dylan Rodríguez do, as forms of resistance—rather than merely as attempts to game the system. The GIP writings mark a difference in Foucault’s approach to considering violence, power, and resistance, in that he acknowledges the divisions between the prison administrations, their representatives (guards), and the prisoners themselves. Foucault seems much more directly concerned with the question of resistance—and indeed, he acknowledges hunger strikes, as in the case of Melun prisoners, as a successful form of resistance.<sup>27</sup> In the GIP writings, Foucault’s praise for the Melun prisoners is predicated on the creation of solidarity among them. However, there are indications in the GIP writings that the prison officials deploy certain versions of divide and conquer strategies in order to attempt to manage the prisoners. In that regard, the hunger strike can be a crucial and effective vehicle to resist divisions and induce solidarity.<sup>28</sup>

### III Solidarity and Resistance

In Tolokonnikova's analysis, there is no question of solidarity between the prisoners, as much as she would like it to be the case—because her existence and articulations have been deployed by the prison officials to exacerbate the conditions for her fellow prisoners. As such, the divide between prison authorities and prisoners seems especially vivid in Tolokonnikova's telling of her time in prison. For Tolokonnikova, her experiences are the consequences of power as imposed by prison authorities—presumably understood as emerging from the top down, but which also, as any closed, repressive society, makes nonviolent options or escapes nonexistent. In this sense, Tolokonnikova's analysis seems at odds with much of Foucault's writings. Even in his acknowledgment of prison violence in the GIP writings, Foucault describes the prisoners' struggles at Melun Prison as the result of solidarity among prisoners who were hunger striking in opposition to the "penitentiary administration."<sup>29</sup> He discusses the punishments leveled against the prisoners for striking, namely being sent to solitary confinement. In the same press statement, he describes again, the division between the prisoners [inmates] and the guards and administration in the prison at Nancy.<sup>30</sup>

But a decade later, Foucault seems to have a slightly different analysis of power and discipline upon the subject. In his essay "Subject and Power," we might find a reflection on what Foucault describes in the early 1970s regarding prison authorities' impositions on prisoners and the pushback of prisoners—in a way that resonates with Tolokonnikova's analysis.

Foucault suggests that power is expressed through actions that act on other actions, and that, in this dynamic, other responses become possible:

In effect, what defines a relationship of power is that it is a mode of action which does not act directly and immediately on others. Instead, it acts upon their actions . . . A relationship of violence acts upon a body or upon things; it forces, it bends, it breaks on the wheel, it destroys, or it closes the door on all possibilities. Its opposite pole can only be passivity, and if it comes up against any resistance, it has no other option but to try to minimize it.<sup>31</sup>

Tolokonnikova's observation of the divide-and-conquer strategy echoes Foucault's reflection on violence. The attempts by prison officials to squeeze Tolokonnikova's fellow prisoners—to inflict violence on her by inflicting violence on them—is met by Tolokonnikova responding

to their actions with other actions of her own—asking the warden for redress:

I turned to the administration with a proposal for dealing with the conflict. I asked that they release me from the pressure manufactured by them and enacted by the prisoners they control; that they abolish slave labour at the colony by cutting the length of the workday and decreasing the quotas so that they correspond with the law. The pressure has only increased.<sup>32</sup>

In response, the administration exacerbated the misery. As a result, Tolokonnikova declares a hunger strike, as form of resistance, a response to prison authorities' actions, which appears in turn to transform the dynamic between herself and the administration from violence to one of power.

Foucault hastens to add that such responses are more complex than simple confrontations or resistance. Foucault's understanding of power identifies it as a set of actions that act on other actions. In the context of a prison, as he says, power is embedded in a circuit, such that responses are more strategic and provocative rather than confrontational. Moreover, Foucault acknowledges that there are individuals such as the prison warden (or some other official/authority) who can enact certain practices more conspicuously and so to some degree, these practices fall outside the framework of power as a set of actions on other actions. Nevertheless, as he also reminds us repeatedly, such individuals are not the focus of his interest.

Tolokonnikova's response to the strategies of prison officials was to challenge their control over the conditions of her existence, as well as to challenge their monopoly over the quality of (bare) life itself—hers. The act of the hunger strike wrests away the monopoly over life—and instead exploits life as a currency under negotiation between the imprisoned and the prison official. This exchange is possible and conceivable when we understand the human rights discourse/framework not as a political ontology that stands outside of the relationship between markets and states, but rather as a technology that is selectively deployed, recognized, or withheld as necessary by sovereign power.<sup>33</sup>

This might be a way by which to explain the hunger strike as a recognizable—even occasionally functional—practice within a contemporary, neoliberal society. Rather than understanding the hunger strike as a form of “civil disobedience,” it is better understood as a practice whose “effectiveness” lies in arresting the attention of sovereign power through other mechanisms such as publicity (e.g., mainstream journalistic

coverage and the possible threat of upsetting monied interests who have some stake in the well-being of Tolokonnikova).<sup>34</sup>

#### IV Who Is Listening? Publicity, Legibility, and Outside Pressure

Even radical prison praxis, in the age of global capitalism, requires the assistance of other forces in order to induce “listening” by prison officials. In the GIP writings, publicity is a crucial element of resistance: for example, the public dissemination of that which is insufferable, or “intolerable”—through flyers, word of mouth, prisoners’ families’ involvement, the coordination required to organize a strike to publicize the intolerable, etc. As Perry Zurn argues, the GIP explored and deployed publicity in numerous dimensions—as a way of disseminating information regarding the intolerable conditions of the imprisoned, of decentralizing/diluting even further the power held by prison officials, and as a way of activating a challenge to the “intolerable.” Zurn points to four elements of publicity at play in the GIP writings in relation to what is intolerable: (1) a condition of formulating the intolerable; (2) the activity of formulating the intolerable; (3) a strategy by which to be intolerant of the intolerable; and (4) an outcome of intolerance.<sup>35</sup>

Zurn’s discussion of the various modes of publicity is useful in understanding the larger context of resistance that Foucault and his co-members in the GIP collective explored and emphasized. Here, I want to consider a slightly different view of publicity, namely, as it informs a spectacle that is followed by a larger world. It can be differentiated from a theatrical performance by the fact that all parties—the strikers, sovereign power, and the “public” are not merely outside observers. Rather, they all have a stake in the outcome. The active presence of the public, depending upon its size, reputational status, and relative influence over the sovereign body, has some effect/pressure—in part because its imaginary of a just world is brought to bear on the spectacle (and it may, in fact, be changed by watching the spectacle), and because that imaginary of justice may be directed toward sovereign power, in order to influence the outcome of the strike. While Tolokonnikova’s hunger strike may have similar intentions or objectives as those conducted by the prisoners in Guantánamo Bay Detention Facility and by Mahdi Hashi, at some level, the status of the hunger strike—its political weight, its significance, its effectiveness in eliciting a constructive engagement by prison officials or sovereign power—is predicated on several factors beyond the strike itself: the status of the prisoner is closely related to the effective capacity for publicity of the hunger strike.

Publicity—with regard to imprisoned subjects—cannot be understood outside of neoliberal governmentality, interpreted as a minimal state whose mode of governing prioritizes market-based policies and relegates social welfare interests to the vicissitudes of deregulation and privatization.<sup>36</sup> The weight and scope of publicity—as Zurn describes the GIP’s attempts to garner publicity for prisoners—on the one hand can depend upon the level of coordination and organization of the imprisoned, their families, and so on. But in a neoliberal context, where the concept of human rights is not a sacrosanct ontology but rather a selectively deployed technology, the well-being of the criminal depends upon his (relative) social status, as does the trajectory and influence of publicity.

It may seem like a contradiction to understand my earlier definition of a hunger strike as a technology utilized by the abject with the idea that the criminal may have a certain positive social status. But the two are distinct: a “criminal” may be a political prisoner with a following outside the prison. That status is separate from the range of instruments (or absence thereof) that a prisoner may have—by which to negotiate with prison officials—at their disposal.

The category of the “criminal” can be interpreted through legal positivism, understood as a term defined by a set of social facts rather than any moral category. This view is explicated by Foucault in his March 21, 1979, lecture at the Collège de France, where he invokes economist Gary Becker’s definition of the criminal: any action that makes the individual run the risk of being condemned to a penalty.<sup>37</sup> At one level, it is a liberatory definition, since, as Foucault points out, it is free of moral or substantive characterization.

Nevertheless, such a view disregards the possibility that the moral differentiation between crimes/criminals is present, but remains unspoken. That a crime is defined by its social circumstances does not mean that a moral status is not already attached to the criminal—both via sovereign power and the law itself.<sup>38</sup> As such, it thereby can implicitly indicate a differential in the corresponding weight of the currency that the imprisoned criminal—abject though they may be—has to barter with: life. The worth of that currency is intimately linked to the effectiveness of the publicity.

In this light, we may begin to understand the dynamics of Tolokonnikova’s strike in comparison to that of those of the Guantánamo Bay prisoners, as led by Shaker Aamer. Tolokonnikova was a sympathetic figure—or at least more sympathetic than Aamer et al. In part, this may have been due to their differing statuses in relation to the

sovereign authorities with whom they were “negotiating,” as well as because of their ideological statuses and the ensuing level of publicity that they were able to muster to pressure the authorities in question. Indeed, in the context of fall of 2013, the Russian government had been severely criticized by feminist and other politically progressive groups for its arrest of Tolokonnikova and her fellow band members and their ensuing conviction and sentencing. In addition, Russia was preparing to welcome a global audience to the 2014 Sochi Olympics, an event also being met with various criticisms for its homophobic policies, among other complex reasons. There was good reason, then for the Russian government either to engage in a distraction from certain policies that were being received controversially, or to appease a global, “socially liberal”<sup>39</sup> audience in order to minimize boycotting or other controversies that might detract from the profits anticipated from hosting the Sochi Olympics. There appeared to be an important global interest in Tolokonnikova, as witnessed by the fact that the *Guardian Online* published her letter.<sup>40</sup>

The eventual release of Tolokonnikova might be linked to the weight of the currency that she was deploying: the social value of her life. While her explicit intent in undertaking a hunger strike was to protest the inhumane conditions surrounding her fellow prisoners, her “resistance” lay in negotiating over the conditions of her own existence in prison. While Tolokonnikova did not demand explicitly to be released, this was the eventual outcome. It is unlikely that the aim of her strike—to improve the conditions of detention for her fellow prisoners—was, in fact, ever met. What was effected, however, was the end of the critical/negative publicity over Tolokonnikova’s imprisonment—in time for an event considered to bring in future profits and goodwill leading to further profits for the Russian government. As such, even if it is difficult to connect her release directly to her hunger strike, Tolokonnikova’s presence in prison, her remarks and intent to undergo a hunger strike, and her subsequent release imply the interests of a larger public that observes, engages, and exerts pressure upon sovereign power—through political mechanisms or capital.

## V Hunger Strikes: “It Is No Longer in Our Interest”

Compare the publicity over Tolokonnikova’s strike in relation to the relative silence<sup>41</sup> regarding the status of Shaker Aamer and his fellow prisoners in Guantánamo Bay Detention Facilities (GTMO), who are currently in the midst of a hunger strike, begun by some of the

prisoners many years ago.<sup>42</sup> From released detainees and former prison guards, we know something about the conditions under which men have been imprisoned in GTMO: they are caged, often tortured to the point of having their spines broken.<sup>43</sup> They are kept in solitary confinement, with very little time for exercise. With the exception of several detainees, most of the men there have never been charged with crimes. Many of the men have been in Guantánamo since the facility was first opened in 2002. A total of 779 prisoners were detained in Guantánamo since September 11.<sup>44</sup> As of this writing, 121 detainees remain.<sup>45</sup> Of the 166 detainees who have been cleared for release<sup>46</sup>—some several times over—around 54<sup>47</sup> of those who have been cleared still remain in prison. That number includes Shaker Aamer, who has been imprisoned there since GTMO opened in 2002. They have not been allowed to visit with their families. Even though they have been allowed defense attorneys, many of their attorneys have never been allowed to see the charges or evidence against their clients.

Some men who were able to receive help from their national governments have managed to be released, such as David Hicks<sup>48</sup> and Moazzem Begg.<sup>49</sup> Those still remaining have little leverage by which to challenge their imprisonment: There is no sympathy from the US government, which has imposed these conditions in the name of protecting “national security.” There is no sympathy from a US populace still severely traumatized by the events of September 11, which precipitated national security policies that engendered this imprisonment.

The practice of caging certain human beings has a long, well-known (if at times, deliberately forgotten) history. One of the goals of imprisonment is to strip the subject of any autonomy—his movements, actions, control over possessions, interactions with others, and decisions of all kinds, whether large or trivial. One of the important impressions that such a practice leaves on the prisoner, as well as those who “observe,” is that the prisoner has little more than the status of an animal. Clearly, this impression has a useful function, since it appears to render the prisoner as having little of which he is in control. As General Geoffrey Miller, who was in charge of Guantánamo prison in 2004, was reported to have said of the detainees: “They are like dogs and if you allow them to believe at any point that they are more than a dog then you’ve lost control of them.”<sup>50</sup>

This context is designed to elicit little sympathy—from the prison authorities, guards, or outside observers. Human beings who are reduced to the status of animals—or even in violation of an animal ontology, as Lisa Guenther argues<sup>51</sup>—are perceived to have neither

autonomy nor the intellectual capacity to govern their actions. In other words, they are not worthy of being accorded dignity, in the conventional moral framework of Kant.<sup>52</sup> In such a context, if the subject has no control over her freedom, then she also has few instruments by which to resist.

As such, the hunger strike has the possibility of recapturing the moral status of the human being: first, it can express a challenge to the prison authorities/state control over one's life—one's autonomy, which is precisely the phenomenon being contested by the prison. The decision to stop eating, to take charge of one's sheer life, as it were, becomes the expression of re-arresting control over one's life. Moreover, it does so by not harming anyone else. The "harm,"—if we can reduce the symbolic act of starvation to such a simple level—is directed toward oneself. Yet, in order to be effective, it requires more.

It is not sufficient to begin a hunger strike in order to resist the various strategies of oppression: its point is to publicize the event to others who are sympathetic, and/or who can exert pressure upon the state/prison authorities sufficiently in order to get them to respond constructively. Such pressure is much less effective if the only source of pressure is the hunger strikers themselves. In fact, the strike—as a mode of resistance and action—is unsuccessful if there is no public audience to "witness the spectacle," that is, to be aware of it and try to engage/assist in external coercion.

As such, the (potent) hunger strike is not merely a communication between the prisoner and the prison authority. It is a sports event/spectacle that takes place between at least three participants: the prisoner, the prison authority (as obscure or nebulous as this figure is), and the public. Compare the circumstances of Tolokonnikova's release from prison to a worldwide audience, exactly two months after she began her hunger strike, to the case of the 116 as yet—still uncharged—prisoners remaining in Guantánamo Bay, 43 of whom have been cleared for release by the US government.

The hunger strikes that the prisoners embarked upon (however small) have indeed become a source of consternation for US military authorities. Day after day, "official" and "unofficial" reports of how many prisoners were on strike filtered through various media sources. The tally of strikers was much lower in the official reports.<sup>53</sup> Furthermore, officially, the hunger strikers have been force-fed by having an IV tube led by a needle inserted through their nostrils, often hitting membrane or bone. It is a procedure that has been compared to torture by several human rights groups. As of December 2013, the US military, which is

the official authority for Guantánamo Prison facilities, announced that it would no longer report on the hunger strikes because “it was no longer in their interest to do so.”<sup>54</sup>

As we saw, the response to Tolokonnikova’s hunger strike was much more successful than those of the Guantánamo Bay hunger strikers. Undoubtedly, the question of publicity, outside influence—or the absence thereof—as I have argued above, plays an important role in the “effectiveness” of the hunger strike. Yet, I want to suggest that there is another answer at play, namely the question of the humanity—or the lack thereof—of the strikers in each of these examples.

Here, Jacques Rancière’s analysis in *Disagreement: Politics and Philosophy* is useful. Rancière suggests that in any regime, the challenge of policing, or keeping order in the face of disagreement is that there must be an equality between the police and the minority group in order for the police not only to hear, but to comprehend the voices (the shouts and cries) of the marginalized population as something beyond mere noise. As he says,

There is order in society because some people command and some obey, but in order to obey an order, two things are required: you must understand the order, and you must understand that you must obey it. And to do that, you must be the equal of the person ordering you.<sup>55</sup>

It is only because “you” are the equal of the person ordering you that your disagreement can be recognized, heard, as something other than noise—but as disagreement. The condition of disagreement, of a challenge to the order, is equality, the capacity to obey, and, simultaneously, protest expressed in such a way that the person (or institution that is ordering you) can both hear and understand you.

This, then, is the rupture to the circuits of power that Foucault analyzes. These circuits don’t flow nearly as seamlessly as those of electricity, since subjects, as Foucault famously says, are both subjected to and in charge of their own acts. But in order to hear, to obey, to engage, one must both be equal and somehow internalize the obedience. To refuse, to challenge, to desist—a topic that Foucault spends much less time on—requires the ability to speak so as to enact order or power, but also to comprehend and understand.

If this is the case, then we can understand Tolokonnikova’s hunger strike as the successful expression of protest—because her “speech,” if you will, could be understood by the prison officials, and as such signaled disagreement in such a way that expressed a challenge to the

regime. But it was not the mere fact that Tolokonnikova engaged in the speech—but who she was: she was revealed to be equal to the prison officials, in that they could hear and understand her. This comprehension can be seen in two distinct modes: first, their understanding was demonstrated in their responses to verbal demands (to insist on more humane working conditions, to lay off her fellow prisoners, to recuperate their lost “privileges” for hygiene, food, sleep, warmth); second, it was demonstrated by re-establishing “order,” or “policing” as Rancière suggests: by exacerbating the stressful conditions upon her and her fellow prisoners—either through direct orders or through their divide and conquer strategies. Ultimately, their acknowledgment—if not understanding—of Tolokonnikova as someone who can be heard (or someone with status) can be seen in her release from prison.

Some may object to my analysis by suggesting that the president of Russia—who was both the instigator of Tolokonnikova’s prison time and her liberator—released her due to various international and political circumstances, rather than because of the political import of Tolokonnikova’s letters from prison or the announcement of her hunger strike.<sup>56</sup> I agree that these are all part of the conditions of accepting a dissenter as rational and whose disagreement is somehow heard and understood.

This is where Rancière’s analysis could usefully be extended: the condition of equality rests not just in the dissenters, marginalized and vulnerable themselves, but in the recognition of that group by a larger society. He says later, “Nothing is the political by itself, for the political only happens by means of a principle that does not belong to it: equality.”<sup>57</sup> Unlike Carl Schmitt’s notion of the political, which points only to the antagonism between two populations, resulting in the friend-enemy distinction, for Rancière, the political is given meaning when there is a disagreement that is recognized between a regime and a vulnerable population that is seen as its equal.

It is clear that Tolokonnikova, in her letter, is aware not only of how power is being exerted upon her by prison authorities—as mediated through her fellow prisoners. But she is also aware that for her to fight back against her fellow prisoners would be a capitulation to those prison authorities:

Over and over, they [her fellow prisoners] attempt to get [Tolokonnikova] to fight one of them, but what’s the point of fighting with people who aren’t in charge of themselves, who are only acting on the orders of the administration?<sup>58</sup>

Not only is it possible to be aware, but it is also possible to resist, and to do so in a way that defies prison authorities—if they are concerned with not engaging in direct forms of coercion and violence. Tolokonnikova is not only able to understand the strategy being used to isolate her, divide her from potential allies in prison, to break her will, but she is able to find a mode of resistance: striking.

Shaker Aamer has a similar understanding of publicity, but what he lacks is the public, political will to support, coerce, and endorse the will to release himself and his fellow detainees from Guantánamo. What can change those dynamics remains to be seen.<sup>59</sup>

### Notes

1. I want to thank Andrew Dilts, Perry Zurn, Tripp Johnson, and Robert Prasch for their excellent edits, comments, and suggestions. This chapter is dedicated to my most loving and exceptionally wise interlocutor, Robert E. Prasch, who passed away before this was published.
2. Andrew Silke, “The Role of Suicide in Politics, Conflict, and Terrorism,” *Terrorism and Political Violence* 18.1 (2006): 35–46.
3. Michael Biggs, “Hunger Strikes by Irish Republicans 1916–1923,” Working Paper (Prepared for Workshop on Techniques of Violence in Civil War Centre for the Study of Civil War, Oslo, August 2004), 8.
4. Gürçan Koçan and Ahmet Öncü, “From the Morality of Living to the Morality of Dying: Hunger Strikes in Turkish Prisons,” *Citizenship Studies* 10.3 (2006): 349–72.
5. Ewa Plonowska Ziarek, “Bare Life on Strike: Notes on the Biopolitics of Race and Gender,” *South Atlantic Quarterly* 107.1 (2007): 89–105.
6. Foucault, ECF-STP, 87–114 (lecture of February 1, 1977).
7. For the purposes of this analysis, it matters who is engaging in hunger strikes, whether free political activists or prisoners.
8. See for example, Banu Bargu, *Starve and Immolate: The Politics Of Human Weapons* (New York: Columbia University Press, 2014), especially “Introduction: The Death Fast Struggle and the Weaponization of Life.”
9. Giorgio Agamben, *Homo Sacer: Sovereign Power and Bare Life* (Stanford, CA: Stanford University Press, 1998).
10. Ziarek, “Bare Life on Strike: Notes on the Biopolitics of Race and Gender,” 103.
11. Biggs, “Hunger Strikes by Irish Republicans 1916–1923.”
12. Of course in this neoliberal moment, it is difficult to sort out easily whether corporate prison management companies would be understood as sovereign power simply, but, for the moment, I will lay that question to the side. See Ruth Wilson Gilmore’s *Golden Gulag Prisons, Surplus, Crisis, and Opposition in Globalizing California* (Berkeley: University of California, 2007) for a more considered exploration of this topic.
13. By this, I mean as an instrument/recourse by which to defend one’s life, bodily sanctity, dignity. In this regard, perhaps it is akin to Foucault’s discussion of a “technology of the self,” although I suspect that my use is differentiated from his in multiple ways.

14. Dylan Rodríguez, *Forced Passages: Imprisoned Radical Intellectuals and the U.S. Prison Regime* (Minneapolis: University of Minnesota Press, 2006), 107.
15. Ibid.
16. Ibid.
17. As stated by Ewa Ziarek, “Bare Life on Strike: Notes on the Biopolitics of Race and Gender.”
18. Reuters, “Two Pussy Riot Members Sent Away to Prison Camp over Hooliganism Conviction.” *NY Daily News*, October 23, 2012, <http://www.nydailynews.com/news/world/pussy-riot-members-prison-camp-article-1.1190173>.
19. According to Tolokonnikova’s spouse, Pyotr Verzilov, this is the nickname given to Mordovia and invokes the famous gulag of Solzhenetsyn’s novel. According to Verzilov, the prison in which Tolokonnikova was housed, IK-14, “is one of more than 20 prison facilities tightly clustered in the western corner of Mordovia, 500 kilometres from Moscow.” Pyotr Verzilov, “Gulag Is Alive and Well in Mordovia—The Dissident Blog,” *The Dissident Blog*, December 19, 2013, <https://www.dissidentblog.org/en/articles/gulag-alive-and-well-mordovia>.
20. Nadezhda Tolokonnikova, “Why I Have Gone on Hunger Strike,” *Guardian Unlimited* (online edition), September 23, 2013, sec. Music, <http://www.theguardian.com/music/2013/sep/23/pussy-riot-hunger-strike-nadezhda-tolokonnikova>.
21. Tolokonnikova, “Why I Have Gone on Hunger Strike.”
22. Angela Davis, “Racialized Punishment and Prison Abolition,” in *A Companion to African-American Philosophy*, ed. Tommy Lott and John P. Pittman (Malden, MA: Blackwell, 2003), 360–68; Michelle Alexander, *The New Jim Crow: Mass Incarceration in the Age of Colorblindness* (New York and London: New Press, 2010).
23. Foucault, “Enquête sur les prisons: brisons les barreaux du silence” (1971), FDE1, no. 88, 1048.
24. Daniel Defert, “Sur quoi repose le système pénitentiaire?” (1971), FGIP-AL, 127.
25. Ibid.
26. Foucault, EDP, 236.
27. Foucault, “Il y a un an à peu près” (1972), FGIP-AL, 195.
28. As the story of the Pelican Bay hunger strikers indicates. By finding a way to communicate with other prisoners through relatives and other indirect means—through solitary confinement—the coordination of 30,000 strikers effectively challenged the prison officials’ attempts to sustain racial divisions and animosities, among other forms of division. For an in-depth exploration of the Pelican Bay hunger strikes, see “The Plot from Solitary”: <http://nymag.com/news/features/solitary-secure-housing-units-2014-2/>. Victoria Law, “California Prison Hunger Strike Ends After 60 Days,” *Truthout*, September 6, 2013, <http://truth-out.org/news/item/18649-california-prison-hunger-strike-ends-after-60-days>.
29. Foucault, “Il y a un an à peu près” (1972), FGIP-AL, 195.
30. Ibid., 197.
31. Michel Foucault, “Subject and Power,” *Critical Inquiry* 8.4 (1982): 789.
32. Tolokonnikova, “Why I Have Gone on Hunger Strike.”
33. There is much more to be said on this; however, I will have to reserve my comments for another article. For the moment, compare for example, United States’ recent record on torture in comparison to its call for sanctions on Russia for human rights violations: Jeff Bachman, “President Obama’s Record on Torture,” Congress Blog,

- The Hill*, January 24, 2013, <http://thehill.com/blogs/congress-blog/homeland-security/279073-president-obamas-record-on-torture>; Peter Baker and Ellen Barry, "U.S. Penalizes Russians for Human Rights Violations," *The New York Times*, April 12, 2013, sec. Europe, <http://www.nytimes.com/2013/04/13/world/europe/us-issues-penalties-against-russians-for-rights-violations.html>.
34. Even though Tolokonnikova's self-description of her motivation to strike was for the well-being of her fellow prisoners.
  35. Perry Zurn, "Publicity and Politics: Foucault, the Prisons Information Group, and the Press," *Radical Philosophy Review* 17.2 (2014): 409–410.
  36. Wendy Larner, "Neoliberalism: Policy, Ideology, Governmentality," *Studies in Political Economy* 63 (Autumn 2000): 5.
  37. Foucault, ECF-BOB, 251.
  38. For an extended argument of this point, cf. Falguni Sheth, "The War on Terror and Ontopolitics: Concerns with Foucault's Account of Race, Power Sovereignty," *Foucault Studies* 12 (October 2011): 51–76.
  39. Marked by a general commitment to pro-women/feminist principles.
  40. Compare this with the absence of most news coverage of Shaker Aamer's letters, with the exception of a few minor websites.
  41. September 1, 2014 marks the US government's blackout on news of the Guantánamo hunger strikers equal in length (10 months) to their disclosure. Carol Rosenberg, "Tracking the Hunger Strike," *Miami Herald*, unknown, [http://www.miamiherald.com/static/media/projects/gitmo\\_chart/](http://www.miamiherald.com/static/media/projects/gitmo_chart/).
  42. Some, like Mohamed Bawazir, are supposed to have begun their hunger strikes as early as 2006. Unknown, "Twenty-Four Force-Fed Captives," *Miami Herald*, July 7, 2013, sec. News, <http://www.miamiherald.com/2013/07/17/3375662/captives-being-force-fed.html>.
  43. Carol D. Leonnig, "Guantánamo Detainee Says Beating Injured Spine," *Washington Post*, August 13, 2005, sec. World, <http://www.washingtonpost.com/wp-dyn/content/article/2005/08/12/AR2005081201624.html>.
  44. Human Rights Watch, "Facts and Figures: Military Commissions v. Federal Courts," Social Justice Web site, *Human Rights Watch*, June 12, 2014, <http://www.hrw.org/features/Guantánamo-facts-figures>.
  45. ACLU, "Guantánamo by the Numbers [Infographic]," Social Justice Website, *ACLU*, June 2014, <https://www.aclu.org/national-security/Guantánamo-numbers>.
  46. Worthington, "Guantánamo Scandal: The 40 Prisoners Still Held, but Cleared for Release at Least Five Years Ago."
  47. ACLU, "Guantánamo by the Numbers [Infographic]."
  48. Peter Munro, "In Just 10 Steps, Hicks Becomes a Free Man," *The Age*, December 30, 2007, sec. National, <http://www.theage.com.au/news/national/in-just-10-steps-hicks-becomes-a-free-man/2007/12/29/1198778767707.html?page=fullpage>.
  49. Tim Golden, "Jihadist or Victim: Ex-Detainee Makes a Case," *New York Times*, May 15, 2006, sec. World, <http://www.nytimes.com/2006/06/15/world/15begg.html>.
  50. "Iraq Abuse Ordered from the Top: The US Commander at the Centre of the Iraqi Prisoner Scandal Was Told That She Needed to Treat Detainees Like Dogs," *BBC News*, June 15, 2004, <http://news.bbc.co.uk/1/hi/americas/3806713.stm>.
  51. Lisa Guenther, *Solitary Confinement: Social Death and Its Afterlives* (Minneapolis: University of Minnesota Press, 2013), chap. 6.

52. This is also what Tolokonnikova communicates regarding her status and that of her fellow prisoners; although, I would argue that she has certain external conditions that allow her to move into a position of power. I will return to this point later.
53. Ryan J. Reilly, "Guantánamo Hunger Strikers Will Achieve Goal 'Or Die Trying,' Lawyer Says," *Huffington Post*, April 1, 2013, [http://www.huffingtonpost.com/2013/04/01/Guantánamo-hunger-strike\\_n\\_2993828.html?](http://www.huffingtonpost.com/2013/04/01/Guantánamo-hunger-strike_n_2993828.html?) Michelle Alexander, *The New Jim Crow: Mass Incarceration in the Age of Colorblindness* (New York and London: New Press, 2010).
54. Carol Rosenberg, "Military Imposes Blackout on Guantánamo Hunger-Strike Figures—Guantánamo," *Miami Herald*, December 12, 2013, sec. News: Americas, <http://www.miamiherald.com/2013/12/03/3795285/Guantánamo-ends-daily-hunger-strike.html>.
55. Jacques Rancière, *Disagreement: Politics and Philosophy* (Minneapolis: University of Minnesota Press, 2004), 16.
56. The (then) upcoming Sochi 2014 Winter Olympics; the political compulsion to be seen as—if not a progressive—then at least not a regressive nation; or the need to listen to the protests of the international community of the jailing of Tolokonnikova.
57. Rancière, *Disagreement: Politics and Philosophy*, 33.
58. Tolokonnikova, "Why I Have Gone on Hunger Strike."
59. The last draft of this article was completed in June 2015. As of September 23, 2015, The US government has informed the UK government that it intends to release Shaker Aamer from Guantanamo Bay Prison. Whether and how its promise will be kept is unknown, as are its motivations. See, "US to release UK resident Shaker Aamer from Guantanamo," *Al Jazeera*, September 26, 2015, <http://www.aljazeera.com/news/2015/09/release-uk-resident-shaker-aamer-guantanamo-150925154711572.html>.

## Intolerable 2

Derrick Quintero

### Intolerables

Illegitimate Authority; self-righteous criticism;  
fear of change; fear of failure where it immobilizes  
you from trying; bullies; people who should know  
their breath stinks and still do not brush; fear of  
criticism; religious fanatics; anyone who thinks  
they have the ultimate answer; people who constantly  
spit food as they talk and eat; double standards;  
indoctrination to control thought; bigotry;  
incessant talking; lack of real community space;  
redundant architecture; over-priced art; over-priced  
necessities; destructive environmental practices;  
practices that are not humanistic oriented  
practices that do not respect individual's right to life,  
liberty and personal choice; corporate monopolies;  
not having truth in advertisement in politics, laws for  
politicians; corruption is the the continued practices  
of corruption in the judicial process; waking up  
alone; ~~smelling my own~~ bean farts in a  
confined space; too serious people; people who  
are not serious enough; bean farts in confined spaces;  
(waking up alone way too often) not enough beans  
in my diet; ↓

DD

PART III

---

*Voice: Prisoners and the Public Intellectual*

## CHAPTER 8

---

# Disrupted Foucault: Los Angeles' Coalition Against Police Abuse (CAPA) and the Obsolescence of White Academic Raciality

*Dylan Rodríguez*

*G. Armledet:* What are your personal opinions of the problem created by the existence of prisons?

*M. Foucault:* I have none. I am here to receive, to disseminate, and to elicit documents whenever necessary.

—"I Perceive the Intolerable," 1971

CAPA is requesting all concerned organizations and groups to supply us with as much information on police operations and activities as possible. We must become experts in the field of counter-intelligence. Our work can only succeed with the help and aid of others, such as yourself, that realize the need of this most important task.

—Coalition Against Police Abuse (Los Angeles, CA), 1976

### I Introduction: Within the Leveling

A spate of carceral revolts, in France and across the Atlantic in places like Attica and Soledad, pushed Michel Foucault into an engagement with his and others' particular inhabitation of white academic raciality. By "raciality," i<sup>1</sup> mean the inhabitation of a racial position that is structured in global genealogies of power and dominance—in this case, the particular postconquest and modern modalities of white/European "transparency," in which the white racial being constantly produces/

fabricates their own mastery over both the external forces of the material-natural world and the ontological/physiological differences signified by racial others.<sup>2</sup> Foucault's political work with the Prisons Information Group (GIP) disturbed his intellectual projects, altered the course of his scholarly formation, and momentarily placed him in the service of archiving and disseminating the knowledges of incarcerated people. "If I occupy myself with the GIP, it is only because I prefer effective work to university yacking and book scribbling. . . . A concrete political action in favor of prisoners appears to me charged with meaning."<sup>3</sup>

How and why did the GIP's particular method of confrontation with the modern prison regime compel Foucault to confront, flee, or renegotiate the terms of (his) white flesh, the racial-physiological violence of his exercised biopower and sociohistorical position? Foucault and the GIP enliven a notion of a "prison regime" throughout their statements and writings, indicating the extrainstitutional technologies of discipline, policing, and carcerality that structure institutional forms beyond the prison proper (see chapter 14 in this collection). Their biopolitical conception of prison and carceral power is a useful, incisive, and durable one. Here, however, i wish to decenter the GIP's European and white raciality focused apprehension of the prison regime by invoking a theoretical understanding of the "prison regime" i have offered elsewhere, which stresses the systemic logics and power formations of white supremacy, racist state violence, bodily disintegration, and racial chattel logics as articulating through modern racial-carceral forms that, in turn, constitute the logics of modern (racist and racial) social formations generally.<sup>4</sup> This is to suggest that the modern prison regime both is not reducible to the discrete geography and formal institutional reach of "the prison/jail/detention center" and "criminal justice" jurisprudence, and is also the very formation of power through which the modern racist state consistently articulates its authority/coherence in unfolding moments of historical crisis. In this sense, the production of the prison regime—as both a logic of social dominance and dynamic arrangement of carceral institutions—is the ongoing material-institutional project through which the paradigmatic violences of racial and racial-colonial genocide—via the carceralities of human chattel transport, racial enslavement, colonial incarceration, apartheid, and so on—reproduce hierarchies of life and death within a historical continuum of normalized dominance, terror, and racially differentiated suffering. This working definition of the modern prison regime refocuses attention on the explosive and persistent scattering of danger, vulnerability, fear, and physiological incapacitation that is generated through

both biopolitical power and gendered racist state violence, neither of which can be disentangled from the distended, modern genealogies of racial and racial-colonial genocide.

Such a definitional departure raises another kind of question, personal in form but massively inhabited by implication: In Foucault's confrontations with the (white) raciality of his being—most notably, within his and the GIP's labored attempts to “think” carceral power through a vexing, almost entirely unqualified normalization of the positions of both white (French, European) prisoners and white people—toward what disintegrations is Foucault (perhaps painfully, and in other places joyfully) pushed? While Foucault's engagements with “racism” in his formal lectures and writings provide schemas and theoretical trajectories worth extensive discussion on their own terms, i am more interested in exploiting this particular moment in Foucault's thought/praxis to examine how certain encounters with (racist) state violence invoke the necessary (if never inevitable) obsolescence of white academic raciality within projects of radical self-determination, human liberation, and transformative insurgency.

White academic raciality, in these terms, is both an epochal, disciplining knowledge-project and a laboriously contrived, transparent racial subject position. It is this nexus of disciplinarity and transparency—produced over five centuries of symbiosis between the institutional formations of Western academia (and its circulation of allegedly official/global knowledges), land/cultural conquest, racial chattel, racial-colonization, systemic sexual violence, and white supremacist ideology/historiography<sup>5</sup>—that positions white academic raciality as the veritable monopoly position for the making of proper knowledges as such. (Other ways of knowing must thus constantly position themselves as “counter-knowledges,” minority discourses, and so forth.)

Foucault and the GIP offer themselves to us as useful archival fodder for considering how white raciality, in its inherited claims to epistemic and ontological ascendancy within the modern knowledge-text, encounters its own impotence in the teeth of (seemingly) knowledge-eviscerating apparatuses like the prison-policing systems. (That is, such regimes may often appear to destroy both the will and capacity for targeted peoples' knowledge and cultural productions, but, in fact, provoke new conditions and urgencies for radical creative and intellectual practices/forms.) More importantly, this encounter opens the possibility for highlighting modalities of critical knowledge production that appropriate, offend, bypass, and/or renarrate the knowledge forms that are privileged by the epistemological reifications of the hegemonic

disciplines, interdisciplines, and modern academy writ large. It is within this opening that i consider the emergent knowledge methods of the Los Angeles–based Coalition Against Police Abuse (CAPA), a Black poor and working-class-led grassroots organization that formed during the latter 1970s and—within the complex political tradition and immediate urban insurgency precedents vitalized by the Los Angeles chapter of the Black Panther Party alongside other radical organizations/movements—points toward the veritable decentering of white academic raciality. That is, an immanent extinction of white racial being echoes within and beyond the intellectual circuit inhabited and signified by CAPA’s praxis.

This is to accelerate to its logical outcome the very thing that Foucault invokes, but does not consummate, in some of his reflections on the origins of the GIP: white academic raciality gravitating toward irrelevance, as its claims to transparency and epistemic essentiality become the obstacle to an unavoidably physiological modality of knowing that carceral (gendered racist) state violence renders possible, necessary, frequently insurgent, and potentially revolutionary. As others have demonstrated in extensive historical and theoretical genealogies of the formation of the Western white academic/epistemological project at the foundations of New World conquest, white supremacist modernity, and neoliberal empire, the premises of racial discourse are entangled in the ascendancy—sometimes restorative in conception—of a particular kind of white raciality.<sup>6</sup>

White raciality is a matrix of racial being that has assumed the generalized form of white supremacist globality and has gradually overtaken the planet since the sixteenth century. Importantly, white raciality is not reducible to white people, since its matrix has since been appropriated by nonwhite racial others as a paradigm for power, rule, and knowledge-making. Here, i am concerned with two aspects of white raciality that acutely mark its academic embodiments and institutionalizations.

First, i am engaging white raciality’s ontological aversion to external determination by other living beings—that is, the white being’s coming-into-existence is a declaration of independence from the potentially corruptive influences of the wild: animals, nature, savages, the ungodly, the unconquered and racially undomesticated. White raciality—unlike other traditions of human being and human community that variously embrace notions of co-determination and co-dependence with external natural, animal, and spiritual forces—positions itself as a modality of being that is uniquely ascendant over all others, and therefore transcends the alleged impurities of such external forces. This transcendence—or

aversion—is the source of the epochal assertion of white academic raciality’s knowledge mastery over all other human and nonhuman life forms, as reflected in everything from the birth of the sciences to the structuring of primitive-to-advanced DNA research.

This leads to the second, related dimension of white academic raciality that is invoked by Foucault and the collective work of the GIP: its protective, supremacist claims of epistemic self-determination against the worldly coercions of natural and unnatural forces: that is, the ostensible insulation of the rational white academic from the violence of the natural world, brutalities of human-created institutions like the state, and what insurance actuaries have come to call “acts of God.” None of these external worldly forces are understood to either displace or penetrate the self-knowing and autonomous white epistemic subject. This dimension of white raciality is the origin point of the Western white being’s claims to the epistemological and political privileges of both self-determination and the (rationalistic and/or God-given) right to determine the destinies of racial others and the fate of the natural world itself. The ontology and epistemic formation of white raciality posits inherent mastery of self/mind against the incursions of the external world (e.g., the scientific method) while mobilizing its external mastery over nature and racial others. This is how the Treaty of Tordesillas (1494) can be understood to be as much a foundation for white academic raciality as the founding of the University of Oxford (ca. 1096 AD).

Conversely, the assumptive objects/targets of white academic knowledge-making—the racially enslaved and their descendants, civilly/socially dead, militarily displaced, colonially eviscerated, and genocide-vulnerable—are understood to be intellectually diseased with the toxin of external determination: their knowledges, therefore, are never capable of either transcendence or transparency, and are colloquially dismissed as lacking in requisite objectivity, dispassionate reason, and sober rationality precisely as a result of their intimacy with—and rebellion against / ethical rejection of—subordination to the forces of nature (lack of self-mastery) and ascendant white rule (slavery, conquest, colonization, empire, and so on, signifying the incapacity for political self-autonomy). Yet, as CAPA’s political-intellectual example demonstrates, it is precisely such an intimacy with subjection to the constant violence of systemic, normalized gendered racist (state) violence that melts the differentiation between outraged resistance and objective data collection, collective survival struggle and rational analysis, passionate advocacy and rigorous knowledge production.

## II CAPA and the Conditions of the Knowledge Position

Following the groundbreaking studies of CAPA initiated by Black Studies scholar and radical anthropologist João Costa Vargas, an examination of the Michael Zinzun Papers in the Southern California Library (a grassroots, community library based in South Los Angeles) clarifies the epistemic grounds of political struggle that necessitate the displacement of white academic raciality. Vargas's published and forthcoming work executes a thorough historicization of CAPA alongside a thoughtful, critical meditation on the political work and biography of its founder, principal organizer, and lead organic intellectual Michael Zinzun.<sup>7</sup> Founded in South Central Los Angeles in 1976, the Coalition Against Police Abuse was the political and organizational descendant of the L.A. chapter of the Black Panther Party as well as a historically specific communal response to resurgent (and long-running) "waves of police shooting, beatings, and harassment that so evidently define predominantly Black neighborhoods."<sup>8</sup> While centered in the legacies of radical Black social movements, CAPA also embraced an approach to antiracist "coalition" that refused to compromise the basic tenets of Black radical critiques of racist state violence and continually echoed the strategic and tactical approaches of modern, urban-based Black liberation struggles (including and beyond the Panthers). As the organization increasingly adapted to the changing demographics and local crises deriving from 1980s migrations from Central and South America, neoliberal deindustrialization and systemic racist unemployment, the police militarization of the War on Drugs, and expanding (and simultaneously criminalized and state-induced) intracommunal violence emanating from gang struggles for control of the underground economy, CAPA consistently framed its primary mission—the struggle against police violence and brutality—as part of a larger radical social justice vision. Notable for playing a major role in the L.A. gang truce that preceded the urban rebellions of 1992 (and the success of which was disrupted by the persistent, insidious interference of the LAPD and select public officials), CAPA was a grassroots movement-building organization that prioritized attention to the well-being (and suffering) of an immediate, surrounding population of racially criminalized people: that is, youth, elders, working people, homeless people, unemployed people—ordinary people rather than self-identified "activists" (a distinction that will become increasingly significant as this analysis unfolds). Crucially, CAPA viewed its mundane, everyday practices of information gathering, including media research, amateur policy analysis, office interviews

with survivors of police violence, and archiving, as part of a consistent commitment to infusing “oppressed communities with fundamental political knowledge,”<sup>9</sup> a political education agenda that was grounded in a combination of empirical, theoretical, interpersonal, and historical knowledge.

I will not further replicate Vargas’s labors, here, and will instead direct the reader to his body of writing in the attached bibliography and citations. Rather, I wish to narrow my analytical view to consider how the CAPA crystallizes a scholarly, radical political-intellectual (Black) positionality that (a) aligns with a form and site of knowledge production that is directly endangered by the technologies and rituals of the racist policing/criminalizing state, while also (b) embracing the absolute entanglement of knowledge, and of the activist intellectual themselves, with the constituting fear, terror, physiological suffering, and imminent (collective) subjection to state-sanctioned death that is the normative condition of this situated knowledge-making labor.

It is necessary to consider, in other words, how CAPA’s embrace of its communal knowledge’s interlacing with pain, terror, suffering, and state-induced racial fear (of police violence/brutality, incarceration, criminalization, and formalized social neutralization) signifies a truth-position that refracts and inverts the GIP’s constitutive white academic raciality. In the local-historical context of CAPA’s work, i would argue, such models of white academic raciality are rendered generally irrelevant and ineffectual to the labors of truth-gathering, knowledge-making, and discursive mobilization precisely because of their paradigmatic alienation from the vulnerability and endangerment that is the protracted intellectual condition for Black, Brown, Indigenous, and other racially marked and racially colonized scholars (academic and extra-academic). This endangerment—and the epistemic embrace of/entanglement with it—reflects a condition of intellectual-physiological intimacy that Foucault and the GIP cannot consummate, precisely because of the relative inescapability (and auto-undertheorization) of white academic raciality.

In this sense, it is particularly significant that CAPA’s mission statement firmly situates its work in the first-person plural—a collective assertion of “we” and “us” that is as essential to the integrity of its knowledge gathering as the data itself:

CAPA came into existence because of the growing need of *us as community people to address ourselves* to the systematic attacks of various law enforcement agencies.

People began to feel the need to build some form of defense against the problems of police beating, harassment [*sic*], and killings, which almost always came in the form of “justifiable homicide.”<sup>10</sup> [emphasis added]

CAPA’s emergence during the latter 1970s as the local inheritor of the Black Panther Party’s praxis of political education, legal defense, and communal mobilization against long-running racist police violence reflects a Black radical intellectual tradition that has consistently aligned the work of the scholar, artist, teacher, and performer with the work of the liberation fighter. In this regard, it is useful to stage a particular contrast with the GIP, which Foucault tells us originated as a response to the political harassment and incarceration of leftist (and assumptively white) French students, many of whom may have been acutely targeted for their queer identifications:

[The GIP] is an inquiry whose point of departure is linked to the imprisonment of a number of students or intellectuals we in France call “leftists.”<sup>11</sup>

Remarkable here is the sense of aberration that animates the felt crisis reflected in the GIP’s rhetoric of urgency. The very idea that to be targeted for police repression and acute immobilization is other than a common occurrence is a profoundly, numbingly, painfully paradigmatic feature of white intellectual raciality (across its “academic” and “activist” articulations). Such a sensibility circulates throughout the GIP archive, largely understated, and sometimes against Foucault’s own laboring efforts to characterize the policing/prison regime as nonexceptional. There remains, in spite of this theoretical labor, a nagging sense that it is not the destiny of white people (or even the white activist) to actually be imprisoned/incarcerated. The GIP archive periodically betrays a sense of white/intellectual/activist ownership and even historical authority over the genesis of political struggle against the prison regime:

By going on hunger strike last winter, incarcerated political activists gave *new shape* to what was still but a *voiceless discontent*. They marshaled many detainees around *their* action; outside, *they* instigated a movement against the conditions of detention; and on both sides of the prison walls, *they* made it possible for *people* to gather together, people who wanted to struggle against the same intolerable reality.<sup>12</sup> [emphasis added]

Let *us* profit from that breach [the 1971 political prisoners’ hunger strike]: let what is intolerable—imposed, as it is, by force and by

silence—cease to be accepted. . . . Let *us* become people intolerant of prisons, the legal system, the hospital system . . . etc.<sup>13</sup> [emphasis added]

At other points, Foucault and the GIP openly recognize the alienated distance between white raciality and conditions of normalized racial-colonial dominance—and, in such moments, ooze a classical white political paternalism that presumes the intellectual, creative, and political inactivity/illiteracy of the unnamed ghettoized masses:

You see, we want there to be little difference between the inquirers and the inquirees. . . . For prisoners to communicate with the public. *This would mean breaking open the ghetto. Let them define their demands for themselves and let them define the necessary actions as well.*<sup>14</sup> [emphasis added]

It is within the moment of emergency largely catalyzed by the political incarceration of white humans that Foucault and the GIP recognize the possibility for a large-scale insurgency of knowledge—this is the “active intolerance” of which they speak. Yet, what remains utterly abandoned is any substantive interaction with the possibility that there may already be insurgencies of thought, mobilization, creativity, and collective survival occurring prior to, during, and after these times of exceptional (white racial) urgency. (We must ask, why the desire to “break open the ghetto” now and not before?)

Unlike the GIP, CAPA was formed within conditions that were/are entirely “normal,” and which (unevenly though no less potentially) entailed racist state coercion that targeted/targets everyone in the Black/Brown communities of South LA and elsewhere. CAPA is addressing a climate of state repression that is simultaneously “political” and trans-political/extrapolitical (hence “normal”), and as such is inarguably genocidal in its capacity and potential, if not in its actual institutional exercise.<sup>15</sup> Under scrutiny is a technology of the racist state that dynamically responds to both political insurgency and mobilization among the racially criminalized and spatially segregated/contained,<sup>16</sup> while normatively (preemptively) incapacitating (incarcerating) those same populations as the minimal procedures for the ongoing half-century racial statecraft of “law-and-order.”<sup>17</sup>

The definitive urgency of CAPA’s praxis marks another subtle differentiation from the GIP collective, which was formed under the leadership of French professional intellectuals like Foucault and quickly broadened its reach to include the participation of incarcerated people

and their families/loved ones: while the GIP was convened as a response to a problem of state power that had recently culminated in a spectacular acceleration of carceral-policing repression, the founding and evolution of CAPA dealt with the unspectacular, everyday constancy of intensified racist police violence. Unlike many recent antiracist coalitions, CAPA did not gather and sustain its animating political-communal force from the affective economies of outrage, injustice, mourning, and liberal suturing that have characterized some elements of the far-flung mobilizations around the street assassinations of ordinary Black people<sup>18</sup> like Oscar Grant, Renisha McBride, and Trayvon Martin—and before them, Tyisha Miller and Amadou Diallo. Rather, CAPA honed its organizational energy in radical confrontation with a structure rather than a particular event(s),<sup>19</sup> a paradigmatic violence rather than an incidental or excessive one:<sup>20</sup>

CAPA began its original work in the area of defense (committees). It later focused on the direct injustice of the police. . . .

CAPA has, at a very early stage, realized the need to develop a research, resource, and intelligence network. This type of work is vital in the development and growth of an organization such as CAPA.

*CAPA must have working and theoretical knowledge of the system of law enforcement, if it is to be engaged in the area of stopping police crimes.*<sup>21</sup>  
[emphasis added]

In contrast to the sometimes clinical distance asserted by the GIP between the practice of information gathering and the immediacies of direct political action against state violence—“the GIP assumed the task not of addressing the problems of the prison but of giving the floor to detainees”<sup>22</sup>—CAPA can be understood as a galvanizing of Black radicalism’s historically consistent, conditionally specific, aboveground strategies of protracted guerilla struggle, in this case harnessing a collective body of empirical knowledge, standpoint analysis, and practical theory to wage a people’s war against what it deemed to be a criminally violent state regime. As we will see, this approach to knowledge, fact-gathering, and data-archiving is an already existing insurgent practice of a community whose political-analytical literacy regarding the continuity, persistence, and terrifying normalcy of police and carceral violence is a condition of (modern) existence. Such a literacy, for those inhabiting the violence of racial genocide’s material genealogies, is as natural and necessary as breathing. For CAPA and its extended constituencies, there is no choice but to always comprehend

and constantly analyze the circumstances of state and state-sanctioned terror and physiological aggression—such intellectual-theoretical activity is a prerequisite of collective, everyday survival within the entangled social-historical continuums of white supremacy and racial/racial-colonial genocide.

CAPA's approach extends the historical, geographic, and practical continuum of guerilla liberation struggles carried out by Black radicals in the modern urban and rural United States, and particularly reflects Michael Zinzun's (and numerous other CAPA members' and affiliates') biographical connection to the Los Angeles chapter of the Black Panther Party. Guerilla war, as a form of liberation movement, is premised on precisely such a transformative approach to ordinary, oppressed, and vulnerable (Black and Brown) peoples' knowledges: as a consequence, however, CAPA could only solicit and organize this body of knowledge/theory within a declaration of direct, multifronted (legal, cultural, and media-based) war against the normalized degradations of the racist state. This suggests, then, that the intellectual position of CAPA was structured by racial criminalization and hence could not afford the methodological, temporal, or epistemological entitlements of a white academic raciality.

Put another way, CAPA's praxis indexes a productive and unapologetic inauguration and constitution of insurrectionist knowledge via the multilayered, multigenerational, physiological experience of racist police and carceral violence. Racist state violence/power is both an intellectual (pre-)condition and a materially enabling force of knowledge production, pushing explosively against the Western academy's long-standing conflation of rational, meaningful thought with the assumptive physical-biological integrity of its practitioner. Rather, the complex epistemic stream(s) of CAPA's work signifies a politicized embrace of vulnerability to normalized structural violence as the primary modality of critical thought itself. There is no place for white academic raciality within this schema.

Here, it is worth interjecting that the CAPA archives contain hundreds upon hundreds of personal (largely handwritten) letters from survivors of police violence as well as the immediate and extended families of people who did not survive their encounters with what CAPA names "the direct injustice of the police." These correspondences consistently express notions of gratitude, shared mourning, validation, solidarity, and counterstate visions of radical justice, largely as a response to CAPA's rigorous execution of its fact-gathering and police grievance protocols. (I have chosen not to arbitrarily quote from such gathered

correspondence here, out of respect for the private disclosures and intimate feelings/knowledges that are often revealed in these writings.)

In this context, CAPA's culling of "information" and "data" is already and simultaneously the groundwork of an insurgency against the racist state, as well as an immediate act of organized insurgency in-and-of-itself. This is a form of insurgent knowledge production under circumstances of extended duress: a documenting of the normalcy of racist state violence that allows for an apprehension of how the fact of "normalcy" neither mitigates nor anesthetizes the terror, sadness, fear, pain, outrage, and rebellion that is persistently induced by such practices of systemic domination. Normalcy and everydayness do not merely connote the omnipresence and systemic production of "police brutality" (et al.), but also suggest that to stave off individual and collective physiological extermination at the hands of such regular and regulated violation is a daily, coercive obligation. CAPA's work reflects a knowledge practice that simultaneously values the utility of gathered information (for the sake of formal grievance, media statements, and legal redress) and the shared sense of vulnerability, endangerment, racial terror, and physiological suffering that such knowledge so fractionally—though no less immediately—conveys. Here I am emphasizing a form and trajectory of collective resistance and rebellion that does not (and need not) necessarily culminate in vindicating (or even readily identifiable) moments of collective protest or street-level mobilization of direct confrontation with the militarized, proto-genocidal policing regime; rather, this is an insurgency that produces an ensemble of identifications, shared feelings, collective political consciousness, and re-narrations of geography and place.

Such is the infrastructure of insurgency that CAPA's organic, radical intellectual practice nourishes within its sustenance of a longer Black radical tradition.<sup>23</sup> To be clear: this archive indicates a formation of community that is cohered through a militancy of resistance to the everyday indignities and degradations of a racist policing regime; moreover, the character of that militant resistance does not primarily take the form of rallies, mass demonstrations, or armed struggle (although, to be clear, CAPA and elements of its membership did selectively engage in some or all of these tactics), but rather assumes the character of a soliciting, archiving, and formal mobilization of an already existing collective knowledge and a "common sense" countering the racist state.

Thus, while CAPA's everyday organizational actions might otherwise appear to be relatively mundane and uncontroversial to outsiders unfamiliar with the lived conditions of a racist policing-carceral

state, its intellectual labors are engaged in a logic of counter-genocidal community defense: its primary analytical rhetoric of police violence/homicide and state crime (as distinguished from “police brutality” and state “corruption”—terms it tended to use far more selectively) echoes a sensibility of shared (Black and Brown) subjection to a normalized, structural and (racial) categorical regime of everyday evisceration and denigration. (I have argued elsewhere for a conception of “racial genocide” that foregrounds a logic of evisceration over physical extermination and population decimation. As far as I am concerned, CAPA’s counter-genocidal work is entirely premised on a politicization and radical confrontation with the logic of evisceration, which encompasses state-induced terror, humiliation, and death.)

### III From within the Leveling: A Modest Rejoinder to the GIP-as-“Critical Movement”

CAPA stands in prolific contrast to the GIP, the purposes of which Foucault consistently describes as neither hierarchically organizational nor conventionally “political,” in the sense of attempting to wage struggle within the institutional channels and on the cultural terrain of the state.<sup>24</sup> In Foucault’s interpretation, the GIP was solely concerned with producing a “critical movement” that brought attention to the existence of prisons as a problem in-and-of-itself and was not concerned with generating discrete agendas for institutional change, formulaic political demands, and public policy or juridical advocacy. “In this group, we wanted no prescription, no recipe, and no prophecy.”<sup>25</sup>

A modest rejoinder to this position is necessary, one that both appreciates the worldly work accomplished by the most incisive critical practices of white academic raciality while pointing to the limits of its necessary alienation from the violence that is the normative condition of white raciality’s ascendance as such. As CAPA makes clear, there are other critical-intellectual positions that inhabit urgent chronologies and imminently endangered geographies, which in turn compel a recontextualization of the time, force, and place of critique. Put another way, the critical knowledge-work of CAPA was animated by the alchemy of radical critique and immediate (collective) survival, knowledge production (fact compilation) and defensive revolt against a racist state, the traditions of Black radical imagination and the compulsory requirement of some form of grassroots organizational power and lasting infrastructure.<sup>26</sup> It must be emphasized, in this context, that CAPA’s body of political analysis and practice suggests a notion of “police lawlessness” as

utterly systemic and foundational to the modern racist policing regime, traceable to the precursors of the police in the roving, armed white male volunteer slave patrols of the southern United States.<sup>27</sup> That is, while CAPA made use of available formal channels to expose and resist police terror by way of citizen review boards, official complaints, lawsuits, and other delimited counter-“police brutality” measures, such were understood as means to gain political leverage against the racist state rather than as ends within themselves.

CAPA’s knowledge-making and infrastructure-building amplifies that which Foucault’s own hesitations cannot quite muster: the absolute disruption of the white academic position, guided by a creative and useful erosion of white raciality as the assumptive (and thus transparent) genesis point of relevant analytic knowledge. As importantly, CAPA’s intellectual labor actually carries out a grassroots execution of white academic obsolescence that levels the fields of theory/practice, scholarly analysis, historical archiving, and epistemic creativity. This leveling—even if it is fleeting, precious and precarious, and therefore fragile—can and must be read and re-inhabited in a manner that radically empowers the intellectual work of the descendants and political inheritors of racial/racial-colonial genocides, racialized social and civil death, chattel-making violence, and the varieties of rebellion, radical survival, self-defense, and spiritual persistence that mark the occasions of the New World/Middle Passage and their distended aftermaths.

Two archival CAPA documents—a 1978 flyer announcing a demonstration outside the L.A. County jail and a 1977 open letter addressed to “Friends”—indicate such a leveling. These communiqués outline exactly that which Foucault and the larger GIP collective refuse to engage: clear and immediate institutional interventions that intend to guide the mobilization of insurgent knowledge toward a tactical stand-off with identifiable nodes of racist state power. To be clear, the purpose of CAPA’s work in such instances is to short circuit the normalized epistemic and cultural conditions of racist state violence and repression. The 1978 flyer, for example, focuses on a hunger strike initiated by 48 people incarcerated in the L.A. County Jail in response to a string of violent and fatal attacks by police and guards. Departing from news of the recent killing in custody of “Ferdinand Bell, an unconvicted, young Black man picked up by the Los Angeles Police,” the CAPA flyer foregrounds the six demands issued forth by the strikers:

1. An independent investigation into the murder of Ferdinand Bell.
2. Stop Sheriff harassment, brutality and murder of prisoners.

3. Adequate medical attention.
4. More frequent linen changes (now they are changed once every two months).
5. Decent shower hours.
6. Full visiting rights. Visiting is a right not a privilege.<sup>28</sup>

The distinguishing feature of CAPA's call to mobilization, however, is the refusal to reify these six demands as the fundamental purpose of political action and collective insurgency against the racist state. Rather, CAPA is responding to the incarcerated strikers' plea for support/solidarity by situating their movement as part of a larger imperative of rebellion in which the collective capacity to socially reproduce and physiologically survive is at stake. Here, the target of collective insurgency is far-reaching and multilayered rather than institutionally contained to the site of the jail: CAPA is suggesting that the L.A. County Jail hunger strike is part of a continuum of struggle in which the racist state articulates its dominance via the prison/jail regime—an apparatus of violence that constitutes the “street” no less than the cell:

Whether inside the jails or on the streets of the communities, we must take a strong stand against police and sheriff murder, brutality and harassment. The inmates in the Los Angeles County Jail have called on us to support their actions and demands. Come on Thursday night to show support for those fighting inside.<sup>29</sup>

Note how the incarcerated already “speak for themselves,” and that the political obligation of CAPA is to sustain and expand an already existing insurgency that illuminates the organic demographic and biographical connections between the jailed and the not-jailed. The condition of incarceration is an expected (and resisted) social fate, not a state of exception.

White academic raciality is so deeply irrelevant to CAPA's epistemological project that the alienation is enunciated through the letter's echoing of the time-honored rhetorical antagonism between the white world and its institutionalized denigrations (“them”/“they”/“their”) and the community of (Black, Brown, racially criminalized) people whose humanity is coercively held in a state of terrorized contingency and physiological suffering (“we”/“us”/“our”). I would argue in this instance that the significance of CAPA's (implicit) deployment of the binary “us versus them” opposition extends beyond a critical engagement with the circuit of fatally dichotomous power at the core of the modern white

supremacist global power relation (there are whites/human beings, and there are variable others). Here, as in other moments, CAPA is situating the position of racial-intellectual vulnerability—that is, the presumed fragility of the racially profiled body and its normalized physiological (simultaneously physical, biological, and psychic) exposure to devastating state force—as the privileged “reality” (hence raciality) through which praxis, analysis, theorization, and epistemology are rendered operative and therefore truthful.

Recently CAPA has embarked upon a new, ambitious thrust. The objective of this new thrust is to decentralize the existing Los Angeles county-wide police complex (including LAPD, County Sheriffs, and all related law enforcement agencies); and restructure the corresponding LA county-wide investigative bodies (including the LA County [District Attorney], LA City Attorney, LAPD Internal Affairs, and the LA Board of Police Commissioners).

The basis of this thrust is two-fold. One is the reality that the LA county-wide Law Enforcement Agencies (particularly LAPD) are running uncontrolled and rampant through our communities. The second basis is the reality that the establishment investigative bodies (who are supposed to protect our rights) are not only unresponsive, partial, and have conflicting interest, but their actions and lack of action objectively supports, condones, and sanctions police abuse in our community.<sup>30</sup>

Herein is a critical practice of knowing, reading and re-inhabiting the (anti-)social text from within the leveling. It is an explosion of the assumptive and historically fortified transparency of white being and a proliferation of knowledge practices from within the immediate wake of its momentary destruction—herein, social critique emerges as much as an imaginative labor as it is a performance of political rebellion and scholarly interrogation. Once again, CAPA makes use of formal channels of institutional challenge and “reform” (decentralization, restructuring, and so on) in order to shift the political terrain within a Gramscian understanding of the war of position. The production of counterknowledge and the gathering of collective political momentum and leverage, over and above any liberal ambitions for definitive reformist “victory,” echo the protracted nature of (Black) radical struggle against the modern racist state in its various iterations.

Such a leveling is necessary not only because the fundamental white supremacist structuring of the modern and neoliberal global academy remains an unavoidable condition of intellectual and physical struggle<sup>31</sup>—and therefore ensures that such fragile moments of white

academic decentering (whether via CAPA or radical Black Studies generally) are in no way lasting or permanent—but also because the threat of white academic raciality is not reducible to the overbearing presence of Foucault, white academics, or even white people. White academic raciality is, in its very moments of inception and articulation, a disciplining position that alleges privileged access to the kernels that compose that which we reference as proper “knowledge” and thus asserts monopoly over the capacity to perceive and organize those kernels into things (for that matter, worlds and people) that can be known.<sup>32</sup> In its global circulation as such, white academic raciality is an allegation of monopoly that also insidiously constitutes how the rest of us may come into the work of knowledge-making, scholarly study, critical theorization, and even insurgent praxis. Anticolonial theorist and revolutionary Frantz Fanon famously illustrates the roots of this epistemic imposition:

At the level of the unconscious, therefore, colonialism was not seeking to be perceived by the indigenous population as a sweet, kind-hearted mother who protects her child from a hostile environment, but rather a mother who constantly prevents her basically perverse child from committing suicide or giving free reign to its malevolent instincts. The colonial mother is protecting the child from itself, from its ego, its physiology, its biology, and its ontological misfortune.<sup>33</sup>

Fanon’s account is a performance of his own inhabitation of the political-intellectual possibility that fractures open from within the renaissance of massive revolt against the racial-colonial edifices of white raciality. It is from within the danger and collapsing of this order—another leveling of white raciality—that he can encourage a protracted destruction of the “colonial mother” that is illegitimate in the first instance: the colonial matriarch killed motherhood, and in many places disrupted natality itself. Now it is time to consider how and where she may be displaced, disrupted, for the sake of the colonized being allowed to know, feel, and experience themselves apart from the constitutive presence of white raciality. And here is the point that I believe Fanon understood, but could not himself fully embrace (and on this point he was painfully self-aware, as expressed in his well-known, semiautobiographical critique of the “colonized intellectual” class): that if the colonized—the “ontologically unfortunate”—are to (even momentarily) succeed in shirking the epistemologically and culturally eviscerating “protective” coercions of the colonial regime, they must think wildly, that is, produce knowledge and ways of knowing from within their

own violations, vulnerabilities, and long-running proximities to sudden unnatural death. To know, in other words, from within the very stuff of their own disrupted and disintegrated collective physiology/biology/ontology. It is an intellectual position that is not only a life world apart from white academic raciality, but is already constituted by a principled contempt for and hatred of it.

Imagine, then, the audacity of an organization like CAPA—founded, led, and supported by those who were primary targets of social neutralization and liquidation by the post-“law-and-order” policing state,<sup>34</sup> and unprotected by any modicum of the modern academy’s pretensions toward (academic/scholarly/intellectual) “freedom”—in formulating a “professional” component to their struggle that openly advocated the disarticulation of the juridical and policing arms of the racist state! As Black radical thinker and poet Fred Moten has said in a different (though related) context, it is necessary to be attentive to the power that exists in the act of the “demand,” once levied by those who are the objects of genocidal and proto-genocidal racism.<sup>35</sup> Given the acceleration of US and global policing, criminalizing, and incarcerating cultural-juridical regimes since the time of the GIP and CAPA, it is worth revisiting and co-imagining the possible (that is, creative and productively disruptive) implications of CAPA’s announced political-intellectual agenda:

The professional movement will be organized around three areas of research:

1. *Developing an air-tight comprehensively documented case of police abuse.* This will include documentation of the types of abuse (harassment, brutality, killings, and political spying)
2. *Developing an air-tight comprehensively documented case of the unresponsive, partial, conflicting interest of the various investigative bodies.* (LAPD Internal Affairs, LA City Attorney, LA Board of Commissioners, and the LA County District Attorney)
3. *Determining what would be the most effective arena for our assault to be waged in* (LA County Grand Jury, US Justice Department, Federal Grand Jury, Special Prosecutor, Senate Sub-committee on constitutional rights, etc.). The focus of the research will be through legal visibility, mass appeal and the professional appeal.<sup>36</sup>

CAPA’s departure from the GIP’s example is fully executed in its resonance with the language of guerilla war, staging the documentary, analytic, geographic, legal, and ethnographic dimensions of its

intellectual work as part of an overarching and dynamic strategy to constitute aboveground “arenas for assault” against the racist policing state. In one sense, this resonates with and sharpens the GIP’s own understanding of insurgent “attack fronts,” which it understands as the purpose of mounting a compendium of “intolerance-inquiries” directed at the formal knowledge institutions of a broader political oppression: “specific targets, institutions which have a name and a place, administrators, officials, and directors,” beginning with those encompassed by the French prison regime. The difference here is that CAPA views its knowledge production as part of an already existing condition of (undeclared) civil-racial domestic warfare that has accelerated through the 1960s and momentarily crested in the amplified racial policing of post-urban uprising 1970s Los Angeles, while the GIP views its inquiries as “the first episode of a struggle” that is to allow the “inquirees themselves” (the incarcerated) to “take charge of the struggle that will prevent the exercise of oppression.”<sup>37</sup> That is, the constituting differences are not only of geography, raciality, and political lineage, but also of temporality, strategy, and organizational paradigm.

In light of its historical-political continuity with precedent and descendant examples of Black radical organizational and intellectual genealogies, we must again amplify one essential aspect of CAPA as an extra-academic scholarly apparatus: it is an exemplar of the knowledge position that decenters and obliterates white academic raciality’s coercive monopoly on the regimes of modern thought and its derivatives, by way of its refusal to sacrifice the lived racial-physiological practices of theory, critique, empirical truth, historical narrative, spatial analysis, and revolutionary thought at the altar of Western, white conceptions of freedom, physical safety, spatial liberty, and ontological security that have (tacitly) anchored the production of global white supremacist knowledge regimes since at least the latter part of the fifteenth century.

By way of a closing reflection on the significance of CAPA’s knowledge praxis, it is worth briefly reflecting on a few nuances of white raciality’s confrontations with self-immolation in the face of carceral state violence.

#### **IV Conclusion: Prisons on Fire, White (Self-)Immolation**

In “Prisons and Revolts in Prisons,” Foucault offers an overview of “political revolution” that focuses on the nineteenth- and twentieth-centuries’ French and European contexts. The key element of his brief

historical outline concerns a description of the relationship between “prisons and detainees,” on the one hand, and “revolutionary movements unfolding outside,” on the other.<sup>38</sup> The mere fact of this distinction is crucial. Foucault’s concern is with the relative disappearance (in France) of articulated relationships between prison revolts and (free world, extra-carceral) “political movements” through the first half of the twentieth century, and the “reappearance” of such political “liaisons” in the 1960s and 1970s, fueled by the increased imprisonment of leftist students, Algerian prisoners of war, and the generalized acceleration of political imprisonment as a primary method of state repression of dissent, disorder, and organized popular movement. It seems that it is precisely toward the facilitation and enhancement of such liaisons that Foucault’s work in the GIP is most acutely focused—and it is here that his disrupted political-intellectual position can be usefully dissipated in favor of other radical political genealogies. How does Foucault’s narrowed conceptual mapping of political relationality—between the commonly detained and the politically detained, prison movements and (extra-carceral) social movements—provoke a critical countermapping that centers carceral insurgency as a primary rather than reactive or supplementary impulse for radical thought and movement in other places and times? Following CAPA’s geography of the racist state and its immobilizing violences, what might it mean to further remap the boundaries, institutional forms, technologies, and statecraft of racist carcerality itself, as a structure of aggression and terror that may well crystallize in the form of the jail/prison/detention center, but also proliferates throughout the “free world” of civil society, in its ongoing constitution in the logics of racial and racial-colonial genocide/proto-genocide?

Foucault states, “In [the GIP], we wanted no prescription, no recipe, and no prophecy.”<sup>39</sup> At odds with this position has been the formation, also since the early 1970s, of an internally complex, ideologically and politically contested movement of radical intellectuals—such as those in CAPA—whose labors have generally crystallized around notions that are, in various ways, prescriptive, pragmatic, and even prophetic. This dynamic formation of radical intellectual praxis indexes a principled refusal to inscribe strict, impermeable political-intellectual boundaries between “free world” political movements and carceral insurgencies. This refusal, which further disrupts Foucault’s schema of politicalities, illuminates the operation of the prison/carceral regime as a form of social organization and power that constantly exceeds the geographic and juridical limits of the penal institution itself, and thus suggests a

different understanding of the (racial) logics of criminalization, detention, and state violence.<sup>40</sup> This is to say, the relation of white raciality to state-enforced policing and (racial/class/gender/sexual) immobilization is productive in the sense that it is precisely when white beings are policed/incarcerated that the telos of white rehabilitation and social restoration is already staked—a telos that cannot and does not exist in relation to policed and incarcerated slaves, colonized beings, and their descendant racial pathologies.

Further indicating his encounter with white obsolescence, Foucault's contentious responses to his interviewer in "The Great Confinement" effectively (if only temporarily) disown his previous intellectual self while allowing for the possibility that his very act of disavowal is nonetheless shadowed by the totality of his thinking: "I would really like us to establish no relationship between my theoretical work and my work in the GIP. That is very important to me. But there probably is a relationship."<sup>41</sup> What, then, does the work of the GIP—and more importantly, the emergence of carceral insurrections in their various phases, modalities, and sites—teach us about the productivity and delimitations of suddenly disrupted white scholarly-intellectual practices and positions (one daresay, "academic subjectivities"), particularly in relation to the critical knowledge and praxis that emerge from contexts of perpetual disruption—colonization, apartheid/segregation, racial chattel, racial genocide? I would argue that throughout much of his dogged work with the GIP, we witness Foucault deferring his own disintegration—even his political irrelevance—by way of restoring white transparency.<sup>42</sup> Despite his best intentions, he frequently asserts himself as (white) vessel for the carceral politicality/subjectivity, and as such cannot come into intimacy with his deterioration.

Let us be clear, such a disruption of white being is the condition of possibility for any radical becoming for racial and racial-colonial Others, particularly those whose ontology is, at minimum, made permanently precarious under the circumstances and legacies of the white West's particular supremacies. It is toward the end of white academic raciality, the full immolation of white raciality's stranglehold on thought, and perhaps the forced obsolescence of white raciality as a form of being, that centuries of liberation struggle have directed their energy.

## Notes

1. Exemplified by such revolutionary practitioners as Assata Shakur in *Assata: An Autobiography* (1987; Chicago: Lawrence Hill Books, 2001), the use of "i" suggests

- a first-person identification that departs from notions of the free-willing, self-determined, rational (white and Western) modern subject, and instead gestures toward the historical forces of subordination and degradation that form practices of “human being” and “identity” as confrontations with genocidal racism, racial colonialism, human chattel, and displacement.
2. See Sylvia Wynter and David Scott, “The Re-Enchantment of Humanism: An Interview with Sylvia Wynter,” *Small Axe* 8 (2000): 119–207; Wynter, “Unsettling the Coloniality of Being/Power/Truth/Freedom: Towards the Human, After Man, Its Overrepresentation—An Argument,” *CR: The New Centennial Review* 3.3 (Fall 2003): 257–337; and Denise Ferreira da Silva, *Toward a Global Idea of Race* (Minneapolis: University of Minnesota Press, 2007).
  3. Foucault, “Le grand enfermement” (1972), FDE1, no. 105, 1169.
  4. See Chapter 1, “Domestic War Zones and the Extremities of Power: Conceptualizing the U.S. Prison Regime,” in *Forced Passages: Imprisoned Radical Intellectuals and the U.S. Prison Regime*, ed. Dylan Rodríguez (Minneapolis: University of Minnesota Press, 2006).
  5. See Reginald Horsman, *Race and Manifest Destiny: The Origins of American Racial Anglo-Saxonism* (Cambridge, MA: Harvard University Press, 1986).
  6. See Cedric Robinson, *Black Marxism: The Making of the Black Radical Tradition* (1983; Chapel Hill: University of North Carolina Press, 2000); Silva, *Toward a Global Idea of Race*; Audrey Smedley, *Race in North America: Origin and Evolution of a Worldview* (Boulder: Westview Press, 1993); Winthrop D. Jordan, *White over Black: American Attitudes toward the Negro, 1550–1812* (Chapel Hill: University of North Carolina Press, 1968); Eduardo Bonilla-Silva, *Racism without Racists Color-Blind Racism and the Persistence of Racial Inequality in America* (Lanham: Rowman & Littlefield Publishers, 2013); and David Theo Goldberg, *Racist Culture: Philosophy and the Politics of Meaning* (Oxford: Blackwell, 1993).
  7. See João H. Costa Vargas, *Never Meant to Survive: Genocide and Utopias in Black Diaspora Communities* (New York: Rowman & Littlefield Publishers, 2008) and *Catching Hell in the City of Angels: Life and Meanings of Blackness in South Central Los Angeles* (Minneapolis: University of Minnesota Press, 2006).
  8. Vargas, *Never Meant to Survive*, 27.
  9. Vargas, *Catching Hell in the City of Angels*, 111.
  10. Zinzun Papers, Box 10: “Choke Hold” folder, undated CAPA mission statement signed by co-chairpersons Michael Zinzun and Bob Duren.
  11. Foucault, “Non, ce n’est pas une enquête officielle . . .” (1971), FGIP-AL, 65.
  12. Foucault, “Préface” (1971), FDE1, no. 91, 1064.
  13. Foucault, “Sur les prisons” (1971), FDE1, no. 87, 1044.
  14. Foucault, “Enquête sur les prisons: brisons les barreaux du silence” (1971), FDE1, no. 88, 1046.
  15. My preference as of this writing is to address the US carceral-policing regime as, at least, proto-genocidal in its last half-century of institutional formation.
  16. See Katherine McKittrick and Clyde Adrian Woods, *Black Geographies and the Politics of Place* (Toronto, Ontario: Between the Lines, 2007); Woods, *In the Wake of Hurricane Katrina: New Paradigms and Social Visions* (Baltimore, MD: Johns Hopkins University Press, 2010); Adrian Woods, *Development Arrested: The Blues and Plantation Power in the Mississippi Delta* (London: Verso, 1998).
  17. Regarding the complex legacies of Barry Goldwater’s 1964 speech in acceptance of the Republican Presidential nomination, see Christian Parenti, *Lockdown America:*

- Police and Prisons in the Age of Crisis* (London: Verso, 2008); Dylan Rodríguez, “Goldwater’s Left Hand: Post-Raciality and the Roots of the Post-Racial Racist State,” *Cultural Dynamics* 26.1 (2014): 29–51.
18. The use of ordinariness here suggests that such homicidal violence was not directed at “individuals,” as such, but was instead induced by the everyday gendered criminalization of Black people.
  19. I am indebted to Indigenous Studies and Settler Colonial Studies scholar Patrick Wolfe for this phrasing, which I have slightly rearticulated here. See Patrick Wolfe, “Structure and Event: Settler Colonialism, Time, and the Question of Genocide,” in *Empire, Colony, Genocide: Conquest, Occupation, and Subaltern Resistance in World History*, ed. A. Dirk Moses (New York: Berghahn Books, 2008), 102–132.
  20. See Jared Sexton and Steve Martinot, “The Avant-Garde of White Supremacy,” *Social Identities* 9.2 (2003): 169–181.
  21. Zinzun Papers, Box 10: “Choke Hold” folder, undated CAPA mission statement signed by co-chairpersons Michael Zinzun and Bob Duren.
  22. Daniel Defert, “Sur quoi repose le système pénitentiaire...?” (1971), FGIP-AL, 129.
  23. See Robinson, *Black Marxism* and Fred Moten, *In the Break: The Aesthetics of the Black Radical Tradition* (Minneapolis: University of Minnesota Press, 2003).
  24. Foucault, “Luttes autour des prisons” (1979), FDE2, no. 273, 813.
  25. Ibid.
  26. Zinzun Papers, Box 10: “Choke Hold” folder, undated CAPA mission statement signed by co-chairpersons Michael Zinzun and Bob Duren.
  27. See Sally E. Hadden, *Slave Patrols: Law and Violence in Virginia and the Carolinas* (Cambridge, MA: Harvard University Press, 2001).
  28. Zinzun Papers, Box 11: “Sheriff” folder, “Support Inmates Hunger Strike” flyer, March 9, 1978.
  29. Ibid.
  30. Zinzun Papers, Box 10: “Correspondence Out,” open letter to “Friends,” June 24, 1977.
  31. See among others: Nick Mitchell’s 2011 Ph.D. Dissertation, *Disciplinary Matters: Black Studies and the Politics of Institutionalization* (History of Consciousness Department, University of California at Santa Cruz), currently being prepared as a book monograph under the title *Disciplinary Matters: Black Studies, Women’s Studies, and the Neoliberal University*; Christopher Newfield, *Unmaking the Public University: The Forty-Year Assault on the Middle Class* (Cambridge: Harvard University Press, 2008).
  32. See Wynter, “Unsettling the Coloniality of Being/Power/Truth/Freedom: Towards the Human, After Man, Its Overrepresentation—An Argument.”
  33. Frantz Fanon, *The Wretched of the Earth* (1963; New York: Grove Press, 2004), 149.
  34. See Parenti, *Lockdown America* and Rodríguez, “Goldwater’s Left Hand.”
  35. Fred Moten discussed this notion in a conversation with the author of the platforms and demands issued through the 2010 strike by incarcerated people in Georgia and the 2011 strike by those incarcerated in the Security Housing Unit at Pelican Bay State Prison in California. The context was a public panel titled “Race in 21st Century America,” sponsored by Red Emma’s Bookstore and Coffeehouse in Baltimore, MD, October 20, 2011.

36. Zinzun Papers, Box 10: "Correspondence Out," open letter to "Friends," June 24, 1977.
37. Foucault, "Préface," 1064.
38. Foucault, "Prisons et révoltes dans les prisons" (1973), FDE1, no. 125, 1294.
39. Foucault, "Luttes autour des prisons," 813.
40. See Rodríguez, *Forced Passages: Imprisoned Radical Intellectuals and the US Prison Regime*.
41. Foucault, "Le grand enfermement," 1164.
42. See Silva, *Toward a Global Idea of Race*.

## CHAPTER 9

---

# Investigations from Marx to Foucault

*Marcelo Hoffman*

Kristin Ross, in her magisterial study of social amnesia concerning the militant past of May 1968 in France, deftly recovers this past through its forgotten figures and targets as well as its various forms and practices.<sup>1</sup> She resuscitates this militant past against the weight of interpretations that reduce May 1968 to a student-led form of cultural modernization that simply prefigured contemporary capitalism. As part of this critical undertaking, Ross dwells briefly but incisively on the practice of investigations (*enquêtes*) launched by various Maoist groups under the broad imperative of “‘going to the people’” to facilitate their voices and to learn from them.<sup>2</sup> What is entirely novel about Ross’s approach to these Maoist investigations is her interpretation of them through Jacques Rancière’s crucial distinction between politics and the police. Ross suggests that the practice of investigations expressed politics in the sense of a disruption of the hierarchical distribution of places and functions in the logic of the police. Students and intellectuals physically dislocated themselves from universities to go to factories and rural settings to conduct investigations there, and these investigations were themselves placed under the “direction and control of workers.”<sup>3</sup> For Ross, the Maoist investigation and other practices that flourished in and beyond the event of May 1968 entailed forms of “dislocation” and “*declassification*” that induced a whole “crisis in functionalism.”<sup>4</sup> Students, in her strikingly succinct formulation, simply ceased “to function as students, workers as workers, and farmers as farmers.”<sup>5</sup>

Ross enables us to begin to situate and appreciate the magnitude of a practice whose genealogy has yet to be fully written. Maoists, however, were not the only ones engaged in investigations after May 1968.

The Prisons Information Group (GIP), founded by Michel Foucault and others in February 1971, put investigations at the very core of its political practices. The GIP conducted four investigations into prison conditions from 1971 to 1972. The investigations set out to heighten intolerance of the prison system through the voices of prisoners themselves. The GIP thus contributed in its own way to a history of investigations as a kind of popular practice.

But this history preceded the experience of French Maoism. The GIP practiced a conception of investigations that drew explicitly from a Marxist tradition going as far back as Karl Marx's 1880 "A Workers' Inquiry." This chapter revisits the Marxist tradition of investigations for two basic reasons. One is that we can ascertain a much more refined sense of the novelty (or lack thereof) of the GIP investigations through a careful exploration of the Marxist tradition. The other more important reason concerns the specificity of GIP objectives in light of a recent criticism. In a deeply provocative and illuminating critique, Cecile Brich charges Foucault in particular with failing to abide by the standard of neutrality in his approach to GIP investigations, thereby actually constraining the voices of prisoners in favor of his own political voice.<sup>6</sup> Contra Brich's imputation of the standard of neutrality to Foucault, the contention here is that Foucault and others in the GIP inherited a practice from Marxism that is emphatically not underpinned by this standard.<sup>7</sup> To simplify matters, the point of investigations in the Marxist tradition is to occasion the constitution of knowledge for the purposes of revolution rather than to even aspire toward a standard of neutrality. An exploration of the Marxist tradition thus impresses upon us the extent to which the GIP inherited a practice that was necessarily bound up with the political agenda of its architects. This agenda certainly imposed constraints on the voices of prisoners but it also allowed them to flourish in surprisingly critical ways.

There is a literature addressing the Marxist underpinnings of the GIP investigations. Perhaps most notably, Richard Wolin, in his recent book-length analysis of the influence of Maoism on French intellectual life, highlights the Maoist underpinnings of the GIP investigations. He even goes so far as to bluntly (and somewhat problematically) describe the GIP as a "Maoist" organization.<sup>8</sup> Wolin, however, does not situate the investigations of the GIP within the broader Marxist tradition under consideration here. He restricts his focus mainly to French Maoism and barely even touches on Mao Tsetung's important theorization of the investigation.<sup>9</sup> Wolin also repeatedly insists that the "libertarian" Maoist group Long Live the Revolution (VLR) played a central

role in the constitution of the GIP without ever demonstrating this point.<sup>10</sup> Indeed, the actual details of his analysis suggest that it was the Maoist Proletarian Left (GP) that played a far more foundational role in the formation of the GIP and its use of investigations in particular.<sup>11</sup> Finally, and most importantly, Wolin casts his analysis as an edifying tale of political maturity in which French Maoism unwittingly facilitated a liberal turn to human rights and associative democracy.<sup>12</sup> The immediate *raison d'être* behind the broader story of Marxist investigations in this chapter is not to vindicate liberal political sensibilities in our present so much as to respond to a contemporary criticism of Foucault's political practices.

### I Investigations from Marx to Mao

The Marxist tradition of investigations goes back to Marx's "A Workers' Inquiry,"<sup>13</sup> a questionnaire published in *La Revue socialiste* in April 1880 and reproduced in 25,000 flyers for distribution throughout France.<sup>14</sup> Marx's rationale for the questionnaire can be comprehended against the backdrop of his comparison in volume one of *Capital* of the availability of information in England on working-class conditions and the availability of this information in Continental Europe. Marx wrote that, while social statistics in Continental Europe are "quite wretched," they suffice to reveal the "Medusa's head" of capitalist exploitation.<sup>15</sup> Still, he added that if Continental Europe only possessed the same robust and vigorous means of investigation as England there should be cause for genuine shock:

We should be appalled at our own circumstances if, as in England, our governments and parliaments periodically appointed commissions of inquiry into economic conditions; if these commissions were armed with the same plenary powers to get at the truth; if it were possible to find for this purpose men as competent, as free from partisanship and respect of persons as are England's factory inspectors, her medical reporters on public health, her commissioners of inquiry into the exploitation of women and children, into conditions of housing and nourishment, and so on. Perseus wore a magic cap so that the monsters he hunted down might not see him. We draw the magic cap down over our eyes and ears so as to deny that there are any monsters.<sup>16</sup>

The British Parliament commissioned the factory inspectors praised in this rich and lively passage to enforce the limits on the work day embodied in the various Factory Acts.<sup>17</sup> Marx considered the reports of

the inspectors so useful that he relied extensively on them throughout *Capital* to the point of simply deferring to the words of the factory inspectors themselves.<sup>18</sup> In Marx's judgment, the availability of expert knowledge sanctioned by the British state provided an impressive and immensely useful level of information about working conditions that was simply absent in Continental Europe.

It was this absence of information in France in particular that served as the core reason for the production and distribution of Marx's questionnaire. The editorial introduction to the questionnaire even returned to Marx's comparison between the availability of information on working conditions in England and elsewhere. It suggested that the success of the investigation in England had induced the "French bourgeoisie to tremble even more before the dangers which an impartial and systematic investigation might represent."<sup>19</sup> The immediate purpose of the questionnaire was to compel the "republican government" in France "to follow" the lead of "the monarchical government" in England in conducting an official investigation into "the facts and crimes of capitalist exploitation."<sup>20</sup> To this end, the introduction solicited the support of workers in the countryside and the cities and insisted that only they are capable of describing the "misfortunes [from] which they suffer" and of applying "the healing remedies for the social ills [to] which they are prey."<sup>21</sup> It was, in other words, up to the workers themselves to not only constitute "an *exact* and *positive* knowledge" of their own conditions but also to act on this knowledge.<sup>22</sup>

We can draw out an important subtlety in Marx's treatment of investigations. Marx's praise of the factory inspectors for their freedom from "partisanship" suggests that he upheld the possibility of a neutral investigation by civil servants working on behalf of a bourgeois state and even considered it desirable, but it would be misleading to conclude on this basis that he cast his own investigation in the guise of neutrality. Marx's questionnaire elicited knowledge from the working class about its own working conditions so that it could act to emancipate itself from these conditions. Even if the empirical contents of the answers to the questionnaire ended up resembling the information produced by the investigations of factory inspectors elsewhere, they had the altogether different goal of transforming the working class into a subject of knowledge and political action. Marx's questionnaire sought to form the partisan identification of which it spoke.

Beyond its editorial introduction, the questionnaire consisted of 101 numbered questions divided into four sections. The first section addressed the character and conditions of work; the second section

concerned the length of the work day; the third section dealt with contractual relations, the payment of wages, and living expenses; the fourth section turned to organizational forms on both sides of the class struggle.<sup>23</sup> The last question invited observations unanticipated by the questionnaire. It simply read “General comments.”<sup>24</sup>

However, for reasons that are unclear, the questionnaire failed to elicit enough answers from workers in spite of its widespread distribution, as evidenced by a plea for more responses in a subsequent issue of *La Revue socialiste*.<sup>25</sup> We can only speculate about whether this failure derived from a fear of reprisals from employers, illiteracy among workers, or inadequate bonds between the organizers of the investigation and workers, to mention only a few possible explanations. Whatever the reasons for the lack of an adequate response among workers, the results of the questionnaire were never published.<sup>26</sup> The first effort to conduct an investigation in the Marxist tradition thus ended in a failure.

Over a decade later, V.I. Lenin engaged in his own investigations. He questioned workers about working conditions in factories during his period of Social Democratic activism in St. Petersburg from 1894 to 1896.<sup>27</sup> If, as Lar T. Lih claims, such experiences played an altogether pivotal role in crystallizing Lenin’s vision of a people’s revolution led by the proletariat,<sup>28</sup> they also compelled him to adopt a critical stance toward the efficacy of questioning workers to obtain illegal material about working conditions. Lenin recalled that his own experience of questioning one worker over the course of weeks resulted in material for a description of working conditions in only one factory and exhausted the worker. The latter told him: “I find it easier to work overtime than to answer your questions.”<sup>29</sup> Lenin concluded that factory office staff, inspectors, and doctors distill a more comprehensive view of working conditions in newspapers and specialized publications, and that revolutionaries should not hesitate to make extensive use of these legal materials.<sup>30</sup>

But it was Mao who made the greatest strides in practicing and theorizing the investigation in early twentieth-century Marxism. Mao, in his early writings in particular, articulated the investigation as a technique for the transformation of political subjectivity through the mediation of objectivity. Indeed, this technique sought to ward off the perils of idealism in revolutionary struggle by mitigating, if not resolving, contradictions between what Mao called “subjective direction” and “objective conditions.”<sup>31</sup> Notably, the investigation was itself instigated and entirely framed by a revolutionary outlook. In other words, the investigation for Mao was anything but an exercise in the neutral

collection of objective facts. It was suffused from beginning to end with a revolutionary purpose insofar as it sought to formulate tactics in the revolutionary struggle and, in particular, identify leading classes in this struggle on the basis of an appraisal of the totality of class forces. In this sense, the investigation sought to offer a nuanced answer to the highly fluid and therefore vexing problem for Mao of friends and enemies in the revolutionary struggle.

Mao's deeply influential 1927 "Report on an Investigation of the Peasant Movement in Hunan" served as the catalyst for this rendering of the investigation.<sup>32</sup> Rebecca Karl suggests that the first stirrings of peasant unionization in Hunan in 1925 provoked Mao to begin to view the peasantry as "a potentially revolutionary force."<sup>33</sup> The following year Mao gauged the receptivity of categories of the peasantry to revolutionary propaganda, arguing that the sheer material destitution of poor peasants made them the most receptive to this propaganda, even as he stuck to Marxist orthodoxy about the leadership of the industrial proletariat in the revolutionary struggle.<sup>34</sup>

Mao did not exactly abandon this orthodoxy but his appreciation of the importance of the peasantry took a whole new turn with his investigation into the peasant movement in Hunan in January and February 1927. Mao experienced the investigation as nothing short of a moment of profound revelation that reconfigured the very coordinates of his political imagination. As he declared in a bewildered manner: "I saw and heard of many strange things of which I had hitherto been unaware."<sup>35</sup>

Through his investigation, Mao learned that the peasants had transformed themselves into veritable subjects of history. They had not only shattered the power of the landlords, but they had also demonstrated their ability to reorganize the whole fabric of everyday rural life. In the process of targeting landlords, the peasant associations had struck against "patriarchal ideas and institutions," "corrupt officials in the cities," and "bad practices and customs in the rural areas."<sup>36</sup> Deeply impressed by these accomplishments, Mao not only defended the actions of peasant associations against charges from fellow revolutionaries of excessive violence and irresponsibility, but he also arrived at the conclusion that the entire prospect of revolution in China suddenly depends on poor peasants. As he succinctly summarized the importance of their role: "Without the poor peasants there would be no revolution. To deny their role is to deny the revolution."<sup>37</sup>

Other than briefly mentioning his fact-finding meetings with peasants, Mao disclosed very few details about how exactly he conducted his

investigation in Hunan, focusing instead on its sea-changing implications for his understanding of the role of the peasantry in revolution. Three years later, however, Mao elaborated the investigation as a formal technique intended to avert the dangers of idealism in revolution, and this technique pivoted precisely around the kinds of fact-finding meetings he had experienced in Hunan. He offered suggestions about how to conduct these meetings, touching on all kinds of practical details about who should participate in them, whether the meetings should consist of large or small numbers of participants, and how one should prepare for the meetings in advance.<sup>38</sup> Mao considered the investigation so important for producing a knowledge of class forces and formulating revolutionary tactics on the basis of this knowledge that he treated it as the condition for speaking about problems in the revolutionary struggle. In Mao's famous dictum: "Unless you have investigated a problem, you will be deprived of the right to speak on it."<sup>39</sup>

Over a decade later, Mao defended his dictum against charges of "narrow empiricism" on grounds that investigations hinge on a revolutionary cognition in the first place.<sup>40</sup> He also revisited the practical intricacies of fact-finding meetings, depicting them as loci for the production of knowledge driven by the zeal and humility of investigators. In his words:

A fact-finding meeting need not be large; from three to five or seven or eight people are enough. Ample time must be allowed and an outline for the investigation prepared; furthermore, one must personally ask questions, take notes and have discussions with those at the meeting. Therefore one certainly cannot make an investigation, or do it well, without zeal, a determination to direct one's eyes downward and a thirst for knowledge, and without shedding the ugly mantle of pretentiousness and becoming a willing pupil.<sup>41</sup>

Less obviously, Mao's elaboration of the investigation as a technique for the production of knowledge indexed to the task of revolution prefigured his own version of a Marxist theory of knowledge, with its emphasis on the processes of cognition moving from the particular to the general and back to the particular.<sup>42</sup> Indeed, the investigation for Mao allowed for the study of the particularity of contradiction that had so eluded adherents of Marxism as a dogma rather than as a guide to action.

Clearly, the investigation acquired a far more theoretically elaborate and historically consequential form in Mao. But we shall see that even Marx's failed effort to conduct an investigation into the working conditions of the French proletariat opened the space for the GIP to conduct

its investigations. The presence of an investigative orientation in such temporally and spatially disparate sources testifies to the conviction that workers and peasants possess a knowledge of their own conditions that should serve as the basis for political strategies and tactics. And this conviction grates against more vanguardist understandings of Marxist political practice.

## II Investigations from French Maoism to the GIP

The transmission of the practice of investigations from the Marxist tradition to the GIP took place through the highly variegated experience of Maoism in France in the late 1960s and early 1970s. Throughout this period, Maoist groups of various stripes proliferated under the broad influence of the Chinese Cultural Revolution. Beginning in 1967,<sup>43</sup> many of these groups launched investigations into the conditions of workers and poor peasants under the inspiration of Mao's dictum that without an investigation there can be no right to speech. Ross imparts the spatial and social breadth of these investigations, observing that they were "conducted with workers and farmers door to door, in market places, in front of metro entrances, and in villages in *la France profonde*."<sup>44</sup> In the summer of 1967, the short-lived Union of Marxist-Leninist Communist Youth (UJCML) conducted investigations in the hope of establishing a connection with workers and poor peasants that would serve to build an authentically revolutionary communist party.<sup>45</sup> Born partially from a current within the UJCML in 1968, the most prominent Maoist group in France, the GP, undertook investigations "as the means of coming to know what people in specific contexts were thinking."<sup>46</sup> The Group for the Foundation of the Union of Communists of France Marxist-Leninist (UCFML), established by Alain Badiou in 1969, also engaged in investigations, especially among poor peasants.<sup>47</sup>

Investigations were clearly in the air among Maoist groups and it is well known that the political repression of the GP and the hunger strikes among its members in particular served as catalysts for the very creation of the GIP, but it was Danielle Rancière who appears to have played the most important role in relaying the practice of the investigations from a Maoist milieu to the GIP. As a GP militant, Rancière had engaged in investigations at the entrances to factories, and her investigations abided by the Maoist method of recording questions and answers from her discussions with workers in a notebook.<sup>48</sup> She and other GP militants reflected the information garnered through the investigations in pamphlets that were then distributed to workers. Rancière recalls that

this process of gathering information from workers and reflecting it in pamphlets that were then distributed to workers aimed “to liberate the speech of workers.”<sup>49</sup>

Rancière also participated in an initial meeting leading to the formation of the GIP at Foucault’s residence in December 1970, according to Daniel Defert.<sup>50</sup> Before this meeting, Rancière, the lawyer Christine Martineau, and Claude Liscia had composed a questionnaire about prisons. The more than dozen participants at the meeting discussed the questionnaire and eventually decided to adopt it rather than to establish a popular commission of inquiry on prisons.<sup>51</sup> Wolin suggests that at least Foucault was concerned that the focus on the French state in a commission of inquiry would replicate “traditional, top-down, and juridical conceptions of power.”<sup>52</sup>

In adopting the questionnaire, the nascent GIP embraced a Maoist form of political practice. Rancière leaves little doubt as to whether she considered this practice the source of inspiration for her questionnaire. As she relates:

Personally, perhaps without saying it expressly, I suggested taking as a model the Maoist investigation such as we practiced it in the GP. That existed, the Maoist investigation, it consisted of going to question people to know what they had to say: their revolts, their angers; and to then ‘reflect’ the information as if the investigator was just a mirror; and finally to diffuse by way of the press or pamphlets what we had learned.<sup>53</sup>

Rancière even elaborates explicitly that the use of these pamphlets to liberate the speech of workers “served, in part, as a model for the militant activity that we developed in the Prisons Information Group (GIP).”<sup>54</sup>

Just as tellingly, the architects of the nascent GIP drew inspiration from the original source of investigations in the Marxist tradition. They sought to emulate the meticulous attention to material conditions from Marx’s 1880 questionnaire in their own questionnaires.<sup>55</sup> As Foucault’s partner and GIP founder, Defert, recounts: “Our model was Marx’s workers’ inquiry.”<sup>56</sup>

But an investigation into the prisons based on this model faced a unique set of constraints. The goal of the GIP was to heighten public intolerance of the prison system through the voices of prisoners themselves, but these voices were not available in a manner analogous to the voices of workers and peasants. One could not simply pass questionnaires directly onto prisoners, much less convene a fact-finding meeting with them, for the simple reason that there were restrictions on

information flowing between prisons and the outside world, including the widespread censorship of mail and limitations on prison visits to family members only. If the questionnaires were to serve as the instruments for eliciting the voices of prisoners, how were they going to make their way to the prisoners? How were these voices to be accessed in “that darkest region in the apparatus of justice,” as Foucault later described the prison?<sup>57</sup>

It was in response to this practical conundrum that the GIP distributed questionnaires to persons in immediate contact with prisoners, namely, prisoners’ family members, lawyers, and social workers. The GIP also distributed questionnaires to former prisoners. The distribution of the questionnaires for the first investigation took place from February to April 1971 at the entrances to prisons.<sup>58</sup> Foucault himself was tasked with distributing questionnaires to prisoners’ family members awaiting visits at the entrance to La Santé prison in Paris.<sup>59</sup>

Apart from bearing Foucault’s personal address, the contents of the questionnaire consisted of dozens of unnumbered questions addressing a broad range of aspects of prison life. The questions were organized under the following subheadings (in the order of appearance): “Visits,” “Letters,” “Your Rights,” “Cell,” “Walk,” “Food,” “Canteen,” “Leisure Time,” “Work,” “Medical Care,” and “Discipline.”<sup>60</sup> Notably, one of the questions asked prisoners to comment on the investigation and questionnaire themselves, suggesting that from the outset the GIP sought to open up its very method to a critical interrogation.<sup>61</sup>

As the completed questionnaires made their way back to Foucault’s address, the GIP held meetings there with prisoners’ family members and former prisoners to sift through the questionnaires and collate the answers to them.<sup>62</sup> On the basis of this collective effort, the GIP published the results of its first investigation, *Investigation in 20 Prisons*, in May 1971.

*Investigation in 20 Prisons* contains a preface written by Foucault but signed by the “GIP,” followed by the reproduction of two completed questionnaires, two narratives, and samplings of responses from prisoners about various aspects of prison life. In other words, apart from the preface and the questions themselves, *Investigation in 20 Prisons* consists entirely of the words of prisoners in the form of answers to questions and narratives.<sup>63</sup> As the preface serves as a crucial basis for Brich’s claim that Foucault constrained the voices of prisoners in favor of his own political voice, I will turn briefly to its contents.

Foucault, in his preface to *Investigation in 20 Prisons*, revealed his own awareness of the Marxist backdrop to investigations and incorporated Marxist language. He cast the investigations as “instruments”

inherited from nineteenth-century proletarian struggles but modulated for the purpose of heightening intolerance toward a political oppression extending to new social strata as well as the proletariat. Foucault went on to elaborate that these “*intolerance-investigations*” amount to acts of political struggle intended to unify social strata kept apart by the “ruling class” through “the game of social hierarchies and divergent economic interests.” In a language that easily recalls the introduction to Marx’s questionnaire, he also insisted that the investigators are none other than the investigated themselves, rather than “a group of experts,” and that only they can “*take charge of the struggle that will put an end to oppression being exercised.*”<sup>64</sup>

Against the backdrop of these general remarks, Foucault explained that prisons are the first targets of the investigations because of their expanded role in facilitating a political oppression that serves the dominant class in the aftermath of May 1968. Hunger strikes among imprisoned political militants had drawn attention to the prisons, spurring a movement inside and outside of them against “a justice that serves the dominant class.”<sup>65</sup> Having situated the turn to investigations among these developments, Foucault insisted that the investigations are about “giving the prisoners from different prisons the means to speak at the same time about conditions of detention, incarceration, release.”<sup>66</sup> He devoted the remainder of his preface to an elaboration of the method behind the questionnaires, the contents of the investigation, and the specification of criminal records as the targets of the next campaign.<sup>67</sup>

#### IV Investigations as Weapons of Struggle

Brich contends that Foucault’s articulation of a radical political agenda in the preface to *Investigation in 20 Prisons* imposed an interpretive lens on the prisoners’ responses and served as the basis to foreground certain responses. She discerns this agenda in the very “tone set” by Foucault’s references to widespread political oppression in the first paragraph of the preface.<sup>68</sup> Brich claims that Foucault’s ensuing depiction of prisoners’ struggles against oppression “encased” the prisoners’ responses “within a very strongly worded interpretive framework” rather than allowing these responses to appear “simply on their own terms.”<sup>69</sup> Consequently, Foucault ended up foregrounding “his own ideas rather than faithfully reporting prisoners’ responses.”<sup>70</sup>

Brich also brings her criticism to bear on the selection and ordering of prisoners’ responses in *Investigation in 20 Prisons*. She suggests that the GIP privileged the response of a prisoner from La Santé by placing

his response first in the sequence of responses for the simple reason that his views corroborated Foucault's radical political agenda.<sup>71</sup>

In the elaboration of these finer points of her critique, Brich repeatedly levels charges of bias against the GIP and Foucault. She points to the "remarkably biased selection" of prisoners' responses in GIP publications,<sup>72</sup> and cautions that these "publications did not always impartially reflect prisoners' contributions."<sup>73</sup> Brich also underscores the "far from neutral" tone in the opening paragraph of Foucault's preface to *Investigation in 20 Prisons*.<sup>74</sup>

Elsewhere I suggest that these charges speak to an expectation of a standard of neutrality from the GIP that simply loses sight of its overarching goal of heightening intolerance toward the prison system.<sup>75</sup> Brich too easily buys into the view that the purpose of the GIP was to facilitate the views of prisoners and nothing more only to then use this view as the basis for her insistence on its lack of impartiality or neutrality. Indeed, Brich's argument seems to draw sustenance from an implicit reference to a pure voice of prisoners unsullied by the pernicious political baggage of intellectuals.

My contention here is that we can ascertain an even greater appreciation of the extent to which Foucault was working from a stridently partisan position against the backdrop of the Marxist tradition of investigations. We saw in the preceding discussion that this tradition casts investigations as weapons of struggle rather than as instruments of a putatively neutral standard. Foucault and others in the GIP fully and unambiguously embraced this understanding of investigations even as they affirmed struggles for intolerance of the prison system rather than socialist and communist revolutions. As one GIP publication declared: "This is not a sociological investigation, a curiosity-investigation, it's an *intolerance-investigation*."<sup>76</sup>

If we keep this partisan dimension of the GIP in view, we can better understand the constraints it imposed on the voices of prisoners. Indeed, we may well wonder how the GIP could not have imposed these constraints given its overall goal of generating intolerance toward the prison system. This goal most likely determined the exclusion of certain responses of prisoners from publication as well as the inclusion and ordering of other responses for publication.

Even so, there is evidence to suggest that the GIP enabled the voices of prisoners to flourish in surprisingly critical ways. As indicated above, Brich refers to the placement of the responses of one prisoner from La Santé at the beginning of *Investigation in 20 Prisons* as proof that the GIP privileged his voice on the basis of its coherence with Foucault's

radical political orientation. However, if we look carefully at one elaborate response from this prisoner, we can find something altogether different and revealing. The prisoner used the space opened up by the question “*What observations do you have about this investigation and about this questionnaire?*” to formulate a fairly sustained critique of the GIP for its focus on prisons.<sup>77</sup> Let us defer to his words:

You're on the wrong track. The reforms in the prison cannot be carried out alone. They depend entirely on police and justice reforms. To act otherwise is to saw the tree into planks before cutting it down. The penitentiary system is not independent like the P and T [Post, Telegraph, and Telephone Administration] and the SNCF [French National Railway Corporation]. It's a part of a vaster system that we call justice. Moreover, the injustices committed by the administration can be seen as benign, next to those of all kinds of police and magistrates. With the powers they dispose, a warden of a prison or a head guard could render prison conditions absolutely untenable. They do not do it. For example, I never heard anyone speak of men hung by their feet and beaten in their most sensitive areas, nor of those plunged into baths, nor of men whose testicles would have been attached to electric generators. No woman, I believe, aborted because of kicks in the belly. Various police commonly use all of these methods. If magistrates full of humanism do not employ physical violence, they nevertheless use a still more inadmissible violence: the conditioning of witnesses and the orientation of their depositions, the will to make an investigation fit not with the truth but with the belief in guilt prompted by the police, threats of imprisonment, preventive detention, rigging cases, etc. Of course, outside of their contexts these facts appear benign. They are however tragic for those who experience them. Gold-plated cells and chicken for each meal would change nothing in the underlying condition of the prisoner. For a reform of the offender to be worthwhile, justice must present him with an inviolable face. The magistrate should ceaselessly question the legality of his methods. That an offender uses violence, theft, even murder is his concern. A magistrate who uses similar methods, deceitfulness, the cover up of police violence, the refusal of objectivity concerns a whole system, a whole civilization. If justice employs the same methods as the man that it judges, what is it done for? The offender will harden and have the conviction that he's the noble man, the righteous man because he struggles alone, without the apparatus of the law, without the immunity of magistrates. The imprisoned man more than any other has a need for justice. He must find before him the face of a social order that is the essence of civilization and not a group of bandits hiding beneath their magic robe to satisfy hatreds and the complexes of their education. In attacking the prisons, the problem is inverted. One takes the effect for the cause. In spite of

what I have just told you, the necessity of an inquiry such as yours was urgent. I thank you. I am available to confirm my declarations at any time you wish.<sup>78</sup>

The point of quoting this whole response is certainly not to suggest that it distills the uncontested truth of prison life. In fact, the suggestion that prison guards refrain from torture finds no corroboration in the responses of some other prisoners.<sup>79</sup> The point of the quote is to dramatize the presence of a critical voice rather than to validate the content of its claims.

If the placement of the response above at the beginning of a sequence of other responses tells us anything at all, it may be that the GIP was simply open enough to foreground a sharp though sympathetic critique of its own institutional focus. What made the response critical of the GIP was not its appeal to a more holistic understanding of the problem of imprisonment. The founding manifesto of the GIP had already identified the police and justice as integral elements of this problem.<sup>80</sup> What rendered the response above critical was its reduction of the problem of the prison to a mere epiphenomenon apparently unworthy of any further investigation. Obviously, the GIP could not and did not subscribe to this reduction.

Foucault himself seems to have engaged this critique at a more theoretical level. He dwelled briefly but explicitly on the interrelations between prisons, courts, and the police in his sweeping genealogy of the prison-form. He even identified the prisons and police as the means of investing courts with morally corrective or “punitive” rather than purely “penal” functions.<sup>81</sup> For Foucault, these punitive functions transformed the courts into mechanisms for punishing moral faults rather than mere infractions of the law.

If I have emphasized that the GIP adopted and adapted investigations *as* weapons of struggle from the Marxist tradition at such length, it is to recall a basic but occluded point: Foucault and others in the GIP sought to facilitate the voices of prisoners in order to heighten intolerance of the prison system rather than from a neutral, impartial, or unbiased perspective. Beyond this point, a more general implication flows from the preceding analysis: Marxism was not an exogenous moment in Foucault’s political practices, one opposed to something preordained as authentically and essentially “Foucauldian.” It was, rather, a moment that inhabited Foucault’s political practices and propelled them in unique directions, thereby producing whole new configurations.

## Notes

1. Kristin Ross, *May '68 and Its Afterlives* (Chicago: University of Chicago Press, 2002).
2. *Ibid.*, 109–113.
3. *Ibid.*, 112.
4. *Ibid.*, 25, emphasis in the original.
5. *Ibid.*
6. Cecile Brich, “The Groupe d’information sur les prisons: The Voice of Prisoners? Or Foucault’s?” *Foucault Studies* 5 (January 2008): 26–47.
7. Alain Badiou, certainly no stranger to Maoist investigations, goes so far as to insist that Marxism is first and foremost “a taking of sides and systematization of a partisan experience” in *Théorie de la contradiction* (Paris: François Maspero, 1975), 16, translation mine.
8. Richard Wolin, *The Wind from the East: French Intellectuals, the Cultural Revolution, and the Legacy of the 1960s* (Princeton: Princeton University Press, 2010), 17–18.
9. *Ibid.*, 131, 159.
10. *Ibid.*, 17, 370.
11. *Ibid.*, 304–305.
12. *Ibid.*, 4–5, 36, 178, 342.
13. Karl Marx, “A Workers’ Inquiry,” Works of Karl Marx 1880 at the Marxists Internet Archive, 1997, <http://www.marxists.org/archive/marx/works/1880/04/20.htm>.
14. T. B. Bottomore and Maximilien Rubel, Introductory Note to “Marx’s *Enquête Ouvrière*,” *Karl Marx: Selected Writings in Sociology & Social Philosophy*, by Karl Marx, trans. Bottomore, ed. Bottomore and Rubel (New York: McGraw-Hill, 1964), 203.
15. Karl Marx, *Capital: A Critique of Political Economy*, vol. 1, trans. Ben Fowkes (New York: Vintage Books, 1977), 91.
16. *Ibid.*
17. David Harvey points out that the landed aristocracy “promoted” the factory inspectors to limit an increasingly powerful industrial bourgeoisie; see *A Companion to Marx’s Capital* (New York: Verso, 2010), 151.
18. Marx, *Capital*, 349–350, 398–399.
19. Marx, “A Workers’ Inquiry.”
20. *Ibid.*
21. *Ibid.*, translation modified.
22. *Ibid.*, emphasis in the original.
23. Marx, “*Enquête Ouvrière*,” *Karl Marx*, 204–212.
24. *Ibid.*, 212.
25. Bottomore and Rubel, Introductory Note to “Marx’s *Enquête Ouvrière*,” 204n.
26. *Ibid.*
27. Lars T. Lih, *Lenin* (London: Reaktion Books, 2011), 55.
28. *Ibid.*, 14, 43, 54–55.
29. V.I. Lenin, *What Is to Be Done? Burning Questions of Our Movement* (New York: International Publishers, 1999), 148n.
30. *Ibid.*
31. Mao Tsetung, “The Important Thing Is to Be Good at Learning,” in *Selected Readings from the Works of Mao Tsetung* (Peking: Foreign Language Press, 1971), 59.
32. Mao Tsetung, “Report on an Investigation of the Peasant Movement in Hunan,” *Selected Readings*, 23–29. A theorist no less important for Subaltern Studies than

- Ranjit Guha draws quite extensively from Mao's report in his seminal analysis of insurgent consciousness, *Elementary Aspects of Peasant Insurgency in Colonial India* (Durham: Duke University Press, 1999).
33. Rebecca E. Karl, *Mao Zedong and China in the Twentieth-Century World: A Concise History* (Durham: Duke University Press, 2010), 28.
  34. Mao Tsetung, "Analysis of the Classes in Chinese Society," *Selected Readings*, 16, 18–19.
  35. Mao, "Report on an Investigation of the Peasant Movement in Hunan," 23.
  36. *Ibid.*, 25–26.
  37. *Ibid.*, 35.
  38. Mao Tsetung, "Oppose Book Worship," *Selected Readings*, 47–49.
  39. *Ibid.*, 40.
  40. Mao Tsetung, "Preface to *Rural Surveys*," *Selected Readings*, 196.
  41. *Ibid.*, 195–196.
  42. Mao Tsetung, "On Practice: On the Relation Between Knowledge and Practice, Between Knowing and Doing," *Selected Readings*, 76–77; Mao, "On Contradiction," *Selected Readings*, 97; Mao, "Where Do Correct Ideas Come From?" *Selected Readings*, 502–503.
  43. Ross, *May '68 and Its Afterlives*, 109.
  44. *Ibid.*
  45. Jason E. Smith, "From Établissement to Lip: On the Turns Taken by French Maoism," *Viewpoint Magazine* 3, September 30, 2013, <http://viewpointmag.com/2013/09/25/from-etablissement-to-lip-on-the-turns-taken-by-french-maoism>.
  46. A. Belden Fields, *Trotskyism and Maoism: Theory and Practice in France and the United States* (New York: Praeger, 1988), 122.
  47. Groupe pour la fondation de l'Union des communistes de France marxiste-léniniste (UCFML), *Le livre des paysans pauvres: 5 années de travail maoïste dans une campagne française* (Paris: François Maspero, 1976).
  48. Daniel Defert, "L'émergence d'un front nouveau: les prisons" (2003), FGIP-AL, 318.
  49. Philippe Artières, "Militer ensemble: Entretien avec Danielle Rancière," *Michel Foucault*, ed. Philippe Artières, Jean-François Bert, Frédéric Gros, and Judith Revel (Paris: Éditions de L'Herne, 2011), 53, translation mine.
  50. Defert, "L'émergence d'un front nouveau," 317. Rancière chronicles this meeting as the moment in which the nascent GIP adopted the questionnaire but she dates the meeting from the end of February 1971 in Artières, "Militer ensemble," in *Michel Foucault*, ed. Artières, Bert, Gros, and Revel, 54. The problem with this date is that the GIP had already distributed questionnaires as early as the day of its public founding on February 8, 1971. On the distribution of questionnaires on this day, see David Macey, *The Lives of Michel Foucault* (New York: Pantheon, 1993), 261–262.
  51. Defert, "L'émergence d'un front nouveau," 317–318; Artières, "Militer ensemble," *Michel Foucault*, 54.
  52. Wolin, *Wind From the East*, 305.
  53. Artières, "Militer ensemble," *Michel Foucault*, 54, translation mine.
  54. *Ibid.*, 53, translation mine.
  55. Daniel Defert, *Une vie politique: Entretiens avec Philippe Artières et Eric Favereau avec la collaboration de Joséphine Gross* (Paris: Seuil, 2014), 54. Defert nevertheless remains critical of the focus on material conditions inspired by Marx's questionnaire,

- suggesting that it too easily lost sight of daily humiliations that prisoners considered more important.
56. Defert, "L'émergence d'un front nouveau," 318, translation mine.
  57. Foucault, EDP, 256.
  58. Artières, Quéro, and Zancarini-Fournel, FGIP-AL, 55.
  59. Macey, *Lives of Michel Foucault*, 266–267.
  60. GIP, "Questionnaire aux détenus" (1971), FGIP-AL, 55–62, translation mine.
  61. *Ibid.*, 62.
  62. Macey, *Lives of Michel Foucault*, 267–268.
  63. Prisons Information Group (GIP), "Investigation in 20 Prisons," in *Foucault and Power: The Influence of Political Engagement on Theories of Power*, by Marcelo Hoffman (New York: Bloomsbury Academic, 2014), 155–204.
  64. *Ibid.*, 156, emphasis in the original. Of course, Foucault later adopted a more critical stance toward the language of the "dominant class" and "oppression" because this language seemed to imply a possessive rather than a relational understanding of power. But, even as he gravitated toward this stance, Marxism continued to inflect the vocabulary and contents of his analyses in the early 1970s. To take one prominent example: Foucault, in his genealogy of the prison-form, treated working class attacks on capital, in the form of plundering material wealth and dissipating labor-power, as the basis for the generalization of disciplinary power. See Michel Foucault, FCF-PUN.
  65. GIP, "Investigation in 20 Prisons," 157.
  66. *Ibid.*
  67. *Ibid.*, 157–158.
  68. Brich, "Groupe d'information sur les prisons," 38.
  69. *Ibid.*, 39.
  70. *Ibid.* Brich's argument here raises a whole series of questions: What would prisoners' responses have looked like "simply on their own terms" (emphasis mine)? How practical would it have been for the GIP to present these responses as such? Why was Foucault's foregrounding of his ideas about prisoners' responses necessarily at odds with a "faithful reporting" (emphasis mine) of the responses? Was Foucault unfaithfully reporting these responses?
  71. *Ibid.*, 40.
  72. *Ibid.*, 30.
  73. *Ibid.*, 38.
  74. *Ibid.*, 38.
  75. Hoffman, *Foucault and Power*, 20–21.
  76. GIP, "Enquête-intolérance" (1971), FGIP-AL, 53, translation mine and emphasis in the original. Maoists too had already distinguished their own investigations from sociological investigations. In her discussion of this distinction, Ross submits that sociological investigations treated workers as objects of study to be accessed from a position of exteriority whereas Maoist investigations depended on the "direction and control" of workers themselves in *May '68 and Its Afterlives*, 112.
  77. GIP, "Investigation in 20 Prisons," 166, emphasis in the original.
  78. *Ibid.*, 166–167, translation modified.
  79. *Ibid.*, 200.
  80. GIP, "(Manifeste du GIP)" (1971), FDE1, no. 86, 1042–1043. I thank Perry Zurn and Andrew Dilts for this reference.
  81. Foucault, FCF-PUN, 138.

## CHAPTER 10

---

# The GIP as a Neoliberal Intervention: Trafficking in Illegible Concepts

*Shannon Winnubst*

The prison industrial complex exemplifies the neoliberal inversion of a fundamental structure of classical liberalism: the state/market relation. With exponential growth that tellingly begins in the late 1970s, prison populations in the United States exploded from 1.8 million in 1980 to 7.3 million in 2008.<sup>1</sup> Increasingly serving as a racializing technology that imprisons persons of color, especially African Americans, at disproportionately high rates, the prison industrial complex has become a remarkably productive and expansive economic site. As Michelle Alexander explains in her well-circulated book, *The New Jim Crow*, “prisons are big business and have become deeply entrenched in America’s economic and political system.”<sup>2</sup> Not only has the private prison market boomed since the early 1990s, but many rural (and mostly white) communities have become dependent on prisons for jobs and economic growth. Moreover, as Alexander argues, a whole range of industries profit from the ongoing growth of the prison industry: phone companies that gouge prisoners’ phone rates; gun manufacturers that arm penitentiary security forces and the police forces that incarcerate the prisoners; private health care providers contracted by prisons; the US military and corporations that exploit prison labor; and so on. The market of the prison industry demands that the state continue to feed it.

In the terms of Foucault’s 1979 lectures on the emergence of neoliberalism, *The Birth of Biopolitics*, the prison industry sits at the intersection of the fraying of the social contract of liberalism and the burgeoning of the neoliberal market.<sup>3</sup> In those lectures, Foucault argues that the neoliberal transformation of classical liberalism is a process of

intensification, not displacement. Accordingly, he shows how concepts, categories, values, and forms of social rationality endemic to classical liberalism intensify and thereby mutate into neoliberal modes of governance. For example, the concept of the liberal subject of rights does not suddenly disappear with the elections of Margaret Thatcher and Ronald Reagan; rather, it intensifies into a different kind of concept that Foucault calls “a subject of interests.”<sup>4</sup>

Central to these transformations is the intensification of the relation between the state and the market. In neoliberalism, Foucault writes, the market that is already deemed free in classical liberalism intensifies into the barometer of truth in neoliberal economic theories and practices.<sup>5</sup> He argues that, displacing the role of the law as a juridical limit to the power of the state, the market becomes a site of veridiction that, in turn, begins to saturate the field of the political, writ large. In the ascendancy of neoliberalism as economic theory and practice, that is, the market emerges as a site of “truth” that governmental practices need to leave alone. The relation between economics and politics is subsequently flipped: no longer is it the government’s duty to rein in the market to ensure fair prices; rather, “to be good government, government has to function according to truth.”<sup>6</sup> And it is the market that is the site of veridiction. As Foucault puts it, “the market must tell the truth (*dire le vrai*).”<sup>7</sup>

This is a seismic shift. While the market has always been deemed “free” in classical liberalism, the contractarian tradition relies on juridical reason and legal force to police the boundaries of the market, keeping it hemmed in from time to time. The neoliberal intensification of the market into a site of truth-telling initiates, for Foucault, new kinds of social rationality and governance that turn not on the classically liberal values of justice, equality, or humanism, but on neoliberal values such as competition, calculable risks, and maximizing interests. This proliferation of market calculations as the site of truth-telling eclipses the forms of authority, whether symbolic or material, that bind the social contract to juridical constructs.<sup>8</sup> Moreover, the truths told by the market calculations intensify into a new kind of social rationality that reaches far beyond economic domains to infect decisions such as the choice of life partners, whether and how to rear children, the value of educational systems, normative concepts of health, and the proper role of pleasure in a maximized life. When Foucault describes the neoliberal intensification of the market into a social rationality, he describes a seismic shift—an unnerving, decentering transformation that unmoors the mechanisms of the social contract.

## I Trafficking in Illegible Concepts

In an effort to read the remarkable work of the GIP in relation to the contemporary prison industrial complex, I place it in the context of these 1979 lectures on neoliberalism. Delivered seven years after his work with the GIP, Foucault's analyses of neoliberalism, which he posits as the birth of biopolitics, offer several critical frameworks through which to cast the political tactics of the GIP. In this chapter, I focus on his repeated insistence that neoliberalism does not function as an ideology. In the 1979 lectures, Foucault argues that the incursion of market calculation into noneconomic domains extolled by early neoliberal theorists (especially those "anarcho-neoliberals" in the United States) will require new modes of critique, especially ones that do not assume the conceptual infrastructure of ideology. In addition to heightening the vexed role that Marxism plays in Foucault's thinking, this persistent call for nonideological analyses of neoliberalism cautions against any exclusive reliance on ideology to capture the complex machinations of social power in these contemporary, neoliberal times. Consequently, I take it as a critical warning against the sufficiency of ideological critique to track the prison industrial complex and all its insidious social tentacles.

By approaching the work of the GIP through these later lectures, I argue we can locate political tactics in the 1971–72 documents that foreshadow this theoretical distancing from ideological analyses that we hear in the 1979 lectures. In 1979, Foucault presciently grasps how the intensification of market rationalities beyond the economic sphere will gradually materialize as an eclipse of traditional, unified modes of authority. That is, when neoliberal modes of social rationality proliferate beyond the economic domain, the kinds of authority that structure ideological interpellation, such as the school and the church, will fade as singular forces of social cohesion.

Eerily, in 1971–72, the tactics of the GIP already enact this theoretical claim. That is, the tactics of the GIP redirect political intervention from the revolutionary call to behead the king, as it were, toward the exposure of the banal conditions of everyday life to mobilize widespread intolerance of the institution of the prison. Through the circulation and publication of prisoners' questionnaires, the GIP exposes and intensifies the general carceral logic that displaces any easy division between those "inside" and those "outside" the prison. This reorientation from centralized authority with a strict inside/outside demarcation towards the dispersed, capillary formations of power is also one of the central stakes of Foucault's calls for nonideological analyses of neoliberalism in

1979. Consequently, if the contemporary prison industry is an exemplar of these neoliberal times, then attention to the distinctly nonideological character of the GIP's tactics may offer some fresh resources for contemporary intervention in these neoliberal times, especially regarding the obscene prison industrial complex. I call these tactics the trafficking in illegible concepts.

To argue that the GIP develops tactics that are illegible to ideological analyses, I first show that the GIP is fundamentally aimed at exposing the general carceral logic of Western society. Placing the documents of the GIP in the context of Foucault's writings in the early 1970s, I show how this entails a "cutting" against the concepts of humanist ideology by blurring any boundary between the innocent and the guilty. I focus particularly on how the GIP's questionnaires and the details they excavate outstrip the legibility of the liberal contractarian tradition altogether, including its ideology of humanism. The questionnaires achieve this through two routes: (1) by blurring the division of innocence and guilt, they attack the fundamental assumptions of humanist ideology that situate the prison as an unfortunate rehabilitative aspect of the social contract; (2) by excavating banal details that do not fall into the schematic of humanist ideology, the questionnaires expose a general carceral logic. These details, I argue, are not legible to the ideology of humanism and its rhetoric of amelioration. But they are also not legible to ideological critique itself, as I demonstrate through a return to Althusser's classic account of ideological interpellation. The *raison d'être* of the GIP's work, these exquisite and banal details, traffic in illegible concepts. By listening carefully to them, we may find fresh resources for contemporary prison abolitionist politics.

## II Exposing the General Carceral Logic: The Politics of Questionnaires

Across his remarkable range of genealogical work, Foucault often placed the specific object of analysis back in what Bataille called "a general economy." Remember, for example, the infamous language of *The History of Sexuality, Volume One*, where Foucault clarifies that he is interested not in showing the repressive hypothesis is mistaken, but in "putting it back within a general economy of discourses on sex in modern societies since the seventeenth century."<sup>9</sup> This same epistemological move frames the work of the GIP and its exposure of a general carceral logic.

As Foucault puts it in a July 1971 interview, "From a general point of view, one can enjoy classifying societies into different types. There are exiling societies... There are also killing, torturing, or purifying

societies . . . and, finally, there are confining societies, such as ours has become since the 16th and 17th centuries.”<sup>10</sup> This general framing of Western modern society as a confining society particularizes the work of the GIP as an intervention into one of many instantiations of this more general confining or carceral logic. As he accentuates later that same year (November 1971) in a discussion focused mostly on the pragmatics of the 1968 student revolts, “In more general terms, . . . we can’t defeat the system through isolated actions; we must engage it on all fronts—the university, the prisons, and the domain of psychiatry—one after another since our forces are not strong enough for a simultaneous attack.”<sup>11</sup> The educational, medical, and penal systems are all part of a general economy that constitutes a society of confinement, which I also call a general carceral logic. Paired with the aim to expose and attack this general carceral logic, the GIP described “the ultimate goal of its interventions”<sup>12</sup> as the questioning of “the social and moral distinction between the innocent and guilty.”<sup>13</sup> Put differently, the GIP focused directly on the particular task of blurring any clear demarcation between the inside and the outside of the prison. It sought “to obliterate the deep division that lies between innocence and guilt.”<sup>14</sup>

The manner in which the GIP undertakes these aims constitutes the critical intervention—both epistemologically and politically. When Jean-Marie Domenach, Michel Foucault, and Pierre Vidal-Naquet delivered the manifesto of the GIP at a press conference in February 1971, they framed their work primarily as an epistemological intervention:

We plan to make known what the prison is: who goes there, how and why they go there, what happens, what life is like for the prisoners and, equally, for the supervisory staff, what the buildings, diet, and hygiene are like, how internal regulation, medical supervision, and the workshops function; how one gets out and what it is, in our society, to be one of those who has gotten out.<sup>15</sup>

To do so, they began distributing questionnaires to prisoners. The detainees then rewrote, responded, and circulated the questionnaires further, from cell to cell as well as in and out of prison, often at great risk of punishment. As Daniel Defert explains in a second manifesto in May 1971:

The detainees are the ones who give information. They give it by responding to questions they themselves have posed. The first questionnaire was, from the beginning, drafted with the help of former detainees: it was modified after responses were received. Several thousand copies are now in circulation.<sup>16</sup>

This circulation of information was the fundamental material work of the GIP. All of the interviews, discussions, and manifestos return to this as the touchstone of the GIP, leading various members to refer to the GIP's position as a "relay station"<sup>17</sup> or "meeting ground"<sup>18</sup> to enable the circulation itself. Over and over they insist that "the information must circulate, from mouth to ear, from group to group."<sup>19</sup>

The circulation itself was thus a political act. An anecdote from Defert captures the intense commitment to the questionnaire:

The mother of a young man, detained near Paris, got the questionnaire: it was impossible to give it to him directly and she was forbidden to speak of it during visitation. She copied it in fragments, on bits of paper. In the visiting room, while the screw [*maton*] had his back turned, she quickly read a question. Upon leaving, she wrote down his answer. The screw caught them at it recently; the young man was written up and had to go to the *prétoire*. He wanted to continue anyway; in two months' time, the questionnaire was complete.<sup>20</sup>

Worth risking intensified punishment and/or extended detainment, the questionnaire was itself the site of political intervention in the working of the GIP. With its focus on a range of quotidian deprivations (visits, letters, cells, walks, food, canteen, leisure) and more egregious modes of punishment (rights, medical care, discipline, surveillance, hazings) forced upon prisoners, the questionnaire excavated information that, echoing the more well-known essay by Foucault of the same period, "Nietzsche, Genealogy, History," cuts against the dominant frameworks and ideologies of the time.

By putting the questionnaires in the more familiar language of that essay, which Foucault wrote contemporaneously and published in 1971, we can see how the work of the GIP informed Foucault's more abstract formulations about genealogical thinking. For example, when the questionnaires' excavation of the quotidian deprivations blurs the boundary between those inside and outside the prison, we can see how this "fragments what was thought unified"<sup>21</sup>—namely, the ideologies of responsibility, guilt, and punishment that allow the strict inside/outside demarcation. The kind of everyday bodily discomfort reported in the questionnaires, such as prisoners freezing without adequate heat or filthy with only one shower a week, blurs the inside/outside demarcation with the banality of such punitive measures. Perhaps perversely, the usual punitive measures of physical violence and deprivation of rights are exonerated by the concepts of an essentially criminal soul or

the culpable, agential, founding subject on which they stand. But these kinds of low-level bodily discomforts, such as freezing and filth, are not strictly contained in the prison. These are not exclusively the pains and punishments incurred in the particular space of the prison.

The questionnaires thereby cut against the ideology of humanism by using details and concepts that do not succumb to its schematics of humane/inhumane punishment, with its alleged fealty to rehabilitation. As Foucault puts it in a discussion in *Actuel* in November 1971:

Confronted by this penal system, the humanist would say: “The guilty are guilty and the innocent are innocent. Nevertheless, the convict is a man like any other and society must respect what is human in him: consequently, flush toilets!”<sup>22</sup>

But the GIP is aiming to expose the general carceral logic and the questionnaires’ information about bodily effects of imprisonment undercuts the innocent/guilty dichotomy central to the humanist ideology. As Foucault and Pierre Vidal-Naquet (March 1971) describe the work of the questionnaires, “we want there to be little difference between the inquirers and the inquired.”<sup>23</sup> In the more abstract language of genealogical thinking, the questionnaires of the GIP excavated a desubjectifying site that undercuts habitual concepts of analysis and modes of evaluation, especially those of a humanist founding subject that grounds a dualistic system of normative judgment.

### III The Ideology of Humanism

The specificities of the questionnaire are thereby the *raison d’être* of the GIP. To grasp their details, however, is not an easy or simple task: the details are the genealogical cutting. They are the danger. To hear them requires a cutting against at least two of the most firmly and deeply sedimented, intertwining habits of our contemporary episteme, especially in its classically liberal mode: ideology and humanism. It is in this vein that Defert emphasizes the work of the GIP “is not sociological work,”<sup>24</sup> not an invitation to “talk about oneself.”<sup>25</sup> Foucault echoes this, proclaiming the circulation of the questionnaires “is not a sociological inquiry. Rather, it aims to let those who have an experience of prison speak. Not that they need our help to ‘gain consciousness.’”<sup>26</sup> While a critique of the discourses of humanism and the founding subject is not a new theme for Foucault in 1971 (or his readers forty years later), the connection directly to ideological analytics, such as

consciousness-raising and superstructures, sharpens the kind of political intervention underway in the GIP's circulation of questionnaires.

First of all, the GIP persistently undermines any easy recourse to the dominant ideology of rehabilitation that circulated in French society in the 1960s/1970s (and still manages to surface in the United States in the twenty-first century). Foucault simply and directly dismisses this as a gross form of false consciousness: it simply is not materially true. Deepening that dismissal, however, Foucault persistently distances the work of the GIP from mere reformism that would aim to offer a corrective to an ideology of humanism, such as we find, for example, in the above call to fight for the humane treatment of prisoners. Focusing on the general carceral logic itself, Foucault addresses the kind of Marxist analysis that undergirds this reformist humanism directly in "Prisons and Revolts in Prisons," an interview in 1973:

There is a so-called Marxist analysis . . . which consists of attributing all of [the penal system] to superstructures. At that level, one can always imagine adjustments and modifications. But, in fact, I don't think that the penal system forms part of superstructures.<sup>27</sup>

Explicitly refusing the possibility of attacking the penal system fully through superstructures, the GIP also undercuts the ideologies of humanism, responsibility, and humane punishment as correctives for improving the current practices of imprisonment. The GIP refuses to traffic in the concepts of the social contract and its politics of correction and amelioration.

The aim of the GIP, once more, is the general carceral logic itself. As Foucault describes in that same interview,

The penitentiary system . . . forms part of a larger, more complex system which is, if you will, the punitive system: children are punished, students are punished, workers are punished, and soldiers are punished. Ultimately, we are punished our whole life long . . . Hospitals, asylums, orphanages, colleges, schools, factories, workshops with their discipline and, finally, prisons, all formed part of a kind of great social form of power, which was put in place at the beginning of the 19th century.<sup>28</sup>

This focus on the general pattern and rationality of confinement broadly indicates the turn in Foucault's thinking toward disciplinary and, ultimately, biopolitical forms of power. But in terms of the work of the GIP, it sharpens the focus of the intervention on the blurring of any

simple division between those inside and those outside the prison. As the quintessential demarcation of innocence/guilt, the blurring of this boundary throws the central tenets of humanism into question: if the prison is but one of many instantiations of a general carceral logic, then what normativity can the concept of “responsibility” hold? And if the universality of responsibility is in question, then the founding subject and all that it subtends also begins to falter. The GIP intervenes in the bedrock values and concepts of the ideology of humanism.

#### IV The Quotidian as beyond Althusser

The work of the GIP “to obliterate the deep division that lies between innocence and guilt”<sup>29</sup> thereby incites creative political tactics that unsettle the discursive field of ideological humanism, especially as it situates the prison as an unfortunate aspect of the social contract required for rehabilitating the guilty. Much of that unsettling, however, occurs in manners that outstrip ideological analytics per se. It is not merely that the GIP challenges the assumptions, concepts, and values of humanism: it instantiates a nonideological and nonsubjective register of critique and intervention. Insofar as Foucault insists that neoliberalism does not function as an ideology, it is here that I suggest we prick up our ears.

Fittingly, I turn directly to a sample of the questionnaires.

From 1971–72, the GIP produced four reports based on the circulation of thousands of questionnaires among prisoners in France at the time. Foucault edited the first of these, published as *Investigations in 20 Prisons* in May 1971, and authored its preface. In this first collection of the questionnaires, we find the following topics: visits, letters/censorship, rights/rules, cell, walks, food, canteen, leisure time, work, medical care, discipline, surveillance, hazings, suicides-strikes-revolts. The responses under each heading are, generally and simply, intolerable: the visiting room is filthy, noisy, under capricious control and surveillance; letters are censored, drawings from children are confiscated, and Christmas packages are plundered; the question of rights or uniform rules is scoffed at and the caprice of (often intoxicated) guards is detailed; the cell is tiny, isolating, bug-infested, and, again, filthy; walks are crowded into small spaces and speech is largely forbidden; the food is bland, poorly cooked, sometimes rotten; the canteen is necessary to make the food edible; for leisure, one can smoke cigarettes and study, but largely there is no television, radio, film or newspaper worth reading; work is long, monotonous, and virtually unpaid once all the

“fees” are subtracted from the wage; medical appointments are consistently less than 2 minutes long and result in the prescription of aspirin; discipline is harsh, physically and psychologically, with most sentences beginning with 45–90 days of solitary confinement; all of prison life is vulnerable to surveillance, including the use of the chamber-pot or the prohibition of lying down during the day; the guards discipline and punish erratically, both in terms of the cause and intensity; suicides, both attempted and successful, are widespread, involving the swallowing of nails, razors, broken glass, metal buttons; and revolts are growing, involving actions such as prison-wide drumming and burning of mattresses. To read these, even forty years later, is most certainly to “perceive the intolerable.”<sup>30</sup>

But how exactly is it intolerable? What is intolerable and what is not even legible by the metric of tolerance? To ask these questions is to sort these various topics according to their different socioaesthetic modes. For example, the questions of whether a guard beats a prisoner capriciously or whether a prisoner must freeze under sperm-encrusted and bug-infested sheets every night animate different kinds of socioaesthetic responses. This differential, I argue, demarcates the nonideological analyses circulating through the work of the GIP. While some of these topics—e.g., rights, medical care, discipline—might clearly become part of a “humanist” evaluation of prison practices, others do not fall so easily into this kind of discourse.

I suggest this is because some of the topics—rights, medical care, discipline, surveillance—are already considered the norms of prison life: the stripping of rights or punishment of unruly prisoners, for example, are often assumed to be the very meaning of imprisonment and, as such, can easily be absorbed into a rational discourse about the acceptable (“humane”) limits of such a practice. The ideology of humanism can interpellate these practices as partially constituting punishment and thereby requiring oversight and policing. But the anxiety produced by the ticking clock in the visiting room or the delirium produced by the breaking of all social contact and cohesion does not give way to such rational discourse of limits and amelioration. And the information that “an unbearable odor of shit reigns in the passageways,”<sup>31</sup> that there is “no heating in the dorms and workshops,”<sup>32</sup> that the prisoners can only shower once a week, that “the mice and rats swarm”<sup>33</sup> and that prisoners “bang [their] head[s] against the walls to break the monotony?”<sup>34</sup> What ideology can render these practices legible and thereby claim to fix them? What ideology can lay claim to these as extreme, but still understandable, conditions of imprisonment?

To push this a bit further, I turn briefly to the work of Althusser and his well-known accounts of both ideology and interpellation.<sup>35</sup> To be interpellated, for Althusser, is to become a subject in one's society—or, more specifically as Judith Butler put it, to become a legible subject in one's society. Processes of interpellation emerge from multiple societal places, ranging from the church and the school to the press and the prison. Across his rich account in "Ideology and Ideological State Apparatuses (Notes towards an Investigation)," the recognition that one is always already interpellated—or hailed—is immediate. Even more so, one becomes a subject capable of such recognition precisely through the ideological hailing itself: without hailing, there is no subject. And yet, we are always already subjects—and thus always already hailed, always already interpellated by ideology. As Althusser puts it, "the category of the subject is the constitutive category of all ideology, whatever its determination (regional or class) and whatever its historical date . . . but . . . the category of the subject is only constitutive of all ideology insofar as all ideology has the function (which defines it) of 'constituting' concrete individuals *as subjects*."<sup>36</sup>

Enmeshed in the constitution of the subject, Althusser's account assumes social topographies of hegemony and the Marxist super/infrastructure division, whereby class divisions become the explanatory engine for dominant ideological norms. He thereby focuses his analysis on the dominant (hegemonic) functions of the liberal contractarian ontology—namely, a social authority that functions through a juridical rationality and an obedient subject who responds with a psychological interiority. It is telling, therefore, to recall what kinds of cultural practices and historically sedimented repetitions Althusser has in mind in these processes of interpellation: attending Mass on Sunday, kneeling to pray, obeying the headmaster, getting married with no concept of a divorce (or a prenuptial contract), keeping one job for an entire lifetime, obeying and pleasing one's husband, devoting oneself entirely to parenting, professing undying loyalty to one's nation, one's race, one's community, one's sports team, and so on. These are the rituals that bind Ideological State Apparatuses' together: they are the heart and blood of ideology. And, most importantly, they are the rituals that interpellate us into clearly scripted subject-positions.

On this Althusserian account, ideology always already sets forward the terms in which any given object of analysis will be taken up. When Foucault repeatedly places particular objects back in a general economy of historical discourses across his genealogical work, he is (among other things) attempting to step back from an ideological framing to excavate

the various, heterogeneous processes through which norms emerge in their apparently given, sedimented form. In the documents of the GIP, this primarily means stepping back from a humanist ideology about prisons to a general economy of the emergence of this general carceral logic. To step back from a humanist ideology entails, at the very least, a stepping back from the figure of a founding subject and from the persistent narrative and logic of amelioration. Given Althusser's account, this means engaging objects of analysis that are not easily interpellated—not easily legible—into that ideology. That is, it means excavating objects of analysis that do not give in to the ameliorative logic of humanism that renders punishment acceptable insofar as it is not inhumane punishment. We have to traffic in illegible concepts. And this is what the questionnaires do.

## V “The Leftist Ritual Is Sterile”

When the GIP insists it wanted “no prescription, no recipe, and no prophecy,” this does not mean it did not want political change.<sup>37</sup> To the contrary, it aimed at a radical political attack on the general carceral logic that renders Western society itself a confining society. To undertake this, it insisted on a new form of political action and the prison revolts at Toul (December 1971) and Nancy (January 1972), rooted as they are in the circulation of questionnaires, demonstrates this new form of intervention. Reading this intervention through Foucault's 1979 lectures on neoliberalism, I argue that it literalizes the kind of nonideological political strategy that neoliberal social rationality and practices also require.

Writing about the revolts at Toul, Foucault proclaims “a new type of struggle thus appeared.”<sup>38</sup> In these series of revolts, the prisoners did not resort to old tactics: they did not take hostages or stage a break-out or enact dramatic suicides. As Foucault described it in January 1972:

They formed a barricade. They confined themselves within a prison of which they were now masters, and from which they chased the administration. . . . They inverted the functions of the wall, the gate, and imprisonment itself. On that day, they did not want to get out of prison, but rather to be free of their status as humiliated prisoners.<sup>39</sup>

The tactics used at Toul became emblematic of the revolts inspired and facilitated by the work of the GIP: prisoners occupied “strategically important places, like the roofs from which they can be seen and heard

on the outside, from which they can demonstrate . . . that they exist, that they struggle and why they struggle.”<sup>40</sup>

These tactics are then repeated on January 15, 1972, when the prisoners at Nancy also take to the roofs to disseminate information about the conditions of living in the prisons. In this revolt, the GIP reports directly on the leaflet that was distributed. Written on Nancy prison letterhead, the leaflet’s demands, I argue, are both ideologically legible and illegible:

We ask for equitable justice, within the prison, on the parts of the guards and the supervisory staff.

Detainees demand honorable justice, including the suppression of criminal supervision and residency prohibition . . .

We request the improvement of food standards and the canteen.

We demand that newspapers no longer be censored. We demand decent hygiene and heated dormitories. We demand that detainees no longer be beaten by the guards over slight infractions.<sup>41</sup>

Emphatically proclaiming the existence and distribution of this leaflet as the emergence of “a totally different form of revolt,”<sup>42</sup> Foucault reports the scene of the distribution and the role of the GIP in this political act:

The detainees wrapped this leaflet around stones and threw it. It was the police’s job to collect all the leaflet-wrapped stones so that no one would know what the detainees wanted. GIP activists got hold of one of these leaflets, immediately reproduced it, and distributed it in the street.<sup>43</sup>

Revolts such as these consequently spread widely. In March 1972, Foucault reports that “there were public meetings at Nancy, Toul, Lille, Poitiers, and detainees often took the floor there. They mounted the platform to say: ‘I spent two years in a prison like that, or five years in another.’”<sup>44</sup> Once more, the excavation, dissemination, and circulation of this information constitute the radical political act of the GIP.

These insurrections of subjugated knowledges do not track along traditional routes of political intervention or revolution. From the perspective of reform, they failed: the revoltees at Toul, for example, were relocated to another prison and the press circulated various apocryphal stories of hostages and suicides. But Foucault insisted that “what happened at Toul was the beginning of a new process: the first time a political struggle was led against the entire penal system by the same social stratum that forms its primary victim.”<sup>45</sup> The barometer of “success”

for the GIP was the spread of this kind of struggle against the general carceral logic itself across all arenas of social life. As he elaborates in March 1972, with an exquisite twisting of the blade against traditional, ideologically bound revolution:

The local discussions in your centers and clubs, villages, small circles, the marketplaces seemed more interesting to us. It was more fecund. *The leftist ritual is sterile*. These kinds of mass gatherings are no more the barometer of revolutionary mobilization than 11 o'clock village mass is a barometer for the intensity of faith.<sup>46</sup>

Through the widespread circulation of the conditions of the institution that exemplifies the ideologies of confinement, the GIP achieves its singular aim: the exposure of a general carceral logic that structures many areas of society. In this way, we all become prisoners of one sort or another.

And this is intolerable, but also illegible.

### Notes

1. Sourcebook of Criminal Justice Statistics: <http://www.albany.edu/sourcebook/>, Table 6.1.2011.
2. Michelle Alexander, *The New Jim Crow: Mass Incarceration in the Age of Colorblindness* (New York: The New Press, 2010), 218.
3. Foucault, ECF-BOB.
4. See lecture of 28 March, Foucault, ECF-BOB.
5. In a distancing from Marxist analysis, Foucault does not frame his discussion of the market in mid-18th century liberalism as the advent of capitalism. Resisting, as ever, the possibility of a singular cause of this emergence of a new kind of market rationality, Foucault suggests “a polygonal or polyhedral relationship” (Foucault, ECF-BOB, 33) between a number of economic, demographic, technical, theoretical, and governmental shifts to try to understand how it emerges.
6. *Ibid.*, 32.
7. *Ibid.*
8. For detailed developments of this argument, see Slavoj Žižek, *First as Tragedy, Then as Farce* (New York: Verso, 2009) and Jodi Dean, *Democracy and Other Neoliberal Fantasies: Communicative Capitalism and Left Politics* (Durham: Duke University Press, 2009).
9. Foucault, EHS1, 11.
10. Foucault, “Je perçois l’intolérable” (1971), FDE1, no. 94, 1071.
11. Foucault, ELCP, 230.
12. *Ibid.*, 227.
13. *Ibid.*
14. *Ibid.*
15. GIP, “(Manifeste du GIP)” (1971), FDE1, no. 86, 1043.

16. Daniel Defert, "Quand l'information est une lutte" (1971), FGIP-AL, 69.
17. Foucault, "Enquête sur les prisons: brisons les barreaux du silence" (1971), FDE1, no. 88, 1045.
18. Foucault, "Luttes autour des prisons" (1979), FDE2, no. 273, 809.
19. Foucault, "Enquête sur les prisons: brisons les barreaux du silence," 1046.
20. Defert, "Quand l'information est une lutte," 72.
21. Foucault, ELCP, 147.
22. Ibid., 227.
23. Foucault, "Enquête sur les prisons: brisons les barreaux du silence," 1046.
24. Defert, "Quand l'information est une lutte," 72.
25. Ibid.
26. Foucault, "(Sur les prisons)" (1971), FDE1, no. 87, 1044.
27. Ibid., 44.
28. Ibid., 44–45.
29. Foucault, ELCP, 227.
30. Foucault, "Je perçois l'intolérable," 1073.
31. Marcelo Hoffman, *Foucault and Power: The Influence of Political Engagement on Theories of Power* (New York: Bloomsbury, 2013), 185.
32. Ibid.
33. Ibid.
34. Ibid.
35. In broader terms of concern about a longstanding tendency to conflate Foucault with his teacher, Althusser, I explicitly mark that Foucault breaks from the structure of interpellation insofar as he approaches the complex processes of producing normative values, concepts, and modes of living as a heterogeneous, widely dispersed, variegated phenomenon. This breaks from the topography of hegemony and social authority that constrains Althusser's (narrowly Lacanian) approach. Given Judith Butler's deeply Althusserian account of gender in *Gender Trouble* and her widespread influence on readings of Foucault, this disentangling of Foucault from Althusser is an ongoing scholarly project of great significance.
36. Louis Althusser, *Lenin and Philosophy and Other Essays*, trans. Ben Brewster (New York: Monthly Review Press, 2001), 115–16.
37. Foucault, "Luttes autour des prisons" (1979), FDE2, no. 273, 813.
38. Foucault, "Pour échapper à leur prison" (1972), FGIP-AL, 151.
39. Ibid.
40. Ibid., 153.
41. Foucault, "Il y a un an à peu près" (1972), FGIP-AL, 197.
42. Foucault, "Prisons et révoltes dans les prisons" (1973), FDE1, no. 125, 1295.
43. Foucault, "Il y a un an à peu près" (1972), 198.
44. Foucault, "Le grand enfermement" (1972), FDE1, no. 105, 1171.
45. Foucault, "Pour échapper à leur prison," 155.
46. Foucault, "Le grand enfermement," 1172, emphasis added.

## CHAPTER 11

---

# The Disordering of Discourse: Voice and Authority in the GIP

*Nancy Luxon*

### I Introduction

In January 2000, Dr. Véronique Vasseur published an account of the conditions she saw daily while working at the Prison de la Santé from 1992 to 2000.<sup>1</sup> Her account caused no small amount of scandal, prompting *Le Monde* to report on the difficulty of journalistic access to the prison; *Le Figaro* to call her alternately courageous and defamatory, even as its editors lamented the breakdown in internal oversight within the prison; and if *Libération's* editorial board described Vasseur's account as awkward, its reporter argued that a scandal was necessary to break the opacity of the penal system. Many lamented the very real absence of substantive change in prison conditions since the pivotal prison revolts at Nancy and Toul in the winter of 1971–1972. Yet, what is most striking about her account is the register in which it is made: Vasseur speaks from a position authorized by her personal experience working at La Santé, by her medical training, and by a moral indignation that fueled an act of testimony under the banner of unmasking. The voice of this testimonial, moving as it is, shifts across these different registers—that of individual experience, the expert, the scandalized—but always remains rooted in an order seemingly apart from the prison. No doubt Vasseur sought to use her intervention to call attention to a broken system of incarceration in which she could no longer have substantive, professional effect. Nonetheless, by framing her description of prison conditions in the first person, Vasseur inadvertently abandons any of the gains realized by the GIP at the height of its activity: namely,

the ability to prise apart those silent and hidden regimes of the see-able and the sayable, so as to shift the terms of discourse itself.

Vasseur's intervention and others return us to the persistent challenge of disorganizing public discourses. Given the silent, invisible nature of these regimes, under what conditions might they be undone and disarticulated? Such a disorganization recognizes that to "counter"—a politics, a discourse, or justice—is to proceed from a disordering made canny by its precise, localized interventions. Toward this end, if the political turbulence of 1960s France is often understood under the sign of the police,<sup>2</sup> then the efforts to marry critique and political activity might be broadly thought under the sign of the media. Such a sign operates on two registers. On the one hand, even as the official media were the condition and limit for any publicity about prison life, the GIP sought a different relationship to events of *l'actualité* that might allow a different regime of truth-telling to open up, if only around this single issue. On the other hand, this appeal to "media" also reminds us of a denser network of mediated relationships that hold in place any given regime of the see-able and the sayable. The GIP's efforts, then, should be understood as something other than the inclusion of new voices on the political scene. Instead, the GIP sought to theorize the intersection of regimes of jurisdiction and veridiction, and of site and incitement. The GIP did so by disarticulating the usual dynamics that bind speech, mediated relationships, and politics, while also seeking to rewrite the usual social forms that organize relations between persons. It gradually moved from staging a public context, to initiating a new genre of "seized speech" that might counter anonymous habit, so as to make visible struggles around voice, authorization, and publicity.

If Foucault's work with the GIP emerged from the remnants of the leftist party, the Gauche Prolétarienne, and its Maoist emphasis on localized interventions rooted in inquiry, such emphatically "unofficial" projects sought to counter both the power of officialdom and its organizing logic.<sup>3</sup> Interaction between prisoners and others worked to interrupt the policing of divisions between citizens and the marginalized. Differently from Vasseur's work, the GIP turned to the media to provoke the "disclosure of unsuspected relationships," in a way that made its work more than a scandal of unmasking.<sup>4</sup> Instead, the GIP participated in a broader project that dominated oppositional French politics of that period, a project that targeted those relations—between caregiver and care-recipient (as in the anti-psychiatry movement), between guardian and prisoner (in the prisons), between *maitre* and student (as in the university)—that compose the social "forms" through which power is inhabited and lived-out in the everyday. This

project sought to counter and redirect the usual power of the media through its own journalistic interventions. Speaking less from the authority of a byline than from the authority of one's (collective, anonymous) subject-matter, such journalistic interventions construe those interpretive lenses that might crystallize the circulation of power and its social forms.<sup>5</sup>

Dissidence has a long history in French politics—from the Dreyfus affair, to Camus' figure of the ethical journalist, to Barthes' mythologist-cum-“vicarious revolutionary.” The GIP's contribution to this history is to redirect attention to those social forms that continue to haunt our politics, and to open up their vocalization beyond intellectuals and ideology. The collection of coauthored texts, anonymous tracts, popular interviews, academic roundtables, and polemical pamphlets that constitute the GIP archive demonstrates its own early forays into such journalism, even as their primary impact is to make questions of “voice” and resistance reverberate in politics.

## II Moving between Regimes of Jurisdiction and Veridiction

Many scholars have associated the GIP's activities very tightly with Foucault's own work on prisons and the specific intellectual, a figure who works “not in the modality of the ‘universal,’ ‘the exemplary,’ the ‘just-and-true-for all,’ but within specific sectors, at the precise points where their own conditions of life or work situate them.”<sup>6</sup> Doing so, however, overlooks that Foucault delayed work on *Discipline and Punish* for two years to avoid creating the impression that his participation in the group was strategic.<sup>7</sup> Associating the GIP so closely with Foucault as a specific intellectual risks framing the GIP on individualist terms and reducing it to Foucault's own politics. More importantly, such a perspective also severely truncates any effort to understand the GIP's activities as oriented toward a profoundly collective thought and experience.<sup>8</sup> In part an exemplification of the political bonds of solidarity, such collectivity is also necessary to engage the discursive regimes that hold something like the prison, as social institution, in place. But what does it mean to theorize collective thought and experience—and what prevents these from remaining trapped in a disembodied and profoundly anonymous speech? To answer these questions, I will argue that the GIP sought to challenge a political order framed most obviously on jurisdictional terms; it also sought to leverage, ultimately unsuccessfully, its collective voice to rework the terms of order itself.

Rejecting a biographical approach to the GIP allows the fluid dynamics of the GIP to come into view and emphasizes its turn toward

those regimes that organize speech and action. These dynamics, and the traces left in the GIP's written and photographic archives, suggest a group defined by its efforts to establish a novel space of inquiry, one that makes its tactical interventions into a different sort of work—the work of carving out a differently mediated political space. After all, the group's founding serves as a pivot point in the militantism of the 1960s and 1970s, and especially a turn away from a fractured party-based political organization. When a number of Maoists from the illegal Gauche Prolétarienne were imprisoned for selling the party newspaper, *La Cause du peuple*,<sup>9</sup> they quickly found themselves on hunger strike to be recognized as political prisoners (a claim that would afford them certain privileges and protections apart from the general population).<sup>10</sup> As activist and sociologist Daniel Defert, charged with preparing papers for their legal appearances, became more generally aware of the execrable prison conditions, he reached out to a number of persons to propose a broader investigation into carceral conditions.<sup>11</sup> Thus emerged the GIP. What began as a prototypical militant provocation led to a group of intellectuals, judges, doctors, and social workers working alongside detainees so as to allow the investigated to become the investigators. Recent work has sought to capture this shift in politics and inquiry by rethinking French politics of the period under the sign of the police and regimes of jurisdiction. The emphasis thus falls on policing and prisons as those sites putatively “apart” from political order even as they are profoundly constitutive of it.<sup>12</sup> Prison's ordering of space, its material conditions, the barbed relations between guards and prisoners, all might lend themselves to the same interpretive register. An emphasis on police order immediately raises questions of how to provoke critique less of specific officials and policies than of the terms of political order itself.

Police order is most obviously an order of jurisdiction: an order that demarcates spatially the array of legal and illegal actions and the distribution of bodies. Kristin Ross vivifies this aspect of 1968 by underscoring the repetitive image of the *matraque*, or police baton, wielded by a police officer, one that dominated student-made posters of the period.<sup>13</sup> Published somewhat later (in the mid-1970s), Foucault's own academic work on discipline and surveillance came to be framed on such jurisdictional terms, terms that toy with the legality and illegality of different spaces. *Discipline and Punish* emphasizes the spatial organization first of prisons and then of modern society, a spatial organization that became overlaid with moral order. No static display of hierarchy, these jurisdictional concerns come with their own undulating movements.

Though not a member of the GIP, Jacques Rancière glosses these when he later writes:

The police say there is nothing to see on a road, that there is nothing to do but move along. It asserts that the space of circulating is nothing other than the space of circulation. Politics, in contrast, is transforming this space of “moving-along” into a space for the appearance of a subject: that is, the people, the workers, the citizens. It consists in refiguring the space, of what there is to do there, what is to be seen or named therein.<sup>14</sup>

Across these moments—from *matraque* to the spatial power of the police to Rancière’s space of circulation—emerges a gradual connection of political space and subjectivities. Yet many of the most radical thinkers and activists around political change—from Marcus Garvey and W. E. B. Du Bois, to Martin Luther King Jr. and Malcolm X in the United States, and Frantz Fanon in decolonizing France—frame political order so as to reveal constitutive tensions that create a fundamental friction between political and social subjectivities. That many of these same thinkers were themselves formed in part by time in actual prisons only underscores this point. These frictions undermine, precede, exceed the containing power of police order and suggest a legitimizing ground not captured by the terms of jurisdiction.

Rancière’s gloss remains powerful in part because it captures something of the materiality of such jurisdictions, and the work required either to manifest or disrupt the usual subjectivities. Refracted through media coverage, the prison continues to be construed as “a space in perpetual tension in which multiple maneuvers and transactions play out, so as to maintain a precarious equilibrium between war and peace.”<sup>15</sup> Seemingly, the prison serves as the material site of whichever struggles are already at play, albeit more covertly, on the public stage. These jurisdictions anchor in place those social roles that would allow for public space to be domesticated, cultivated, inhabited. Appeals to prison and police order, however, oddly stabilize the GIP as a political movement that consciously sought to destabilize, and these same appeals would render mute any challenge to those mores alternately authoritarian or more silently coercive. How, then, should we grapple with the GIP’s efforts to tap a social and symbolic domain not entirely contained within a police order?

Already, May 1968 and its aftermath had begun to disrupt any easy coincidence of space, moral order, and social role. One might then complicate Rancière’s analysis by noting that, as these social roles collapse, the stabilizing power of jurisdiction itself begins to disintegrate.

Ross provocatively claims that, “What has come to be called ‘the events of May’ consisted mainly in students ceasing to function as students, workers as workers, and farmers as farmers: May was a crisis in functionalism.”<sup>16</sup> Amid these jurisdictional unsettlements, speech and the conditions of utterance come to play a different role in the composition not just of public space but also of political events. The relationships mediated by the usual social roles come to shift as they are interrupted by *énoncés* that exceed the usual discursive regimes. If the *matraque* figures an authority premised on a presumptively legitimate hierarchy and visible brutality, then students could be said to counter this image with their own, anonymous slogans peppered across the city, the most famous of which is *C’est interdit d’interdire* (It’s forbidden to forbid). Such open-ended, diffuse claims would seem to evade the usual terms of legitimation and to trouble the usual ways of seeing and saying. They challenge jurisdictional efforts to limit the terms on which speech is exchanged and audible.

After all, by the terms of the regime of jurisdiction, speech is the adversarial speech of combat in which two parties face off as in a courtroom; one might think of the official tribunal at Lens and the popular countertribunal organized by Sartre.<sup>17</sup> Or such speech is that not-quite-quelled by a police order, a speech forced onto the impersonal terms of an anonymity rooted in its seeming rootlessness.<sup>18</sup> Here one might think not just of the student slogans that caption the images of 1968, but also the irruption of manifestos, tracts, and pamphlets, as well as the anonymous commentaries of philosopher and psychoanalyst Didier Anzieu, Foucault (writing as “Louis Appert” and “Maurice Florence”), and others.<sup>19</sup> Through its anonymity, the force of this speech surges forward but risks dissipation; the undulating movements of police circulation channel it and render it indirect, not quite able to interpellate a clear audience. Thus, despite the numerous student manifestos from the period—gathered into the voluminous *Journal de la commune étudiante* edited by classicists and later GIP members Alain Schnapp and Pierre Vidal-Naquet—questions of jurisdiction come to overshadow those of speech.<sup>20</sup>

Returning to the GIP, two sets of challenges emerge: the challenge of engaging anonymous speech and that of refiguring usual social roles and hierarchies from within their state of collapse. The functional roles of “student, worker, and farmer” mentioned above might no longer shorthand a Gaullist idea of France; the materialist presence of these bodies-out-of-place might instead begin to dislocate these social spaces and practices. The political work at hand was not only one of dislocation, but also the framing of new publics. Such halting changes work

toward a reconsideration of the normative truths on which order rests and the relationships through which they are refracted. Perhaps Foucault had this change in mind when he uses “veridiction” and “jurisdiction” jointly to describe his analysis of a “regime of practices” with “practices being considered as the site of imbrication of what one says and what one does, of the rules imposed on oneself and of the reasons given, of projects and evidence.”<sup>21</sup> Backing away from framing the GIP’s space of action and inquiry only on terms of jurisdiction makes it possible to attend as well to regimes of *veridiction*, or those regimes that govern what is recognized as truth. The GIP thus works the interval between site and incitement to speech.

Despite the power of resignifying politics as police order, to emphasize the regime of jurisdiction alone is to too quickly resettle challenges to its organizational logic as more settled and coherent than these unruly practices were. Specifically, this singular emphasis leaves unexplained both the origins of the values it is charged with enforcing, or the everyday relationships that sustain its speech. Challenges to norms and social relations must find their articulation in reference to a knowledge and set of practices distinct from political boundaries. Broadening one’s view of the aftermath of *les événements de ’68* makes visible both a variety of interpretive responses that skitter across multiple registers as well as the GIP’s particular insistence on questions of voice and authorization. By refusing to rely only or even primarily on such actions as hunger strikes and claims for political status, the GIP alters the register in which its actions might be understood. Too easily, such actions might devolve into the grievances of a particular prison, a set of inmates, a class of prisoner—and so become framed either on particularist terms (of seeking privileged protection) or on humanistic terms (of rendering incarceration more tolerable for those who inflict it but leaving the norm of punishment intact). As it turns out, these issues arose after the hostage-taking of two prison workers at Clairvaux, when detainees across the penitentiary system—but most visibly in the 1971–72 revolt at Toul—realized that to pursue individual complaints or efforts at escape would be to undo the collective project.<sup>22</sup> By contrast, a turn toward regimes of veridiction highlights those personal relationships that construe social forms—from guard/prisoner to doctor/patient, to *mâitre*/student—as well as the distinctions between truth and falsity that organize a community.

I argue that by emphasizing these questions of voice, authorization, and publicity, the GIP illuminates the regime of veridiction that intersects with that of jurisdiction. In so doing, it differently organizes and connects information, knowledge, and critique so as to

disorder existing discourses that humanistically move, like Vasseur's account, from experience to expertise to public scandal. This disordering also seeks to wrench speech onto different terms. Constituted as a *groupe d'information* to distinguish it from the more usual, judicial form of a *commission d'enquête*,<sup>23</sup> the GIP took inspiration from those Marxist inquiries into everyday events associated with the Gauche Prolétarienne, even as it took leave of an Enlightenment faith in public reason. This interpretive approach makes clearer sense of the decision to move beyond classic tactics such as the hunger strike, as well as the GIP's insistence on speaking with a collective voice (rather than from personal autobiography, for example). Foucault argues that the emphasis on analysis "insisted at the same time on the collective experience of thought and on the need for detainees to take the floor."<sup>24</sup> The multiple insistences on collective thought and "taking the floor" (*une prise de la parole*) were to become a constant motif of the GIP and constantly invoked in its public events and printed materials.<sup>25</sup> "Our problem," explained Foucault in an interview, "is in some manner to get detainees to speak, to give detainees the right to speak for the first time, I think."<sup>26</sup> Less an inclusion of new voices, such "seized speech" is also a move away from speech as adversarial combat and toward the creation of a new regime of veridiction that might apprehend audiences and claims differently.<sup>27</sup>

The result promises a more complex picture of the intersection of regimes of jurisdiction and veridiction. In moments of destabilized jurisdictions, the prison exemplifies, as Deleuze will later argue, an order "of saying and seeing, discursive practices and forms of self-evidence," which entails that one activity is visible and that another is not, that some words "are heard as discourse and others as noise."<sup>28</sup> To focus on the shift between discourse and noise is to unsettle the values that orient community by unsettling the cultural interlocutors who mediate public values and social practices. For his own part, when speaking about his activism and scholarship during a 1978 roundtable on prisons, Foucault states: "To eventialize singular ensembles of practices, to make them appear as different regimes of jurisdiction and veridiction—this is, on extremely barbaric terms, what I would like to do."<sup>29</sup> Such an intervention—one that cuts to the heart of historical analysis and political critique—further alters what might count as an archive through which to understand incarceration and so alters the touchstone by which one examines truth claims and truth-telling practices. By these terms, the GIP seeks political opportunities to wrest such "seized speech" onto new claim-making terms and to compose a context that

would make this speech newly audible to existing audiences. Already liminal to any conventional public sphere, the prisoners abandoned the expert credentialing that anchors usual speech, and instead sought to highlight the extreme difficulty in constituting, let alone authorizing, political claims. As the next section will demonstrate, the GIP was less successful at engaging the social forms that haunt the process of authorization itself.

### III Anonymous Speech, Truth-Telling, and Regimes of Veridiction

What would it mean to think protest on irreducibly collective terms of action and authority? One of the challenges of theorizing resolutely at the level of collective organization and speech is that the commitment to political practice cuts against the impulse to record. Artifacts of the GIP's activities have become remarkably fluid and fleeting. For all that this volume of writings speaks to recent and forthcoming translations of the GIP's written documents, the same writings collected in *Le Groupe d'information sur les prisons: Archives d'une lutte, 1970–1972* have gone out of print in France.<sup>30</sup> And the volume *Une Journée particulière*, which made use of a photographic archive deposited within the Bibliothèque Nationale de France, never found a wide audience (despite being a bilingual publication).<sup>31</sup> But these fleeting moments of near-anonymity prove telling. Philippe Artières, editor for both volumes, notes that

these largely little-known archives do not highlight Michel Foucault the person: the philosopher does not pose for them and he is often blurred or shown from behind. They show something else: an “*événement*,” or political demonstration, in action. In them, the photographer captures the tiny details which essentially reveal a typically “Foucauldian” presence in a rally where he is only one of many protagonists.<sup>32</sup>

With these *clichés* (snapshots), Elie Kagan—a photographer noted for his images of the 1961 Algerian massacre in Paris and other moments of collective action—sought something other than a *J'accuse!* confrontation with power. Thinking in terms of the *événement* makes it possible to catch traces of an only faintly audible speech as it seeks out an audience and discloses those relationships that shape and constrain its reverberation in various forums. Kagan's photos are notable, then, for disclosing relations of power rather than personalities. Opening such a space requires two, imperfectly coincidental efforts: the prising apart of the existing regime of veridiction—what I call “disordering

discourse”—as well as the transformation of the resulting spaces into ones in which claims might become differently audible.

In the first instance, such a different kind of speech aims to transvalorize the usual divide made between discourse and noise above. Foucault argues that “the aim of internment is not only to punish, but also to impose by constraint a certain model of behavior as well as norms [*acceptations*]: the values and the norms of society.”<sup>33</sup> How should a public audience approach a collective speech that seeks to evade the usual roles of interpretation? Here, the writings of GIP members offer some guidance. One of the reasons for the GIP’s resolute insistence on the collective nature of the group, its thought, and experience was to render its claims in such a way that they became irreducible to individual intentions or ideological effects. Retrospectively, Foucault explains that by moving from a singular event toward discerning the broader processes that frame it, one arrives at “a polyhedron of intelligibility the number of whose faces cannot be given in advance.”<sup>34</sup> By slowly deconstructing the putatively internal relations of an event—the policies regulating incarceration, for example—the greater is the ability to identify the web of external relations that exceed and yet condition this event.<sup>35</sup> If understanding, as Foucault argues in the section on “Method” in *History of Sexuality, Volume 1*, derives from an immanent analysis of relations of power and the effecting of strategems, then any disordering speech would need to call attention to the ensemble of relations of power rather than to the individuals lodged within these. After all, as Gilles Deleuze will later claim, the prison is intolerable not because it is unjust but “because it was imperceptible.”<sup>36</sup> By keeping the focus on collective voice and action, the GIP sought to insist on the amplification of prisoners’ voices in public spaces. The near-anonymity of the early claims was not because nobody spoke but because no one listened.<sup>37</sup> A context did not yet exist that would oblige listeners, both practically and normatively, to attend to these claims and be interpellated by them as an audience.

In carving out a new form of speech and a new public, then, the GIP sought to circulate information among prisoners’ families, to constitute this everyday information into something more formally cognizable as knowledge, and then to place it in circulation.<sup>38</sup> Significantly, then, the GIP’s first project was to circulate a question(naire) rather than an edict, manifesto, et cetera—and with questions formulated by former detainees about prison conditions and life more broadly speaking. It opened from a position of critique. The GIP’s appeal was not to the umpire of public opinion but to the inarticulate desire for a different

kind of public space and speech. In a manifesto published by *La Cause du peuple*, Defert (writing for the GIP) explains:

This means that the questions are not neutral, external, or impartial. What matters is whatever detainees want to make known, by saying it themselves. The point is to transfer to them the right and the possibility to speak about prisons. . . . the questions were really addressed by detainees, to detainees. And responding to the questionnaire is an act of solidarity, of struggle against the censorship and silence imposed by punishment.<sup>39</sup>

Answers to the questionnaire—ranging from “autobiographies, intimate journals, fragments of stories”<sup>40</sup>—began to serve as a new lodestone of experience that might serve as a common point of reference. Disconnected from any political platform or ideology, this speech sought instead to illuminate the intersection of punishment and claim-making, and so to disorder the informal ways in which speech is usually counted and discounted. On veridictional terms, truth-telling practices must be slowly cultivated by searching out speakers, testing their claims, and seeking a publicity that would sustain a knowledge born of common experience rather than one authorized from above.<sup>41</sup> On jurisdictional terms, the first contests over authorization emerge from the move to sidestep the officialdom of prison administration. If “these facts were known only within circumscribed milieus,”<sup>42</sup> then any transfer of “the right and possibility to speak”<sup>43</sup> will be parried. Differently authored and authorized claims necessitate the delegitimation of one truth-telling regime and an amplification of those claims that have not yet found an audience nor settled the terms of exchange. Thus the GIP moves alternately to contest the regimes of jurisdiction and the veridictional terms that would differently settle these contests.

A speech whose anonymity derived in part from its excess—its inability to be contained within the usual social roles—gains voice through its consistent appeal to new collectives that might generate new social forms. As Foucault states in an interview, “The political or non-political character of an action is no longer determined by the sole end of this action but by the *form*, the manner in which objects, problems, disturbances and sufferings. . . . are politicized.”<sup>44</sup> By enabling the public to hear the voice of detainees, and the detainees to authorize claims in their own name, it becomes possible to disrupt the usual pairings of guard/prisoner and police/criminal. Potentially, the social forms that encase and regulate what can count as speech lose their functionality. Tackling these pairings—and the symbolic social forms they embody—was the

GIP's second challenge as outlined above. But what interventions might directly illuminate and rework such social forms?

Tackling this question requires first identifying the relationships and roles that constitute social forms within a society; and second, examining how individuals learn to live in relation to that norm, contained and contoured by these relationships. In an interview with *The Tunisian Press*, Foucault clarifies that the GIP addressed itself not to the penal administration, but directly to former detainees and by “entering ourselves into illegality” (namely, they sought to contact current detainees under false pretense).<sup>45</sup> Illegality, or the refusal to modify one's actions in response to governing norms, becomes here an effort first to seize such a norm and then to redirect its effects. In the first instance, illegality makes certain compartments newly visible as “complicity” or the participation in unjust order. Such illegality subtly shifts agency toward those who transgress by interrupting the circuit that usually binds police surveillance and prison and shapes the figure of the “delinquent.”<sup>46</sup> If prison and police view illegalities as a field through which to survey, isolate, and define delinquency *ex post facto*, then “entering into illegality” can be understood as seeking out this fluid field from (an admittedly weak) solidarity and then acting so as to reverse the direction of surveillance. Many initial GIP movements are better understood as ways to build new social ties, while seeking out moral frameworks whose content and effects might be repurposed. When the GIP later urges, “Let us become intolerant towards prisons, justice, the hospital system, psychiatric service, military service,”<sup>47</sup> it calls attention to a set of social institutions that encase formative relationships and give substance to the roles they embody. Its first intolerance-inquiry opens by citing those “courts, prisons, hospitals, psychiatric hospitals, occupational medicine, universities, press organizations and information centers;” indicating that “through all these institutions and under different guises, an oppression is exercised that is, at its root, a political oppression.” The language that follows begins by identifying these as work sites, their inquiries as “instruments the proletariat formed in the 19th century,” and then charts “the play of social hierarchies and divergent economic interests” that crack open these roles and allow them to be, slowly, articulated on different terms.<sup>48</sup> Initially such changes required backing away from official language as well as a class language that had become empty and ideological. “We are involuntarily serving the repression of the proletariat,” wrote a detainee from Turin, a claim then publicized in a speech given by Defert.<sup>49</sup> Casting about for a language to signal the asymmetries of organization, without succumbing to hierarchy, the GIP comes to adopt a more open-ended appeal to “delegates—both leaders and

spokespersons”<sup>50</sup>—that instead framed these roles as ones of reciprocity and exchange rather than representation. The confusion of investigated and investigators, of speakers and audience, and of delegates and leaders, becomes a deliberate means to illuminate and challenge the implicit hierarchies that organize social life.

By detaching claims from the existing normative framework and trying to cultivate both a different knowledge and its husbandry within a different set of social practices, the GIP’s statements might eventually serve as the sort of *énoncé* that works to disorder existing discourse. The group’s deployment of cultural celebrity to generate media attention thus becomes a means to remediate existing social relations while also getting publicity for these efforts. The staging of GIP press conferences, manifestos, and so on, very deliberately sought to invoke one public context and to divert it toward the creation of a new public forum. To undo the standard talking head format of press conferences, Foucault spoke to the press quasi-illicitly in the Cour du Vendôme (beneath the window of minister of justice René Pleven), within the walls of a tribunal, and publicized a hunger strike at the Chapelle Saint-Bernard—always reading the claims of others rather than speaking in his own voice. The resulting audio and video montage composes a very different media scene, finagles a place for noisome voices, and thus works to create a different media effect on audiences. Thus the GIP “utilized the know-how [*savoir-faire*] of intellectuals, their speaking-ability [*savoir-parler*] and their knowledge [*savoir*] of how to be heard, in order to inform, but they were only the amplifiers of a sincerity and of a conviction provided by the presence of detainees.”<sup>51</sup> The GIP’s early visibility—associated with the staid institution of the press conference and the well-worn public intellectual—sought to leverage the play between delegitimation and amplification. Iteration, though, of these words in different forms lessens the charge of self-promotion and makes the “seized speech” more than acts of ventriloquy. Such “seized speech” becomes transformed with the re-articulations and insertions into different contexts.

Seized speech thus seeks to overcome the previous inaudibility that left earlier claims near-anonymous, and sheds light on a different form of anonymity. To engage with “the public” and with “public opinion” is to counter public opinion’s own anonymity, the anonymity of claims made in the impersonal, third-person register of “they say.” The preface to *Le journal de la commune étudiante* saw in the texts of 1968 an effort to shuck off any impersonal ideal “who didn’t speak but through whom ‘they’ spoke, ‘they’ thought, the ‘they’ that seemed to be a mythical transposition of the rational machine. . . . The May revolution restored first to the students and then to all the other victims of this ‘state of

affairs,' the right to speak out . . . 'They' were the biggest victims of the May revolution, which does not mean, of course, that they were absent from it."<sup>52</sup> The anonymity in play during 1968 and its aftermath now comes into clearer focus; it could be read as an effort to show up the anonymity that holds social prejudice in place, without foreclosing the voices shaping a new public forum, or prematurely authorizing some viewpoints by virtue of the speaker's cultural status. If public discourses seek to sustain a set of practices, then these practices themselves must be rooted in a habit without voice. The GIP's experiments with the context and content of press conferences, interviews, and other forms of public speech sought alternately to vocalize these challenges to old, untested judgments while also testing the vocative strength of others.

From the GIP's deft staging of public context, to the "seized speech" of detainees, to its counter to the anonymous speech of habit, emerges a game of hide-and-seek between regimes of jurisdiction and veridiction. Each regime struggled over the terms of voice, authorization, and publicity either by emphasizing discourse (veridiction) or political practices (jurisdiction), and so each resisted and reinforced the other. The GIP writes, "Some information about prisons is certainly accepted and solicited by power. The sort of information that lets power hide other information coming from detainees and hide the movement that, since the January hunger strike, resounds outside but also inside the prisons."<sup>53</sup> Halting this game requires targeted, specific interventions to freeze the dynamics in play, make them publicly visible, and alter their terms even if ever so slightly. Blanket condemnations would only leave the game intact. In a sharply worded exchange with high-school students involved in left militancy, Foucault retorts that not all forms of power, knowledge, and justice can be countered so simply. The challenge of counterpower is to find a way to respond to it that makes apparent "the manner in which one exercises it—and which must be visible, solemn, symbolic—and returns only to the power that one actually exercises, and not to another that is not actually in play at the moment."<sup>54</sup> That claim resonates with his earlier analysis of the popular tribunal at Lens that turned the dispute into "a power of information" and sought to challenge the monopoly of the official trial. In this case, Foucault argues, "One has thus exercised two important powers, the one of knowing truth and the other of diffusing it."<sup>55</sup> Such hide-and-seek between practices and discourse, power and knowledge, content and form, suggests that strategies of unmasking risk becoming political shell games. Only when the very play between form and content is targeted can the genre be revealed as such.

The stumbling block of the GIP becomes viciously clear. The disordering of discourse does not easily or obviously engender the second challenge highlighted above: the transformation of these hard-won spaces into ones in which prisoner claims become differently audible. Efforts to either disrupt certain relationships (police/criminal; guard/prisoner) or to change the terms of authorization need to confront how even bystanders participate in them in some way. The stakes of these attacks on the social forms that haunt the prison are most visible in the prison response to a presentation of demands: that of “trying to make the distinction between leaders and led”<sup>56</sup> so as to reimpose a punishment regime of sanctions on the worst offenders—“worst” by virtue of being leaders. Yet, for any changes in prison policy to be more than procedural, these relationships need to be revalorized on terms that affect those on the outside as well. Following Vasseur’s account, six prisoners from La Santé collectively wrote a letter to the editor that recast the “juicy details” of her claims about hygiene, homosexuality, and violence in terms of broad trends in French culture. “It remains to be known if French society,” they challenged, “is ready for a debate bearing on the conditions of detention, without dissembling and without hypocrisy.”<sup>57</sup> One might further insist: What would it mean for those on the outside to become carceral subjects—poked, prodded, investigated on the nature of their commitments to political order, and the costs they’re willing—or not—to bear? The GIP’s initial goal was for “there not to be too much difference between the inquirers and their subjects . . . That the prisoners communicate amongst themselves. That the prisoners communicate with public opinion.”<sup>58</sup> At this juncture of jurisdiction and veridiction, bystander response is crucial. To the extent that these silent audiences lose the impersonality that insulates them from words and deeds authorized in their name—to the extent that the dysfunctionality of roles disables the usual response, this audience can challenge the presumptive legitimacy of order.

#### IV Conclusion

In light of this brief reading of the GIP, and its efforts to disorder public discourse around prisons and the order they sustain, one might extend its impulse forward less to other reform movements (however necessary and laudable their work) and instead to the changing genre of prison writing. Always a profoundly unstable genre—as missives from the margins, it can never rely on stable organizing conventions—the intended or imagined audiences silently change across the genre. This genre has

existed historically in many forms, from the letters of those detained at the Bastille, to the testimonies surrounding Pierre Rivière, to the early criminology of the conservative Alexandre Lacassagne, to the autobiographical accounts of deviance penned by the incarcerated, intended for Lacassagne and more recently assembled by Philippe Artières in the *Livre des vies coupables*. More recently, one might indicate Mumia Abu-Jamal's *Jailhouse Lawyers* and *Doing Time*, along with the serial volumes of the San Quentin Prison University Project. Such writings offer a challenge to their readers by placing a heavy burden on them: the burden of composing an interpretive frame both for these books' contents, but also for any subsequent political response.

In different ways, this genre is predicated on upending received prejudices about the incapacities of prisoners held by the reading public. They rely heavily on interpretive apparatuses (including introductions by scholars or activists) to frame and contextualize the writings for reading audiences. Simply disrupting these prejudices, however, might well fall within the critique of prison revolts made above: these disruptive efforts might prompt discomfort at tolerating the conditions of imprisonment rather than the political order it sustains. But these writings also reveal certain thematics that reduce neither to the personal investments of the authors, nor to a humanistic project. One might take the San Quentin title *Is It Safe?*, a title that initially seems at odds with the reflective impressionistic pieces within, essays that probe mostly memories of life on the outside. The contrast, however, between a title that marks the binary of security/danger, and contents that bespeak the everyday, suggests something different. While the security/danger binary might be seen to trouble the geographies of inside/outside prison—and so return to questions of jurisdiction—the title question is more elliptical. Who utters the question, and to whom is it addressed? What happens when a detainee seeks to arrest another with a question premised on, authorized by, the promise of vulnerability? And how does the promise of safety threaten to render speech anonymous and in need of new social institutions and forms to make it audible?

These questions demand much from the reader and evade easy answers. But to leave the demand as one placed on a reader, rather than a political audience, is to lose sight of the GIP's efforts to make such questions into grounds for political rather than readerly engagement. Doing so requires constantly highlighting the impersonal authority of "they say"; countering that anonymity empowered by pressing speech and power together into prejudice; and wrenching a "seized speech" into a context where its very different anonymity can become audible and heeded.

## Notes

\* Special thanks to Shai Gortler, David Temin, and Colin Koopman for comments on earlier versions of this chapter.

1. Véronique Vasseur, *Médecin-en-chef à la Prison de la Santé* (Paris: le cherche midi éditeur, 2000).
2. Kristin Ross, *May '68 and Its Afterlives* (Chicago: University of Chicago Press, 2002); Samuel Chambers, *The Lessons of Rancière* (Oxford: Oxford University Press, 2010).
3. Julian Bourg, *From Revolution to Ethics* (Montreal: McGill-Queen's University Press, 2007), 79–95.
4. See Foucault, “Intellectuals and Power,” ELCP, 205–17, and “Confronting Governments: Human Rights,” EEW3.
5. Toward the end of his life, Foucault provocatively claims to be a “journalist of the present.” One might understand this figure as one who works at the intersection of regimes of jurisdiction and veridiction. See “The Mythical Leader of the Iranian Revolt,” in *Foucault and the Iranian Revolution*, ed. Janet Afary and Kevin Anderson (1978; Chicago: University of Chicago Press, 2010), 220; in David Macey, *The Lives of Michel Foucault* (New York: Vintage, 1993), 462–463; and in Maurice Pinguet, “Les années d'apprentissage,” *Le Débat*, n. 41, Sept-Nov 1986. The GIP was also connected to the founding of the newspaper *Libération* (and Foucault argued for a tight connection between editorial working groups and political cells). See François Samuelson, *Il était une fois: Libération* (Paris: Flammarion, 2007), 304–305.
6. Michel Foucault, *Herculine Barbin: Being the Recently Discovered Memoirs of a Nineteenth-Century French Hermaphrodite* (New York: Pantheon Books, 1980), 126. One example of this approach is Thomas Biebricher, “The Practices of Theorists: Habermas and Foucault as Public Intellectuals,” *Philosophy and Social Criticism* 37.6 (2011): 709–734.
7. See Foucault, “(Manifeste du GIP)” (1971), FDE1, no. 84, 1042–1043; “Préface” (1971), *Enquête dans vingt prisons*, FDE1, no. 91, 1063–65.
8. See Philippe Artières, Pierre Lascoumes, and Grégory Salle, “Prison et résistances politiques: le grondement de la bataille,” *Cultures & Conflits* 55 (Autumn 2004): 2–8.
9. *La Cause du peuple* was founded in 1848 by literary figure George Sand and printed within a worker cooperative. Sartre serves as its editor starting May 1, 1970, and under him the paper joins with *J'accuse* on May 24, 1971. It is connected to the Gauche Prolétarienne from 1968 onward.
10. Marcelo Hoffman, *Foucault and Power: The Influence of Political Engagement on Theories of Power* (London: Bloomsbury, 2013).
11. Foucault, “(Manifeste du GIP),” 1042 (editorial notes).
12. Chambers, *The Lessons of Rancière*; Bernard Harcourt, *Illusion of Order* (Cambridge, MA: Harvard University Press, 2001); Keady McBride, *Punishment and Political Order* (Ann Arbor: University of Michigan Press, 2007).
13. Ross, *May '68*, 27ff.
14. Rancière, “Ten Theses,” trans. Rachel Bowlby and Davide Panagia, *Theory & Event* 5.3.
15. Philippe Artières thus glosses Rancière in “Prison et résistances politiques.”
16. Ross, *May '68*, 25.
17. The language of *enquête*, *information*, and countering evolves to mark a more deliberate challenge to officialdom. Even as Foucault pushed for the GIP to be named a

- groupe d'information* rather than to adopt the judicial language of a *groupe d'enquête*, the GIP describes its first investigations as *enquêtes-intolérances* and distinguishes these from *enquête de sociologues* (Foucault, "Sur les prisons" [1971], FDE1, no. 87, 1043). Challenging and countering official claims and record-keeping either with counter-information or the destruction of prison records (Foucault, "Préface," 1064–1065) serves as a preliminary rethinking of the prison archive. It also leads to a refinement in the political work of "countering." If *l'affaire Jaubert* first provoked a demand to create "*une commission de 'contre-enquête,'*" then that group quickly became "*une commission d'information*" defined against "*une enquête*" that would merely double or seek to substitute for that of the magistrates. Likewise, if the GIP began by protesting the beating of journalist Alain Jaubert under Article 15 of the Declaration of the Rights of Man, the GIP finishes by querying the terms of anonymous speech and public order. Contrast "L'article 15" (1971), FDE1, no. 92, 1060–1067 and "Rapports de la commission d'information sur l'affaire Jaubert" (1971), FDE1, no. 93, 1067–1071.
18. In their inquiries into *l'affaire Jaubert*, the GIP report concludes, "If one asks us, 'What should we make of an inquiry (*enquête*) in which testimony is anonymous?' we would answer, 'What do you make of a police that terrifies witnesses?' And where are we in this city if witnesses feel protected by absolutely no one?" ("Rapports de la commission d'information sur l'affaire Jaubert," 1070–71).
  19. Under the name Epistémon, Didier Anzieu writes *Ces idées qui ont ébranlé la France* (Paris: Fayard, 1969).
  20. Alain Schnapp and Pierre Vidal-Naquet, eds., *The French Student Uprising*, trans. Maria Jolas (1969; Boston: Beacon Press, 1971).
  21. "Table ronde du 20 mai 1978," in *L'Impossible prison*, ed. Michelle Perrot (Paris: Éditions du Seuil, 1980), 42.
  22. Foucault, "Prisons et révoltes dans les prisons" (1973), FDE1, no. 125, 1294–1295.
  23. These distinctions are explained in the editorial notes for the GIP's untitled "Manifesto." On the model of the GIP as an information group emerged other forms of militancy: the GIS (Groupe d'information santé, now defunct); GIA (Groupe d'information sur les asiles, which speaks to both doctors and patients in asylums); and GISTI (Groupe d'information et de soutien des travailleurs immigrés, which supports immigrant workers).
  24. Foucault, "(Manifeste du GIP)," 1042 (editorial notes).
  25. See "Préface," 1063–1064; "Rapports de la commission d'information sur l'affaire Jaubert," 1170; "Prisons et révoltes dans les prisons," 1297; "Non, ce n'est pas une enquête officielle" (1971), FGIP-AL, 67; "Sur quoi repose le système pénitentiaire?" (1971), FGIP-AL, 129.
  26. Foucault, "Non, ce n'est pas une enquête officielle," 67.
  27. I use the term "seized speech" to distinguish it from the speech of the tribunal or parliament connoted by "taking the floor" and to echo Michel de Certeau's use of the same phrase to describe the speech of '68 (translated there as "the capture of speech"). See *The Capture of Speech and Other Writings*, trans. Tom Conley (Minneapolis: University of Minnesota Press, 1997).
  28. Gilles Deleuze, *Foucault*, trans. Sean Hand and Paul Bové (London: Continuum Books, 2006), 42. See also Rancière, *Disagreement*, 29.
  29. Foucault, "Table ronde du mai 1978," 47.
  30. FGIP-AL.

31. Philippe Artières, ed., *Michel Foucault, une journée particulière* (Lyon: Ædelsa Éditions, 2004).
32. Artières, Introduction to *Une journée particulière*, 8.
33. Foucault, “Je perçois l’intolérable” (1971), FDE1, no. 94, 1072; he revisits these ideas in “Non, ce n’est pas une enquête officielle . . .,” 68, and “Le grand enfermement” (1972), FDE1, no. 105, 1174.
34. Foucault, “Questions of method,” EEW3, 223–238, 227.
35. One model of this scholarship is Philippe Artières and Pierre Lascoumes, eds., *Gouverner, enfermer: La prison, un modèle indépassable?* (Paris: Presses de Sciences Po, 2004).
36. Gilles Deleuze, “The Intellectual and Politics: Foucault and the Prison,” *History of the Present 2* (Spring 1986): 1–2, 20–21.
37. *Ibid.*, 2–20.
38. Three GIP members speak directly to this re-orientation towards information in “Luttes autour des prisons” (1979), FDE2, no. 273, 810–811. See also Philippe Artières, “Le dire vrai,” in *Foucault aujourd’hui*, ed. Roger Chartier and Didier Éribon; *Actes des neuvièmes rencontres Ina-Sorbonne, 27 novembre 2004* (Paris: Ina-L’Harmattan, 2004), 123–124.
39. Daniel Defert, “Quand l’information est une lutte” (1971), FGIP-AL 69.
40. Foucault, “Un problème m’intéresse depuis longtemps, c’est celui du système pénal” (1971), FDE1, no. 95, 1073 (my translation).
41. I analyze this process in Nancy Luxon, *Crisis of Authority* (Cambridge: Cambridge University Press, 2013).
42. Foucault, “Prisons et révoltes dans les prisons,” 1297.
43. Defert, “Quand l’information est une lutte,” 69.
44. Foucault, “Prisons et révoltes dans les prisons,” 1296.
45. Foucault, “Un problème m’intéresse depuis longtemps, c’est celui du système pénal,” 1074 (my translation).
46. Foucault, EDP, 271–82.
47. Foucault, “Sur les prisons,” 1044.
48. Foucault, “Préface,” 1063ff.
49. Defert, “Sur quoi repose le système pénitentiaire?” 127.
50. Foucault, “Pour échapper à leur prisons” (1972), FGIP-AL 153.
51. As stated by Antoine Lazarus, “Luttes autour des prisons,” FDE1, no. 273, 810.
52. Schnapp and Vidal-Naquet, *The French Student Uprising*, 1–2.
53. Defert, “Quand l’information est une lutte,” 69.
54. Foucault, “L’écriture de soi” (1983), FDE1, no. 329, 1235 (my translation).
55. *Ibid.*
56. Foucault, “Il y a un an à peu près . . .” (1972), FGIP-AL 195.
57. Letter to the editor, “A propos du livre du Dr. Véronique Vasseur: Bas les masques,” signed by Christian Basel, Sébastien Lessieur, Abdelaziz Gouaouou, Gérard Montanant, Stéphane Touron, and Nicolas Dubos, *Libération*, January 22, 2000.
58. Foucault, “Enquête sur les prisons: brisons les barreaux du silence” (1971), FDE1, no. 88, 1046; cp. “Il y a un an à peu près . . .,” 195.

# Intolerable 3

Donald Middlebrooks

Donald Middlebrooks

The isolation, Not getting mail from home, not getting visits, inner emptiness and losing memories "this place is slowly becoming all that I know"; wanting to grieve when some family member dies but not being able to do so, recycled days "one day like the one before it". Watching helplessly as prisons become institutions of profit "the most recent I-pay, having seizures and guards laughing and making fun of you during seizures instead of getting medical assistance, the unit controller cutting off or just not responding to my emergency call light. Commissary prices that keep getting high while prisoner pay stays the same. People who lie to me a liar is worse than any other type of person they; can't be trust, have no honor, have no self respect, and are fakes. G.I Joe guards who come in here acting like bad asses and causing problems. The lack of honor and respect amongst those of our incarcerated community, Fakes who try to be what they are not. Gossipers who tell tales and keep shit stirred up. Being in here,

PART IV

---

*Present: The Prison and Its Future(s)*

## CHAPTER 12

---

# Beyond Guilt and Innocence: The Creaturely Politics of Prisoner Resistance Movements

*Lisa Guenther*

What does it mean to struggle against a system that is capable of crushing you? A system whose resources far outmatch your own: armed with weapons, with state power, and with multiple discourses of justice, security, and efficiency? What does it mean to struggle against a system that is beyond accountability, in part because it claims the right to hold individuals accountable for their own actions and choices? What does it mean—and what role does meaning play in this struggle?

These are questions for anyone who finds themselves in a society that is structured by domination. But they are especially pressing questions for people who are incarcerated. These are the people from whom “society must be defended!”<sup>1</sup> They are the “dangerous individuals” who must be contained, controlled, and incapacitated so that the rest of us may be safe and prosperous.<sup>2</sup> What does it mean to organize collective political resistance from this position, and what can we who are not (yet<sup>3</sup>) incarcerated learn from prisoner-led movements about our own position in a carceral society, our capacity to resist this position, and our responsibility to join with others in struggles for decarceration?

I will take up these questions in relation to the prison activism of the Groupe d’information sur les prisons (GIP), which helped to organize and support prisoner resistance in France from 1970 to 1973, and the California prison hunger strikes (2011–2013), which were organized by prisoners in the Pelican Bay SHU Short Corridor Collective

and supported by a Prisoner Hunger Strike Solidarity network whose mission was to “amplify . . . the voices of CA prisoners on hunger strike.”<sup>4</sup> While these movements emerged in different political and historical contexts, with different motivations and dynamics, a study of their points of intersection helps to disclose the way resistance emerges in a carceral state where prisoners are disqualified in advance from political agency, and yet nevertheless manage to act politically. The organization of effective resistance behind bars is, by most accounts, impossible; and yet it happens, and the way it happens is instructive for anyone who finds themselves in an impossible situation.

In what follows, I will explore different moments of emergent political resistance in the GIP and the California prison hunger strikes, including: a perception of the intolerable; the opening of a discursive space in which the intolerable may be articulated as such; the decision to stop tolerating it; the development of a shared critique of the systems that produce the intolerable; the concatenation of common interests to resist and dismantle those systems; the formulation of collective demands addressed to power itself; the declaration and affirmation of rights, in advance of their official recognition; and the proleptic performance of collective liberation.<sup>5</sup>

These moments are not “stages” of political struggle that unfold in a linear or even a dialectical pattern; they are not even moments in the sense of a temporal unit that arises and then passes away. Rather, they refer to meaningful turning points in the emergence and amplification of collective resistance movements. These moments may appear simultaneously or sequentially; they may emerge and repeat themselves with different rhythms and different patterns of syncopation.<sup>6</sup> Because resistance movements are precisely that: movements to which embodied creatures bring their needs, desires, voices, and capacities, as well as their confusions and frustrations, their messy pasts and uncertain futures.

Prisoner-led resistance movements are particularly complicated, given the scope and intensity of state violence to which prisoners are subjected, and given the pervasiveness of moral discourses deployed by prison reformers and apologists alike. Ultimately, the condition for effective resistance to carceral power is a movement beyond good and evil, and beyond the moral-legal categories of guilt and innocence. This calls for both a rejection of moral discourses on “compassion,” “empathy,” and “tolerance,” and an affirmation of the creaturely politics of active intolerance and intercorporeal solidarity.<sup>7</sup>

In this chapter, I will focus on three key moments in the struggle of the GIP and of the Pelican Bay SHU Short Corridor Collective: the

opening of a discursive space for questioning the prison system and calling for resistance and solidarity; the emergence of a community of resistance through the performative declaration and affirmation of rights that one does not (yet) have; and the simultaneous focus on “little things” or creaturely demands that situates the collective demand for rights in a radical political framework that contests and displaces the liberal assumption that, in order to be a political animal, one must rise above “mere” animality. The movement from inarticulate grumbling or whimpering, to a collective articulation of the intolerable, and ultimately toward active intolerance, is not a movement of transcendence from the animal to the human, or from apolitical passivity to political action, but rather an intensification of the creaturely needs, desires, and capacities that motivate and sustain political life as such.

### I Questioning and Calling

The mission of the GIP was “To Inquire and To Fight.”<sup>8</sup> Like the Prisoner Hunger Strike Solidarity network in California, the GIP sought to relay and amplify the voices of prisoners or detainees [*détenus*].<sup>9</sup> Their manifesto affirms: “What matters is whatever detainees want to make known, by saying it themselves. The point is to transfer to them the right and the possibility to speak about prisons. To say what only they have the power to say.”<sup>10</sup> Scholars such as Gayatri Spivak and Cecile Brich have questioned whether it is possible, or even desirable, for outside intellectuals to relay the voices of detainees without presuming to represent them or to speak on their behalf.<sup>11</sup> These are important questions, but I am more interested in tracking the emergence of a discursive space—however fragile and problematic—for inquiring into carceral power and for fighting it, both behind prison walls and across them. How do conversations about carceral power begin, and how do they enable a shift from mute suffering to complaint, analysis, and active intolerance? In this section, I will examine the discursive space opened up by the GIP’s questionnaire and by everyday conversation in the Pelican Bay State Prison SHU.<sup>12</sup>

In early 1971, the GIP created a questionnaire in consultation with former detainees and distributed thousands of copies in prisons across France. A questionnaire is an ambivalent form of technology. Every question is motivated by interests and desires; someone asks a question because they want to know something, and they want to know because there is something at stake, something to be lost or gained by knowing or not knowing. Depending on how it is structured and utilized, by whom and for whom, and to what end, a questionnaire can function as a tool for reinforcing existing power relations or for challenging

them. A questionnaire that asks whether the respondent prefers Coke or Pepsi excludes the possibility of rejecting both options and tethers the agency of the respondent to the demands of the questioner. But an open-ended questionnaire, administered by and for a community of those who want to find out what they might have in common, seeks to amplify the collective agency of respondents, in part by constituting them as a collective subject of inquiry (in both senses of the genitive). Such a questionnaire invites the reader to become a writer as well as a reader: an active participant in a (still loose and informal) community of inquiry.<sup>13</sup>

Outside intellectuals in the GIP wanted to know what was intolerable in prison, perhaps because they perceived something intolerable about their own position in a carceral society. The GIP's manifesto begins with these words:

None of us is sure to escape prison. Today less than ever . . . Little information is published on prisons; it is one of the hidden regions of our social system, one of the black boxes of our life. We have the right to know, and we want to know. This is why, with magistrates, lawyers, journalists, doctors, and psychologists, we have formed a *Groupe d'information sur les prisons*.<sup>14</sup>

Far from acting as a neutral relay-point for the voices of people inside, the outsiders who helped to create, distribute, and publish responses to the GIP's questionnaire brought their own interests and desires to the emerging conversation. They also shared their own perception of the intolerable, as Foucault did in this 1971 interview:

I am here to receive, to disseminate, and to elicit documents whenever necessary. Simply put, I perceive the intolerable. The blandness of the soup or the coldness of winter is relatively bearable. But to imprison an individual just because he has a run-in with justice, that is unacceptable!<sup>15</sup>

What is marked as intolerable here is the common-sense logic that those who transgress the law should be punished with detention, where detention means "the privation of the freedom to leave, the freedom to act ordinarily within one's family and work environment."<sup>16</sup> This account of detention as literally detaining someone, preventing them from leaving the space of the prison and dwelling in their accustomed spaces of family and work, helps to shift the focus from the prisoner as a moral subject to the prison system as a mechanism for detaining people,

holding them back, wasting their time and restricting their movement through space, preventing them from getting on with their lives. But what do detainees find intolerable? And would they so readily downplay the importance of bland soup or cold winters?

The GIP's distribution of an open-ended questionnaire asking detainees themselves to name and describe the intolerable opened up a discursive space of inquiry that was both shaped by the interests and desires of the questioner, and also open to being refigured by the interests and desires of those who are questioned. For a detainee to respond to such a questionnaire at the risk of being penalized by prison staff is "an act of solidarity, of struggle against the censorship and silence imposed by punishment."<sup>17</sup> It is an ethical opening to what Levinas calls "veritable conversation," which for him is the condition for a meaningful sense of social justice.<sup>18</sup> To take up someone's question and to make it your own is to literally entertain their interests and desires, at the risk of having one's own interests and desires co-opted or annihilated. There is nothing in this ethical opening that guarantees the emergence or amplification of collective agency, much less collective liberation. And yet, the mere act of inclining toward the question of another is already the germination of ethical, political, and intellectual community. When someone else's question provokes me to put my own perception of the world in question, and to critically interrogate the status quo, then the possibility emerges for a critical praxis of sharing one's confusion and insights, one's suffering and relief, one's perception of the intolerable and the refusal to keep tolerating it.

Prisoners at Pelican Bay State Prison in California also attest to the importance of conversation for their own political organizing. For them, it was less a matter of gathering information or questioning the intolerable than of opening the space of conversation as such, across both the social barriers of gang affiliation and racial antagonism, and the material barriers of concrete walls and steel doors. In 2003, seven prisoners from rival gangs such as the Black Guerrilla Family, Aryan Brotherhood, Mexican Mafia, and Nuestra Familia were moved to a part of the Pelican Bay SHU called the Short Corridor. Among these prisoners were Todd Ashker, Arturo Castellanos, Sitawa Nantambu Jamaa (Dewberry), and Antonio Guillen: the men who would later form the core leadership team of the PBSP SHU Short Corridor Collective.

According to Guillen, prison officials "intentionally assigned rival prisoners from different races and/or regional groups to a pod. The idea being, if a pod were populated with those who didn't socialize with each other to begin with, then this would further serve the intended

purpose of discouraging their ability and/or desire to socialize” and to organize collective resistance.<sup>19</sup> Guillen explains how a sense of solidarity began to emerge among prisoners in the Short Corridor, in spite of their extreme isolation:

At first it seemed to start off with common tier courtesies, then to casual conversations which led to more in depth discussions about a variety of topics. This allowed each of us to gain a better understanding of the next man—who he was, the things he cared about or believed in and his way of thinking. At least for me, I soon realized that many of these men were no different from who I am. We shared the same interests and things of importance, and some of us even thought along the same lines.

As time went by, we soon started to share reading materials—books, magazines, newspapers etc.—and providing legal assistance—filing prisoner grievances and court litigation. And for those men who didn’t have the means to purchase items from the prison commissary—writing materials, personal hygiene, food, beverages—the rest of the pod would get together and help out when we could . . .

Now this is not to say that everything has been sunshine and roses since then. There are still many negative forces that we routinely contend with—namely, those that have led to the evolution of these hunger strikes. It was, however, the courage and determination of the men who chose to stand up to the CDCR [California Department of Corrections and Rehabilitation] and challenge the torturous intent for PBSP SHU on all fronts—but specifically in the area of men’s ability and/or desire to socialize—that ultimately forged strong and respectful relationships between men of different races and regional backgrounds that in turn allowed many of us to come together and bring this Human Rights Movement!<sup>20</sup>

Even in a concrete box, locked behind steel doors and divided by social identifications that might otherwise have them plotting to kill each other, detainees in the SHU Short Corridor managed to create and sustain a discursive space for the concatenation of shared interests and the organization of collective resistance.<sup>21</sup>

Todd Ashker describes the Pelican Bay SHU Short Corridor Collective as “a collective effort initiated by a multiracial group of long-term, similarly situated (SHU) prisoners who decided enough is enough.”<sup>22</sup> But how was such a decision made, and by whom? At what point does a contingent group of people who happen to be stuck in the same pod become a collective subject of political resistance, capable of organizing the largest hunger strike in California history? In other words, how does a space of conversation or questioning become a praxis of active

intolerance? How does one move from a perception and articulation of the intolerable to its rejection and, beyond rejection, to the creation of new possibilities for intercorporeal life?

## II Declaring and Affirming

People do not wake up one morning with a perception of the intolerable and a desire to fight against it. Even the political imagination to launch a hunger strike rather than, say, a sit-in, is rooted in a social and historical context. The California prison hunger strikes were, at least in part, inspired by the Dirty Protest in 1970s Ireland, as well as political writing by Che Guevara, Howard Zinn, Naomi Wolf, Thomas Paine, and others.<sup>23</sup> Even the GIP's questionnaire project was a response to a series of hunger strikes organized by incarcerated activists in the wake of May 1968. While some of these activists lobbied for the status of "political prisoners," others rejected it and began working with common law detainees to give "new shape to what was still but a voiceless discontent."<sup>24</sup> What is at stake in this movement from "voiceless discontent" (whether on the part of detainees or frustrated intellectuals) to a perception of the intolerable, an articulation of the intolerable as such, a refusal to continue tolerating it, and the engagement in multiple forms of active intolerance? And how might the collective action of outside intellectuals work to support and amplify the collective action of detainees?

The GIP's manifesto offers a clue by framing the questionnaire not just as a technology for gathering information or opening a space for discourse, but also for the self-assertion of political agency and of rights:

These questions speak less to the experience or misery of detainees than to their rights. The right to their own defense against the courts. The right to information, visits, and mail. The right to hygiene and nourishment. The right to a decent salary for their work and the right to work after they get out. The right to maintain a family . . . The questionnaire is a way of declaring these rights and affirming our will to advance them.<sup>25</sup>

The political temporality of this declaration of rights is complex. As an invitation "to inquire and to fight," addressed to subjects who have been disqualified as knowers and as citizens with a legitimate reason to fight or even to speak for themselves, the GIP's questionnaire both opens a space for a community-to-come and already elicits the solidarity

that would become possible in such a community.<sup>26</sup> This declaration and affirmation of rights in the absence of their official recognition is already a way of embodying those rights and manifesting the power to claim them collectively; it is the proleptic performance of a status that one has not been granted, and may have no chance of being granted, by dominant forms of power, but which detainees grant to themselves as a self-organizing collective with the power not only to fight, resist, and negate but also to affirm, declare, and create.

In the Pelican Bay SHU, “The Call” played a similar role in literally calling forth the political agency and rights-bearing subjectivity that will have been necessary to issue the call in the first place. Written by Mutope Duguma (James Crawford) in 2011, “The Call” asks prisoners across the California system—“as well as the free oppressed and non-oppressed people” beyond the prison walls—to set aside racial and regional hostilities and to support a collective hunger strike by prisoners in the Pelican Bay SHU. In this sense, “The Call” has a vocative rhetorical structure; it addresses people who are similarly situated but from whom the writer is physically and socially isolated.

But “The Call” is also a critical analysis of the meaning and structure of the California prison system, understood as a system that produces a situation of intolerable suffering and torture for detainees. It names this intolerable situation as a form of “torture” and “civil death,” in resistance to which detainees in the SHU are collectively declaring their “civil/human rights” and affirming their will to do so. As such, “The Call” does not merely describe a situation of intolerable suffering; it names this situation and it offers this name to similarly situated prisoners, as a tool for inquiring and for fighting. It says, in effect: This is what’s really going on; this is the meaning of our shared situation; here’s a name for your “voiceless discontent”; join us by lending your own voice to a struggle to change the situation that is making us all suffer.

By making an appeal to similarly situated prisoners, and by offering a critical analysis of their shared situation, “The Call” creates the conditions under which such prisoners could decide and declare that “enough is enough.” It opens a complex discursive-political field for the concatenation of shifting subject-positions—“I,” “we,” and “you”—into an emergent form of collective resistance to a “they.” This process is beautifully enacted in the following passage:

I say that those of you who carry yourselves as principled human beings, no matter you’re [*sic*] housing status, must fight to right this and other egregious wrongs. Although it is “us” today (united New Afrikans,

Whites, Northern and Southern Mexicans, and others), it will be you all tomorrow. It is in your interests to peacefully support us in this protest today, and to beware of agitators, provocateurs, and obstructionists, because they are the ones who put ninety percent of us back here because they could not remain principled even within themselves.<sup>27</sup>

In other words: *I say to you, or at least to some of you, that we are you, and tomorrow we will be all of you. You and I should form a we, in resistance to those who undermine our solidarity and reproduce the conditions of our torture.* Already as a call to future action (now read in retrospect, in light of the events it engendered), “The Call” performs the emergence of a collective subject who both issues and receives the provocation to engage in active intolerance.

This subject is political in the sense described by Foucault in his press release on the Toul Prison Revolt in 1972: “For I think we can call ‘political’ any struggle against established power, if and when it constitutes a collective force, with its own organization, objectives, and strategy.”<sup>28</sup> In becoming politicized as a collective force, the “voiceless discontent” of one’s own singular suffering is not merely put into words, as if language were a neutral vehicle for externalizing an otherwise unsharable feeling. Rather, it is actively declared and affirmed as the potential for becoming more than it is in the present moment. This potentiality is not inherent in the individual consciousness of a subject who “perceives the intolerable,” but rather emerges through the movement by which embodied subjects call on one another, in unison and in cacophony, according to the demands of the situation and the unstable rhythms of collective organizing.<sup>29</sup>

### III Toward a Creaturely Politics of Prison Resistance

For Foucault, the hallmark of contemporary political movements (ca. 1973) is that they are oriented toward “the most quotidian things”: food, work, sexuality, and reproduction.<sup>30</sup> This is also true of contemporary prisoner resistance movements. Consider, for example, the importance of seemingly humble or even banal demands made by French detainees in the 1970s for “the right to a transistor [radio] in each cell,” or “the right to buy paperback books”<sup>31</sup> alongside demands for “equitable” and “honorable justice.”<sup>32</sup> Similarly, the Pelican Bay SHU Short Corridor Collective has demanded both an end to the torture of indefinite isolation and also an expansion of privileges such as “more TV channels,” longer and more frequent visiting times, craft supplies such as “art paper,

colored pens, small pieces of colored pencils, watercolors, chalk, etc.,” permission to wear “sweat suits and watch caps,” and the installation of “pull-up/dip bars on SHU yards.”<sup>33</sup> As Antoine Lazarus, a former prison doctor and participant in the GIP, observed in a 1979 interview: “What is surprising . . . is that they ask for basic comfort: nourishment, bed-clothes . . . Detainees display, sometimes at the risk of their own lives, an enormous need to change things, to be heard, and simultaneously they demand all the little things.”<sup>34</sup>

What is the significance of these “little things”? The fluidity of demands for equal justice and for better living conditions may seem, from an outside perspective, to mix lofty and noble desires with mere needs or creature comforts, thereby diminishing its more radical claim with reformist compensations that would perpetuate the prison system rather than challenging its foundations. But such an interpretation would miss the point, underestimating both the genocidal logic of the prison system and the meaning of radical critique.<sup>35</sup> It is precisely by attacking and undermining the creaturely existence of detainees that “equitable” or “honorable” justice is denied to them. A meaningful experience of equality cannot be separated from the thickness of one’s mattress or the size of one’s meal portion. Likewise, a meaningful experience of freedom is grounded in one’s access to art supplies, exercise equipment, and radio or television programs. Prisoner resistance movements demonstrate that politics is not a higher-order activity reserved for those who are willing and able to rise above the demand for chocolate and transistor radios. Rather, it is a set of embodied practices such as connecting with others, forming communities of inquiry and struggle, and concatenating our powers and desires for better food and for equal justice. Political movements that diminish or deny the vital importance of warmth, nourishment, and pencil crayons, cannot claim to be radical, even if they embrace a pure, ideal form of prison abolition. Far from undermining radical decarceration projects, the creaturely politics of prisoner-led resistance movements affirms the meaning of political subjectivity, not as an abstract status that is granted on the decimated ground of animality but rather as an elaboration and amplification of (inter)corporeal life.<sup>36</sup>

A study of the GIP’s response to demands made by French prisoners in the early 1970s helps to demonstrate—even in its ambivalence—the interconnection of demands for justice and for warmth, nourishment, and enjoyment, as well as the vital importance of pleasure for a radical politics of prison resistance. In defense of “the little things,” Foucault says: “these are not merely details or rather every detail is essential when

one struggles to obtain, against a boundless arbitrariness, a minimum of juridical status; when one struggles to have the right to demand. It is important to have the right to wash, but it is essential when one obtains it in this way.”<sup>37</sup> To struggle collectively for the right to demand (one’s rights) is to embody in one’s struggle the possibility that one is struggling to bring about. The struggle is already a performance of capacity-building, movement-building, community-building; it is the accomplishment of meaning in the making, a political poem created through the materiality of collective struggle.

Ultimately, what is at stake in the radical politics of “little things” is a movement beyond good and evil, and beyond the categories of guilt and innocence upon which penal systems are founded. In a 1971 interview entitled, “Revolutionary Action: ‘Until Now,’” Foucault links “the fear of criminals” to the affective reinforcement of “the ideology of good and evil, of the things that are permitted and prohibited.”<sup>38</sup> He explains:

The ultimate goal of its interventions was not to extend the visiting rights of prisoners to thirty minutes or to procure flush toilets for the cells, but to question the social and moral distinction between the innocent and the guilty. And if this goal was to be more than a philosophical statement or a humanist desire, it had to be pursued at the level of gestures, practical actions, and in relation to specific situations. Confronted by this penal system, the humanist would say: “The guilty are guilty and the innocent are innocent. Nevertheless, the convict is a man like any other and society must respect what is human in him: consequently, flush toilets!” Our action, on the contrary, isn’t concerned with the soul or the man *behind* the convict, but it seeks to obliterate the deep division that lies between innocence and guilt.<sup>39</sup>

To move beyond innocence and guilt, and in effect beyond good and evil, is to shift the terrain of both prison systems and prison reform movements: the terrain of sin and expiation, transgression and penitence, delinquency and rehabilitation, moral fault and moralizing reform.<sup>40</sup> It is to shift one’s critical attention from the individual subject who remains the target of rehabilitative models of prison reform to the systems that constitute and perpetuate the prison as a social, political, economic, and even pedagogical institution.

But Foucault speaks too quickly when he contrasts the movement beyond good and evil with the demand for flush toilets. As he suggests elsewhere, it is precisely in demanding creature comforts as a condition for any meaningful experience of equality, freedom, or justice that contemporary prisoner resistance movements move beyond liberal

humanism, and even beyond more abstract forms of radical politics. In a 1979 roundtable discussion (in which he spoke under the pseudonym, Louis Appert), Foucault recalls that “among detainees there was absolutely *no shame* in emphasizing and putting to work the problem of being hot or cold, the problem of chocolate or grub, even if it killed someone. This represented, it seems to me, a *deculpabilization*.”<sup>41</sup>

Foucault contrasts the deculpabilization of radical prisoner-led resistance movements with the writing of prisoners in the nineteenth century, who took up the moral discourse of the penitentiary system: “The whole literature was steeped in: surely, what I did is dreadful, I must atone for it, I am here to pay my debt to society . . . I wonder if it changed around ’68. Now people say: “Yes, I killed someone, but this is no reason for me to be cold.”<sup>42</sup> While such demands may seem petty or even offensive in contrast with the lofty political ideals of freedom and equality, it is of the utmost importance to grasp the continuity of demands for better food and better legal representation, for heated cells and equal justice, for more contact visits and an end to prison slavery.

This point is connected to the vital importance of understanding civil life as an elaborated form of embodied, creaturely life, rather than as an abstract status that is granted through the suspension of “mere” animality. At stake here is both the meaning and the materiality of political life, understood as the embodied, fleshly, animal life of a creature who eats and sleeps and enjoys her chocolate, and who also speaks, demands, affirms, and organizes collective resistance. This creaturely life of radical decarceration moves beyond good and evil but—precisely as such—it affirms the ethical and political potential of intercorporeal solidarity.

#### IV Creaturely Accomplices

It is clear that outside intellectuals have much to learn from prisoner resistance movements. But what do we have to contribute? In his statement on the 1972 Nancy Prison Revolt, Foucault affirms that it is up to outside supporters of prisoner-led resistance movements “to follow these demands and lend them our support.”<sup>43</sup> In the case of Nancy, this meant literally picking up messages thrown from the rooftop by detainees, relaying these messages to others, and not forgetting to enjoy the nougats tossed into the crowd by detainees, “so the crowd could bear with them and be able to eat!”<sup>44</sup> This suggests that, in order to participate effectively in radical political struggles for decarceration, activists must not only work hard, but also open ourselves to the creaturely enjoyment

of struggle and solidarity, in resistance to both the moralizing discourse of liberal prison reform and the (equally moralizing) discourse of purist approaches to prison abolition, which discount the importance of “little things.” Activist enjoyment may take many forms, from the simple pleasure of sharing space or exchanging letters to Robin Kelley’s affirmation that “After the revolution we STILL need Bootsy! That’s right, we want Bootsy! We need the funk!”<sup>45</sup>

In addition to amplifying the voices of people inside, our challenge as outside intellectuals is to issue a call of our own to nonincarcerated people to name, analyze, and reject our own position as alibis for the civil death of others, as the “good” or “innocent” ones for whose sake “society must be defended.” Our task is to open and sustain discursive spaces for the emergence of new, decarceral forms of political subjectivity behind and across the razorwire. This means organizing in our own communities to dismantle the conditions of our own privilege, to use whatever power we have to open spaces for others to be heard, and eventually to disappear from the scene, not because we have become a neutral switchpoint in the seamless transmission of inside voices, but because the subject position that enabled us to serve a specific purpose in the struggle has become obsolete. This means using whatever resources are at our disposal to abolish white supremacy, economic exploitation, heteropatriarchy, and oppressive norms of physical and intellectual capacity. In short, it means destroying the conditions under which one became an outside intellectual, as opposed to some other kind of intellectual, without ceasing to think and to act critically. Ultimately, what is required of outside intellectuals is not to speak for others but to bring our own creaturely demands and desires to the politics of prison abolition, by articulating what is intolerable in our own position among those whose voices and lives are privileged at the expense of others, so that we may act as accomplices rather than allies in the creaturely politics of prison abolition.<sup>46</sup>

## Notes

1. Foucault, ECF-SMD.
2. Foucault, ECF-AB.
3. The GIP manifesto reads: “None of us is sure to escape prison. Today less than ever.” See “(Manifest du GIP)” (1971), FDE1, no. 86, 1042.
4. Prisoner Hunger Strike Solidarity (PHSS) describes itself as “a coalition based in the Bay Area made up of grassroots organizations & community members committed to amplifying the voices of and supporting the prisoners at Pelican Bay & other CA prisons while on hunger strike.” “About,” Prisoner Hunger Strike Solidarity,

- accessed on August 5, 2013, <http://prisonerhungerstrikesolidarity.wordpress.com/about/>.
5. Thanks to Annika Thiem for suggesting the word “proleptic.”
  6. For more on rhythm and social concatenation, see Franco “Bifo” Berardi, *The Uprising: On Poetry and Finance* (Los Angeles: Semiotext(e), 2012), 119–133.
  7. For more on the political elaboration of intercorporeality in resistance to solitary confinement, see Lisa Guenther, *Solitary Confinement: Social Death and Its Afterlives* (Minneapolis: Minnesota University Press, 2013).
  8. Daniel Defert, “Quand l’information est une lutte” (1971), FGIP-AL, 69.
  9. Foucault calls the GIP a “relay station” for the voices of detainees (“Enquête sur les prisons: brisons les barreaux du silence,” FDE1, no. 88, 1045), and Deleuze calls it “a system of relays within a larger sphere, within a multiplicity of parts that are both theoretical and practical” (Foucault, ELCP 206). For the most part in this chapter, I will use Foucault’s term, “detainee” [*détenu*] rather than “prisoner” or “inmate” to mark the complex links between sites and practices of domestic incarceration, global detention in the war on terror, and immigrant detention. In the US context, the word detainee helps to shift attention from the prisoner–inmate as a moral subject to the prison system as a site of detention that literally detains people, holding them back or setting them aside.
  10. Defert, “Quand l’information est une lutte,” 69.
  11. Gayatri Spivak, “Can the Subaltern Speak?” in *Marxism and the Interpretation of Culture*, ed. Cary Nelson and Lawrence Grossberg (Urbana: University of Illinois Press, 1998). Cecile Brich, “The Groupe d’information sur les prisons: The Voice of Prisoners? Or Foucault’s?” *Foucault Studies* 5 (January 2008): 26–47.
  12. SHU stands for Security Housing Unit; prisoners in the SHU are isolated in a 8 × 10 ft windowless cell for 22 to 24 hours a day. For more detail on the situation at Pelican Bay, see Lisa Guenther, “Political Action at the End of the World: Hannah Arendt and the California Hunger Strikes,” *Canadian Journal for Human Rights* 4:1 (2015), 33–56.
  13. For a discussion of community self-surveys as a “tool of democracy” and of collective liberation in the context of Critical Participatory Action Research, see María Elena Torre, Michelle Fine, Brett G. Stoudt, and Madeline Fox, “Critical Participatory Action Research as Public Science,” in *APA Handbook of Research Methods in Psychology, Vol 2: Research Designs: Quantitative, Qualitative, Neuropsychological, and Biological*, ed. Harris Cooper, Paul M. Camic, Debra L. Long, A.T. Panter, David Rindskopf, and Kenneth J. Sher (Washington, DC: American Psychological Association, 2012): 171–184.
  14. Foucault, “(Manifest du GIP),” 1042.
  15. Foucault, “Je perçois l’intolérable” (1971), FDE1, no. 94, 1073.
  16. Foucault, “Non, ce n’est pas une enquête officielle . . .” (1971), FGIP-AL, 65.
  17. Defert, “Quand l’information est une lutte,” 69.
  18. Emmanuel Levinas, *Totality and Infinity*, trans. Alphonso Lingis (Pittsburgh: Duquesne University Press, 1969).
  19. Antonio Guillen, “Why I Joined the Multi-Racial, Multi-Regional Human Rights Movement to Challenge Torture in the Pelican Bay SHU,” *The San Francisco Bay View National Black Newspaper*, August 29, 2013, accessed on November 10, 2013, <http://sfbayview.com/2013/why-i-joined-the-multi-racial-multi-regional-human-rights-movement-to-challenge-torture-in-the-pelican-bay-shu/>.

20. Ibid.
21. Wallace-Wells offers a detailed account of how the California prison hunger strikes were organized, beyond this initial opening of discursive space in the SHU Short Corridor. Benjamin Wallace-Wells, "The Plot from Solitary," *New York Magazine*, February 26, 2014, <http://nymag.com/news/features/solitary-secure-housing-units-2014-2/>.
22. See Paige St. John, "Prison Hunger Strike Leaders Are In Solitary But Not Alone," *L.A. Times*, July 28, 2013, <http://www.latimes.com/news/local/la-me-ff-ashker-20130729,0,1059923.story?page=2>.
23. See Todd Ashker, "CA Prisoner Todd Ashker on His Evolution From Violence to Peaceful Hunger Strike," *Democracy Now*, August 23, 2013, [http://www.democracynow.org/blog/2013/8/23/exclusive\\_audio\\_california\\_prisoner\\_on\\_hunger\\_strike\\_and\\_how\\_he](http://www.democracynow.org/blog/2013/8/23/exclusive_audio_california_prisoner_on_hunger_strike_and_how_he), and Denis O'Hearn, "My Friend Todd Ashker, Hunger Striker at Pelican Bay," *Counterpunch*, August 22, 2013, <http://www.counterpunch.org/2013/08/22/my-friend-todd-ashker-inmate-at-pelican-bay/>.
24. Foucault, "Préface" (1971), *Enquête dans vingt prisons*, FDE1, no. 91, 1064.
25. Defert, "Quand l'information est une lutte," 69, 72.
26. For more on epistemic disqualification and resistance, see for example Linda Martín Alcoff, "On Judging Epistemic Credibility: Is Social Identity Relevant?" in *Engendering Rationalities*, ed. Nancy Tuana and Sandra Morgen (Albany: SUNY Press, 2001): 53–80, and Jose Medina, *The Epistemology of Resistance: Gender and Racial Oppression, Epistemic Injustice, and Resistant Imaginations* (Oxford: Oxford University Press, 2013).
27. Mutope Duguma (s/n James Crawford), "The Call," *Prisoner Hunger Strike Solidarity*, accessed July 15, 2013, <http://prisonerhungerstrikesolidarity.wordpress.com/voices-from-inside/the-call/>.
28. Foucault, "Pour échapper à leur prison . . ." (1972), FGIP-AL,155.
29. In a statement just days before this interview, Foucault emphasizes the importance of transforming "experiences" of the intolerable and "isolated revolts" against it into "common knowledge and coordinated practice" ("Sur les prisons" [1971] FDE1, no. 87, 1044). This is, in effect, the work of active intolerance, and it is also what I take Bifo to mean by concatenation. Berardi, *The Uprising*, 122–33.
30. Foucault, "Prisons et révoltes dans les prisons" (1973), FDE1, no. 125, 1296.
31. Quoted in Brich, "The Groupe d'information sur les prisons," 41.
32. Foucault, "Il y a un an à peu près . . ." (1972), FGIP-AL, 197. See also the demands of prisoners at Nancy in January 1972, who called for "equitable justice" and "honorable justice" as well as for better food, uncensored access to newspapers, cleaner and heated dormitories, and an end to beatings by guards. Ibid.
33. For a full list of the prisoners' five core demands, as well as more specific demands from different institutions across the California state prison system, see "Prisoners' Demands," Prisoner Hunger Strike Solidarity, April 3, 2011, <http://prisonerhungerstrikesolidarity.wordpress.com/the-prisoners-demands-2/>.
34. Foucault, "Luttes autour des prisons" (1979), FDE2, no. 273, 814.
35. Dylan Rodríguez, "Insurrection Against Racial Genocide: Prison Rebellions and the Logic of Evisceration." Paper presented at the Rethinking Mass Incarceration in the South Conference, University of Mississippi, April 14, 2014.
36. For a more sustained treatment of the complex relation between animality, politics, and punishment, see Guenther, *Solitary Confinement*, 125–160; Colin Dayan,

- The Law Is a White Dog: How Legal Rituals Make and Unmake Persons* (Princeton: Princeton University Press, 2011); Lori Gruen, *The Ethics of Captivity* (Oxford: Oxford University Press, 2014).
37. Foucault, "Pour échapper à leur prison . . .," 153.
  38. Foucault, ELCP, 226.
  39. *Ibid.*, 227.
  40. For an analysis of the will to punish and the "alibi" provided by moral concepts such as good and evil, which are deployed to justify both punishment and pardon, see Friedrich Nietzsche, *On the Genealogy of Morals and Ecce Homo*, trans. Walter Kaufmann (New York: Vintage, 1989).
  41. Foucault, "Luttes autour des prisons," 815 (emphasis added).
  42. *Ibid.*
  43. Foucault, "Il y a un an à peu près . . .," 198.
  44. *Ibid.*
  45. Robin D. G. Kelley, *Freedom Dreams: The Black Radical Imagination* (Boston: Beacon Press, 2002), 10–11.
  46. For more on the distinction between accomplices and allies, see Indigenous Action Media, "Accomplices Not Allies: Abolishing the Ally Industrial Complex," May 4, 2014, <http://www.indigenouaction.org/accomplices-not-allies-abolishing-the-ally-industrial-complex/>.

## CHAPTER 13

---

# Resisting “Massive Elimination”: Foucault, Immigration, and the GIP

*Natalie Cisneros*

In 2014, mainstream debates about immigration—a frequent topic of news headlines in the United States—shifted to the subject of what was widely reported as “the new immigration crisis”: an influx of migrant children from Central America.<sup>1</sup> Frequently described as a “surge,” this new topic of intense national debate occasioned the rehearsing of long-standing discourses surrounding border security, criminal invasion, and illegality. But national debate and discussion of what should be done about this “surge” also shed light on a central aspect of practices surrounding immigration rarely made visible in the media: immigrant detention. Popular culture in the United States is rife with representations of prisons—from mainstream news magazines to widely watched shows like *OZ* and, more recently, *Orange Is the New Black*. The prison seems a ubiquitous part of cultural production and consumption in the United States. But while, as Angela Davis states in *Are Prisons Obsolete?*, “the prison is one of the most important features of our image environment” (even as what actually happens within prisons remains largely invisible), spaces of immigrant detention are rarely represented.<sup>2</sup> For this reason, it was all the more striking when, during national discussion about the “surge,” images of Central American children in detention centers made their way to mainstream news media outlets. As some politicians and other public figures called the “surge” a “humanitarian crisis,” they drew attention to the conditions of the children’s detainment, leading to the production of rare images depicting immigrant detention. Countless mainstream news outlets published

pictures, vivid descriptions, and video of spaces where the immigrant children were held, and members of Congress were granted access to tour the facilities.<sup>3</sup>

Of course, though the “surge” has brought a new level of visibility to these spaces, the detainment of immigrant children—and, indeed, the imprisonment of immigrants in general—is not new. Discourse surrounding the “surge” is just a recent making visible of a decades-long trend: the detainment and detention of undocumented children has been increasing exponentially since immigrant policy in the United States shifted toward detention in 1981, when the Reagan administration responded to an influx of Haitian and Cuban migrants.<sup>4</sup> According to Angela Davis, this same time period saw a drastic rise in mass imprisonment.<sup>5</sup> That the increase in detaining immigrants has coincided with and resembled in many ways the dramatic expansion of the prison industrial complex more broadly has prompted critics of mass incarceration to acknowledge immigrant detention as a part of this larger trend. Davis, for example, identifies the incarceration of undocumented people in immigrant detention centers as the work of the racist system of mass incarceration, and states, “current campaigns that call for the decriminalization of undocumented immigrants are making important contributions to the overall struggle against the prison industrial complex.”<sup>6</sup> Indeed, there are compelling reasons to understand strategies of immigrant detainment in their functioning as part of the larger prison industrial complex: not only did immigrant detention increase at the same time that prisons were expanding, such detention also employs similar strategies in its expansion. Not only do detention centers resemble jails and prisons in their practices and spatial organization, but the facilities themselves also often occupy former prisons. Immigration and Customs Enforcement (ICE) frequently contracts with the same private corrections companies that have taken over the operation of many prisons in the United States, including Corrections Corporation of America, the largest ICE contractor, which operates a total of 14 immigrant detention facilities, and GEO Group, Inc., which operates seven facilities.<sup>7</sup>

But, though it is important—and politically and theoretically fruitful—to understand how immigrant detention resembles and contributes to the expansion of mass incarceration in general, there are important differences between the strategies and structures of immigrant detainment and those of other forms of incarceration.<sup>8</sup> In addition to their contrasting levels of visibility, one of the most important—and probably most obvious—differences between these forms of imprisonment

is the fact that, unlike the incarceration of citizens, immigrant detention is explicitly oriented toward deportation. National discourse surrounding the recent “surge” of migrant children from Central America brought this to the fore; while debates raged over how to “stop the flow” of migrants and manage the children’s detainment and detention, most mainstream voices (including President Obama’s) tacitly concurred on the inevitability of their deportation.<sup>9</sup>

What can we make of these differences between immigrant detainment and other forms of imprisonment—and of the patterns of visibility and invisibility surrounding these two strategies of mass incarceration? More importantly, how do these differences affect the possibility of critiquing—and resisting—the prison? In his writings and in the documents produced during his involvement with Le Groupe d’information sur les prisons (GIP), Michel Foucault, like Davis, acknowledges that immigrant detainment is part of the larger “intolerable” prison system and that political acts of immigrants are political acts against the prison system itself.<sup>10</sup> Foucault, however, doesn’t examine in a comprehensive way the specificities of the imprisonment of immigrants in particular, except to gesture toward the ways in which they are especially vulnerable to the violence and exploitation visited upon the marginalized by this system.<sup>11</sup>

Thus, though he mentions the incarceration of immigrants and political movements at centers for immigrant detention in his work on prisons, Foucault does not discuss these subjects or the differences and particularities of immigrant detention in depth. The purpose of this chapter, then, is to develop Foucault’s work during his involvement with the GIP, and particularly his conception of “massive elimination” in these texts, in order to shed light on the central importance of resisting intolerable practices of immigrant detention, of deportation, and—indeed—of the production of illegality surrounding immigration and citizenship itself.<sup>12</sup> In fact, the practices of the GIP underscore the importance of such a project. By placing Foucault’s involvement with the GIP in conversation with his other work, including especially his analysis of racism and normalizing power in the *Society Must Be Defended* lectures at the Collège de France in 1975–1976, as well as the work of Davis and other thinkers in critical prison studies, I show how cultivating practices of active intolerance of immigrant detention and deportation are central to resisting the prison as a tool of “massive elimination.”

In what follows, I first discuss Foucault’s concept of “massive elimination” as he develops it in his work with the GIP. Through an analysis

of practices and documents of the GIP—carried out and produced largely during the 1970s—alongside Foucault’s 1975–1976 lectures at the Collège de France, I show that “massive elimination” (of which the prison is a primary strategy) must be understood as a function of modern racism. Next, I analyze how immigrant detention, the deportation of migrants, and the illegality of migration itself are all central strategies of “massive elimination” in the contemporary US context. I argue that instead of breaking with strategies of confinement, deportation actually rehearses and extends what Foucault and the GIP called the “intolerable” practices of the prison. Finally, I explore what it means to resist “massive elimination” in the contemporary US context. I suggest that the strategy of “giving migrants the floor” is central to—and has important implications for—a project of active intolerance.

### I Containment as “Massive Elimination”: Prisons, Normalization, and Racism

In her 1998 essay, “Racialized Punishment and Prison Abolition,” Davis discusses Foucault’s visit to Attica, which he made eight months after the 1971 uprising and massacre. She describes Foucault as being “especially struck by the disproportionately large population of black men” and remarks that “one wonders how Foucault might have responded in the 1990s to the fact that one out of three young black men is presently incarcerated or under the direct control of the criminal justice system.”<sup>13</sup> In the interview from which Davis quotes extensively in this piece, Foucault explicitly discusses the central role of race and racism in the functioning of prisons in the United States, remarking that “in the United States, there must be one out of 30 or 40 black men in prison: it is here that one can see the function of massive elimination in the American prison.”<sup>14</sup> But though Davis acknowledges that Foucault understands practices of imprisonment in the United States as functions of a racist state, she agrees with Joy James about the need to move away from Foucault’s work in *Discipline and Punish* and toward an account of the prison that sufficiently attends to the histories and strategies of racism in the United States.<sup>15</sup> Indeed, in this text and others, Davis traces a new genealogy of prisons, one that emphasizes the links among punishment, confinement, and race. But Davis’s and James’s are far from the only critiques of Foucault’s engagement with questions of race and racism, especially surrounding mass incarceration. Brady Heiner, for example, argues that Foucault and Foucault scholars alike have been problematically silent about the influence of Black radical thought (and the Black Panthers in particular) on his work.<sup>16</sup>

Davis is particularly critical of Foucault's focus in *Discipline and Punish* on the prison as an instrument aimed at "punishing and reforming white wage-earning individuals."<sup>17</sup> She shows how this emphasis elides the complex strategies of racist and gender oppression that have and do shape the incarceration of those bodies historically excluded from waged public economy: white women and people of color. But though Davis, like others, is convincingly critical of Foucault's failure to account for histories and realities of race and racism in this text, she maintains that, in his interview on Attica, "Foucault allows for the possibility that the prison's purpose is not so much to transform, but to concentrate and eliminate politically dissident and racialized populations."<sup>18</sup> In what follows, I read the interview on Attica in concert with Foucault's other work with the GIP as well as his lectures at the Collège de France. I contend that Foucault not only allows for the possibility that the prison's function is eliminative, but that he also emphasizes "massive elimination"—a strategy of racism—as a central function of the prison and, indeed, of the modern state itself.

In the same interview from which Davis quotes, Foucault states, "prison is not only punitive; it is also a part of an eliminative process. Prison is the physical elimination of people who come out of it, who die sometimes directly, and almost always indirectly."<sup>19</sup> By emphasizing its role in a larger "eliminative process," this description of the function of the modern prison underscores the centrality of normalizing power in the contemporary era, and of detention's purpose in this vein. Discussing changing practices of social exclusion and inclusion in a 1971 interview, Foucault distinguishes among "exiling societies," "killing, torturing, or purifying societies," and, finally, "confining societies."<sup>20</sup> He describes the contemporary era of confinement as the epoch of normalization, in which practices of inclusion and exclusion preserve and enforce social and economic norms. The confining society, then, practices internment and imprisonment "not only to punish, but also to impose by constraint a certain model of behavior as well as norms: the values and norms of society."<sup>21</sup> In other words, the prison is much more than a means of punishing criminals—it is a complex political instrument that targets individuals deemed abnormal. And at the same time that it is fundamentally a tool of normalization, the prison should also be understood as an institution of "massive elimination." In a 1972 interview about his work with the GIP, Foucault describes how the prison was invented to "eliminate, as dangerous, a select portion of the population," in order to enforce economic norms.<sup>22</sup> Thus, the prison, in its fundamental role as a tool not only of punishment but—perhaps more centrally—of normalization, simultaneously serves an eliminative function.

The notion that ours is a “confining society” on the surface seems to reinforce an understanding of the modern prison as a space of containment or, perhaps, of reform, an institution that contains dangerous individuals and/or remolds them. Indeed, normalizing power explicitly justifies its confinement of these marginalized subjects as necessary for the protection and well-being of society as a whole. But for Foucault, though mechanisms of the “confining society” justify themselves as tools of preservation, in their materiality, strategies, and structures, they are actually aimed at elimination. In his 1975–1976 lectures at the Collège de France, Foucault describes this eliminative function of normalizing regimes of power as “modern racism.”<sup>23</sup> He explains how “racism justifies the death function in the economy of biopower,” or normalizing power, “by appealing to the principle that the death of others makes one biologically stronger.”<sup>24</sup> Put differently, “modern racism” is central in this regime because it is through racism that normalizing power “exercises its sovereign power” of elimination.<sup>25</sup> The primary function of “modern racism,” according to Foucault, is to “introduce a break into the domain of life” that has come under power’s control in the normalizing (or confining) society. Racism creates fractures in a population and hierarchizes these fractured elements, constituting particular races as inferior “subraces.”<sup>26</sup> By dividing human life into “types,” racist strategies thus render these divided bodies as either “good” or “inferior,” “degenerate,” and “abnormal.”<sup>27</sup> According to Foucault’s analysis in these lectures, in the regime of normalizing power, racism is the strategy that allows for the exposure of these deviant, abnormal, “bad” races to violence, expulsion, and social, political, or literal death. In fact, members of the dangerous, inferior, or abnormal “subraces” must be eliminated—either symbolically or literally—for the security of the social order. For Foucault, then, in the transition from “exiling” and “purifying, torturing or killing” social systems to our present epoch of the normalizing “confining society,” racism plays the central role of allowing for—and, indeed, calling for—“massive elimination.”

This understanding of modern racism as the strategy that allows for and requires “massive elimination” in our confining—or normalizing—society is consistent with both Foucault’s reflections on his visit to Attica in the aforementioned interview as well as the analysis of the uprising and massacre in “The Masked Assassin.” The latter document, which Foucault cowrote with Catharine von Bülow and Daniel Defert, describes racism as a key—if not the key—tool used to “fight the revolutionary movement” both inside and outside of prisons and observes that “the entire black avant-garde lives under the threat of prison.”<sup>28</sup>

This analysis describes the prison as a tool of racist power that preserves the normalizing social order. In his interview on Attica, Foucault again makes explicit the fundamental connection among racism, “massive elimination,” and the prison, emphasizing that in addition to being “a place of punishment,” the US prison has another function: “a role of ‘concentration camp,’ as there existed in Europe during the war and in Africa during the European colonization (in Algeria, for example, during the period when the French were there).”<sup>29</sup> By drawing a parallel between practices of confinement in the United States and these historical examples of racist, genocidal, eugenic, and colonial violence, Foucault acknowledges that the prison is not only an instrument of reformation but is primarily—and horrifyingly—a tool of racist “massive elimination.” Prisons in the United States, like the concentration camps of European colonization and Nazi Germany, unite strategies of confinement and mass murder for the purposes of racist normalization. In his interview on Attica, Foucault explicitly states that his visit prompted him to think anew about the problems raised by prisons and the kinds of resistance that can and should be levied against them. It is clear that, for Foucault, the prison is not only a punishing institution. Rather, the prison is a central technique in normalizing power’s racist function of “massive elimination.”

## **II Immigration and “Massive Elimination”: Detention, Deportation, and Racist Violence**

Though Foucault does not consider the strategies and discourses surrounding immigration in a comprehensive or sustained way, he does explicitly mention immigrant detainment as consistent with the prison as a strategy of normalizing power—and, indeed of “massive elimination.” In a 1971 interview, Foucault and Pierre Vidal-Naquet named immigrants as one of the groups in France constituted as dangerous—and thus eliminable—by strategies of normalization: “There is a slum population, the over-crowded projects, the immigrants and the marginalized, whether youths or adults. There is nothing astonishing about finding them, especially them, before the courts of justice or behind bars.”<sup>30</sup> Foucault thus expressly identifies immigrants as members of the human group constructed as a “subrace” by normalizing racism in the contemporary era. That is, immigrants, as members of the “slum population,” are targeted by strategies of criminalization and incarceration. In this vein, documents produced by the GIP occasionally list immigrants among the groups identified as dangerous by the judicial apparatus in

France; immigrants—and particularly Algerian immigrants—are mentioned alongside workers and students as a group especially vulnerable to strategies of confinement, and the struggles of immigrant detainees are cited as an example of political work against the penal system.<sup>31</sup>

The implication that practices of immigrant detention should be understood as part of the larger oppressive—and violently racist—prison system is consistent with much work done in critical prison activism and theory.<sup>32</sup> This understanding of strategies of immigrant detainment as consistent with—and, indeed, part of—the prison industrial complex is supported by patterns of the confinement of migrants in the United States. Practices of immigrant detainment have become routinized strategies of national security at the same time that the prison industrial complex has dramatically expanded its reach as “the privileged instrument” of racist “massive elimination,” to borrow language from the manifesto of the GIP.<sup>33</sup> In the years since the detainment of immigrants began in 1981, the number of those housed in immigrant detention facilities has increased dramatically: in 1996, there were approximately 8,500 people in centers of detainment, and, in 2011, there were over 33,400 individuals in custody on any given day, with over 429,000 people detained over the course of the year.<sup>34</sup>

Just as other spaces of confinement have functioned as tools of racist “massive elimination,” so have centers of immigrant detention exposed migrants (and those perceived to be migrants) to violent marginalization and literal death. Almost as soon as immigrant detention in the United States began in 1981, reports of abuses began to surface. And with the dramatic increase in the number of bodies detained has been an equally significant increase in the number of reports of abuse issued by individuals, nonprofit organizations, and news outlets. Over the past few years, sources including Amnesty International, the American Civil Liberties Union (ACLU), the *Los Angeles Times*, and the *New York Times* have reported abuses resulting in bodily and nonbodily harm and even in death.<sup>35</sup> Because those imprisoned in immigrant detention facilities are often denied sufficient medical care, people with illnesses or disabilities and those who are exposed to violence while incarcerated are often left to suffer without medical attention, sometimes fatally. As is brought to the fore by the work of Davis, Dean Spade, and others, cisgendered women of color, queer people, and gender nonconforming people are particularly vulnerable to violence in the context of incarceration and are thus more likely to suffer injury or death.<sup>36</sup> In immigrant detention facilities, as in other spaces of imprisonment, “massive elimination” is exercised through explicitly state-sanctioned violations (like frequent

invasive strip-searches) and implicitly accepted abuse (including widespread tolerance of sexual assaults and normalizing violence concerning gender). And sexual violence in centers of detention is at once both alarmingly prevalent and problematically invisible. Instances of sexual assault, for example, are widely underreported in the outside world, but according to the ACLU there had been nearly 200 allegations of abuse between 2007 and 2011 alone. Though detention centers are still not required to make records of allegations public, new accounts of sexual violence continue to emerge.<sup>37</sup> As noncitizens, migrant detainees have relatively few legal protections and no guaranteed access to council. They are therefore particularly vulnerable to exploitation and abuse. Sexual abuse and gender normalizing violence are institutionalized—and foundational—elements of racist normalization in immigrant detention centers as well as other spaces of imprisonment.

While some of the injuries and deaths of immigrants in detention are made public, these strategies of elimination (as with sexualized and gender normalizing violence in general) are often rendered completely invisible. And, even when abuses are made public, they are rarely publicized in a widespread way or on a national level. Though the US government has failed to give a detailed and timely reporting of deaths in custody, a 2010 investigation by the *New York Times* and the ACLU yielded thousands of pages of government documents pointing to a significant number of deaths in detention. After being accused by the *New York Times* and other nonprofit organizations of covering up many of these deaths, ICE reported that, between 2003 and 2009, 107 people had died in detention.<sup>38</sup> But, though over the past decade the detainment of migrant people in the United States has expanded significantly, discussion about the proliferation of these practices of “massive elimination”—and about what happens within detention centers themselves—has gone largely unmentioned by mainstream media outlets and politicians.

It is thus in the context of a national discourse lacking knowledge about—or even images of—immigrant detention that the debate over the recent so-called surge of immigrant youth made headlines in mainstream US news outlets. Many US citizens saw for the first time images of immigrant detention facilities when pictures of them overcrowded with migrant children were widely published. But rather than prompt a widespread call for halting detention itself, the images reinforced the necessity of rapidly deporting the children.<sup>39</sup> In this vein, the widely reported increase in the number of children migrating from Central America was immediately and almost universally understood as a

national “crisis,” an invasion that threatened the economic, political, and/or social security of the nation as a whole.<sup>40</sup> Even the language used to describe the changed pattern of migration revealed the threatening nature of the people in question; the term “surge,” the descriptor most frequently used to refer to the “crisis,” was most recently used in US political discourse to describe the 2007 strategic increase of troops during the Iraq War. In this way, the use of the term “surge” identified this group of young Central American migrants with the threat of a military “takeover.” And though what ought to be done about the “crisis” was the subject of intense national debate, voices across the mainstream political spectrum suggested the inevitability of mass deportation for these migrants—an inevitability reinforced by the visibility of immigrants in detention.<sup>41</sup> This pattern of strategic visibility is consistent with how images of the prison reinforce its status as natural. Just as prison is the common-sense place for criminals, deportation—not detainment—is seen as a foregone conclusion in the contemporary US context.

Understanding contemporary practices of imprisonment, and especially the imprisonment of immigrants, as tools of “massive elimination” makes clear that both detainment and deportation are strategies of racist normalizing power. Like the detainment of immigrants, deportation functions as a central strategy of “massive elimination;” the deportation of migrants from the United States results in the systematic exposure of the immigrant “slum population” or “bad race” to injury and death. Studies over the past few years have revealed the violence that often results from practices of deportation. Migrant people are regularly deported to the most dangerous areas of Northern México and not infrequently become victims of kidnapping, extortion, sexual violence, and murder.<sup>42</sup> Moreover, because deportation often occurs in the middle of the night and employs strategies such as “lateral repatriation” (where people are deliberately deported hundreds of miles from where they are apprehended in an often unsuccessful attempt to prevent reentry), migrants are left even more vulnerable by these practices. Detainment, incarceration for noncriminal offenses, and deportation often turn into a death sentence. Instead of breaking with strategies of confinement, then, deportation actually rehearses and extends what Foucault and the GIP called the “intolerable” practices of the prison.

### III Resisting the Intolerable: Giving Migrants the Floor

Understanding the detention and detainment of immigrants as consistent with—and a reinforcement of—the prison as a tool of “massive elimination” has important implications for projects of resisting

normalizing racism in all its forms. Such an analysis brings to the fore pressing questions about the nature and possibility of active intolerance: how should a comprehensive understanding of the complexities of immigration in the United States inform projects of resisting the prison as a tool of “massive elimination”? And how might understanding the criminalization of migration as an extension of the prison’s strategies of marginalization shed light on movements for immigration reform?

Answering these questions requires acknowledging how the violent, normalizing, and racist strategies that are foundational to the prison as an institution extend beyond its walls. In other words, while refusing to tolerate “massive elimination” means resisting the existence of the prison, this project requires more than the formal abolition of the prison as an institution. While Foucault emphasizes the prison as a—if not the—primary tool of normalizing violence in the contemporary era, he understood that the project of actively refusing to tolerate “massive elimination” means resisting “modern racism” in all its forms:

The problem is not a model prison or the abolition of prisons. Currently, in our system, marginalization is effected by prisons. This marginalization will not automatically disappear by abolishing the prison. Society would quite simply institute another means. The problem is the following: to offer a critique of the system that explains the process by which contemporary society pushes a portion of the population to the margins.<sup>43</sup>

It is the logic of the normalizing, confining society, a logic that reaches its violent zenith in racist “massive elimination,” that we must refuse to tolerate. Though the prison is the central strategy of this racist violence, the problem extends beyond this particular institution. And, as I have argued throughout this chapter, strategies of “massive elimination” are integral to discourses and practices surrounding immigration—even in those that don’t directly involve containment or incarceration.

Given this, what does it mean to offer a critique of “massive elimination” in the contemporary US context? Such a project requires extending Foucault and the GIP’s project of “giving the floor to detainees” to undocumented people, migrants, and others at the center of strategies of racist violence surrounding immigration.<sup>44</sup> The GIP’s stated project in this vein was expressly intended to be perspectival. It was not a sociological or reformist project, but instead one oriented by detainees and their questions. Instead of visiting prisons, or interviewing prison administrators or planners, the GIP endeavored to bring to light the knowledge of detainees—knowledge long rendered invisible, unreasonable, or nonsensical by dominant discourses surrounding imprisonment: “What

matters is whatever detainees want to make known, by saying it themselves. The point is to transfer to them the right and the possibility to speak about prisons. To say what only they have the power to say.<sup>45</sup> Understanding immigrant detainment and detention as strategies of “massive elimination,” then, requires that subjects targeted in various ways by this type of racist normalization are “given the floor.” This, of course, means “transferring the right to speak” to immigrants, migrants, and the undocumented, but it should also mean “giving the floor” to those perceived as such: other Spanish speakers, Latinos, Chicanos, and people of color in the United States and the global South.

Giving these voices “the floor” requires us to expand the critical philosophy of prisons to think across borders. Reflection on the experiences of immigrants relative to the prison industrial complex, and particularly on the increasing criminalization of border-crossing itself, demands that we pay attention not only to how racist strategies of “massive elimination” operate with and through the prison domestically, but also across the boundaries of the state. This compels us to rethink the relationship between prisons and borders, and also to analyze how the violence of the prison as an institution extends across national boundaries. One example of how the structures of racist normalization surrounding mass incarceration transcend US borders can be seen in discourses and practices surrounding the so-called war on drugs. The growing violence in Central America, as well as the US foreign policies and practices that play a role in this violence—the same forces that prompted the so-called surge of child migrants—must also be understood as intersecting with the structures of “massive elimination” that incarcerate in large numbers Black, Latino, and Native American bodies in the United States.

Such an analysis also requires us to rethink not only who retains the rights of citizenship, but also the construction of citizenship itself.<sup>46</sup> As a result of this reexamination, citizenship becomes another intersectional axis through which we understand how the prison functions as an expression of racist normalization. Understanding the way that the construction of citizenship is implicated in strategies of “massive elimination” also demands a critique of particular goals of immigration reform. If the denial of residency or citizenship through detention or deportation is understood as a tool of “massive elimination,” immigration reform that is not directed at resisting these practices will be ineffectual. Instead, refusing to tolerate racist normalization means resisting the criminalization of migration itself. This kind of refusal echoes a central strategy of the GIP as articulated by Foucault in a 1971 interview, where he described the “ultimate goal of its interventions” as not to reform the conditions of the prison, but instead to “question

the moral distinction between the innocent and the guilty.<sup>47</sup> In the context of immigration and citizenship, this means we must call into question the difference between the documented and undocumented, and between the citizen and alien—and also the work done by this distinction. In terms of the recent so-called surge, we should understand the political problem not as hinging on how to most humanely detain and deport migrant children, but instead on how the criminalization of migration is itself a strategy of “massive elimination.” Just as, for the GIP, “with a criminal record, there is no release, there are only reprieves,” for those at the center of strategies of racist normalization surrounding immigration, without the deconstruction of the distinction between citizen and alien, detainment and deportation will always be forms of “massive elimination.”<sup>48</sup>

If, as I have argued, the distinction between the documented and undocumented—and, indeed, the very construction of citizenship—are strategies of “massive elimination,” then migration itself must be understood as a political act. Describing the GIP’s project, Foucault locates meaningful political resistance to prisons in demands posed by detainees addressed “not to their superiors, the prison directors, but power itself.”<sup>49</sup> For Foucault, political action in the context of the prison can appear apolitical and even insignificant from the vantage point of the dominant discourse. It involves such things as demands for “better diet, heating, not being condemned to absurd punishments for piddling infractions—demands, then, that exist in the domain of [detainees’] immediate interest.”<sup>50</sup> For Foucault, what characterizes political movements in this vein is “the discovery that the most quotidian things” are, in fact, political.<sup>51</sup> In this light, the act of moving across borders is a political act, even and especially when this movement is made for the purpose of making demands in migrants’ immediate interests and resisting death itself. Indeed, to migrate illegally is not to request, but to make a demand—not of immigration and customs officials, but of the state, of power itself. It means to resist the ideology of decency and the interiorization of norms surrounding citizenship and legality. In other words, migration is a way of articulating that the conditions of “massive elimination” surrounding citizenship and borders are intolerable, and of refusing to exist within dominant social and legal norms.

#### IV Conclusion

Any account of “massive elimination” or its strategies, including those surrounding the prison and the detainment and deportation of immigrants, which does not involve those rendered marginal by them “taking

the floor” is fundamentally incomplete. This is evident in the strategic making visible of both the prison, and, during the recent “surge,” centers of immigrant detention. Such moves toward visibility cover over the intolerable nature of racist normalization itself. This is because the simple act of producing images of or knowledge about normalizing institutions does not necessarily bring to the fore the experiences and knowledges that have been subjugated or rendered invisible. As Foucault writes, in our contemporary normalizing epoch, “it is not specific processes that have been excluded from knowledge, but a certain kind of knowledge.”<sup>52</sup> The perpetuation of structures of “massive elimination” is not resisted by knowing more, but by knowing differently. In other words, actively refusing to tolerate the prison—and racist violence in all its forms—means centering the transformative knowledges that are currently excluded from the domain of knowledge itself.

Describing how strategic visibility and knowledge of the prison supports its repressive functioning, Foucault and Vidal-Naquet compare the prison to an “iceberg”: “the visible part is its justification: ‘Prisons are necessary because there are criminals.’ But the hidden part, the most important and formidable of the two, is this: prison is an instrument of social repression.”<sup>53</sup> In the context of the recent proliferation of discourse surrounding the “surge” of migrant children—and contemporary discourse about immigration more generally—this means that our understanding of immigrant detention and detention must move beyond the knowledge that justifies it. In other words, our knowledge of detention must not be used to justify deportation, and our understanding of both detention and deportation must go beyond the ways of knowing produced by those who have not experienced either. Indeed, in order to mobilize against the most formidable functions of institutions of racist normalization, we must give the floor to ways of knowing that reveal structures of “massive elimination” and, ultimately, refuse to tolerate them.

## Notes

1. Randal C. Archibold, “As Child Migrants Flood to Border, U.S. Presses Latin America to Act,” *The New York Times*, June 20, 2014, <http://www.nytimes.com/2014/06/21/world/americas/biden-in-guatemala-to-discuss-child-migrants.html>; Ashley Parker, “Senate Opens Debate on Bill to Halt Surge of Migrants,” *The New York Times*, July 30, 2014, <http://www.nytimes.com/2014/07/31/us/politics/senate-opens-debate-on-immigration-bill-for-border-crisis.html>; Julia Preston, “Rush to Deport Young Migrants Could Trample Asylum Claims,” *The New York Times*, July 19, 2014, <http://www.nytimes.com/2014/07/20/us/rush-to-deport->

- young-migrants-could-trample-asylum-claims-.html; Fernanda Santos, “Border Centers Struggle to Handle Onslaught of Young Migrants,” *The New York Times*, June 18, 2014, <http://www.nytimes.com/2014/06/19/us/border-centers-struggle-to-handle-onslaught-of-children-crossers.html>.
2. Angela Y. Davis, *Are Prisons Obsolete?* (New York: Seven Stories Press, 2003), 18.
  3. “Congress to Tour Children’s Immigration Detention Center, ahead of Obama’s Planned \$2B Request,” FoxNews.com, July 5, 2014, <http://www.foxnews.com/politics/2014/07/05/congress-to-tour-children-immigration-detention-center-ahead-obama-planned-2b/>.
  4. Ruth Ellen Wasem, *U.S. Immigration Policy on Haitian Migrants*, CRS Report for Congress, January 21, 2005.
  5. Davis, *Are Prisons Obsolete?*, 17.
  6. *Ibid.*, 110.
  7. “The Influence of the Private Prison Industry in Immigrant Detention,” *Detention Watch Network*, accessed April 28, 2012, <http://www.detentionwatchnetwork.org/privateprisons>.
  8. While in some contexts the terms “detention” and “detainment” are differentiated, for the sake of my discussion here I use both to refer to the same phenomenon of the confinement of migrants in the United States by Immigration and Customs Enforcement.
  9. Julia Preston, “Obama to Seek Funds to Stem Border Crossings and Speed Deportations,” *The New York Times*, June 28, 2014, <http://www.nytimes.com/2014/06/29/us/obama-to-seek-funds-to-stem-border-crossings-and-speed-deportations.html>.
  10. Foucault, “Enquête sur les prisons: brisons les barreaux du silence” (1971), FDE1, no. 88, 1047, and Daniel Defert, “Sur quoi repose le système pénitentiaire” (1971), FGIP-AL, 129.
  11. Daniel Defert, “Quand l’information est une lutte” (1971), FGIP-AL, 73, and Foucault, “Préface” (1971), FDE1, no. 91, 1064.
  12. In “Immigration ‘Reform’ and the Production of Migrant ‘Illegality,’” Nicholas De Genova provides a compelling account of how illegality in the context of migration has been produced throughout the history of US immigration policy. His genealogy is consistent with my claim here, following Foucault, that illegality itself is produced rather than managed by techniques of governmentality that regulate immigration in the United States. While De Genova also outlines the ways in which migrants from México are subjected to different treatment than migrants from other Central American countries, my analysis in this chapter explores how, in discourse surrounding the recent “surge” of child migrants, this distinction is being complicated. Nicholas De Genova, “Immigration ‘Reform’ and the Production of Migrant ‘Illegality,’” in *Constructing Illegality in America* (Cambridge: Cambridge University Press, 2013), 37–62.
  13. Angela Y. Davis, *The Angela Y. Davis Reader*, ed. Joy James (Hoboken: Wiley-Blackwell, 1998), 98.
  14. *Ibid.*
  15. *Ibid.*, 96; Joy James, *Resisting State Violence: Radicalism, Gender, and Race in U.S. Culture* (Minneapolis: University of Minnesota Press, 1996), 33.
  16. Brady Thomas Heiner, “Foucault and the Black Panthers,” *City* 11.3 (2007): 343–344.
  17. Davis, *The Angela Y. Davis Reader*, 97.

18. Ibid., 98.
19. Michel Foucault and John K. Simon, "Michel Foucault on Attica: An Interview," *Social Justice* 18.3 (Fall 1991): 30.
20. Foucault, "Je perçois l'intolérable" (1971), FDE1, 1071.
21. Ibid., 1072.
22. Foucault, "Le grand enfermement" (1972), FDE1, no. 105, 1165.
23. Foucault, ECF-SMD, 253.
24. Ibid.
25. Ibid., 258.
26. Ibid., 254–255.
27. Ibid., 255.
28. Joy James, *Warfare in the American Homeland: Policing and Prison in a Penal Democracy* (Durham: Duke University Press Books, 2007), 147 and 155.
29. Here Foucault is discussing the systematic and horrific violences visited upon Algerian people during the French occupation of Algeria between 1830 and 1962. Foucault and Simon, "Michel Foucault on Attica: An Interview," 29.
30. Foucault, "Enquête sur les prisons: brisons les barreaux du silence," 1050.
31. Foucault, "Préface," 1064, and Defert, "Sur quoi repose le système pénitentiaire," 129.
32. See especially Davis, *The Angela Y. Davis Reader*; Joy James, ed. *States of Confinement: Policing, Detention, and Prisons* (New York: Palgrave Macmillan, 2002).
33. Defert, "Quand l'information est une lutte," 73.
34. "USA: Jailed without Justice," accessed April 24, 2012, <http://www.amnestyusa.org/research/reports/usa-jailed-without-justice>.
35. Nina Bernstein, "Officials Hid Truth of Immigrant Deaths in Jail," *The New York Times*, January 10, 2010, sec US, <http://www.nytimes.com/2010/01/10/us/10detain.html>; "Cases Challenging Indefinite Detention of Immigrants," *American Civil Liberties Union*, accessed April 30, 2012, <http://www.aclu.org/immigrants-rights/cases-challenging-indefinite-detention-immigrants>; "Immigration Detention Centers Failed to Meet Standards, Report Says," *Los Angeles Times Articles*, accessed April 24, 2012, <http://articles.latimes.com/2009/jul/29/nation/na-detention29>.
36. Davis, *The Angela Y. Davis Reader*, 83; Dean Spade, "The Only Way to End Racialized Gender Violence in Prisons is to End Prisons: A Response to Russell Robinson's 'Masculinity as Prison,'" *California Law Review*, December 18, 2012, <http://www.californialawreview.org/articles/the-only-way-to-end-racialized-gender-violence-in-prisons-is-to-end-prisons-a-response-to-russell-robinson-s-masculinity-as-prison>; Eric A. Stanley and Nat Smith, eds. *Captive Genders: Trans Embodiment and the Prison Industrial Complex* (Oakland: AK Press, 2011).
37. "How Much Sexual Abuse Gets 'Lost in Detention'?—Lost in Detention—FRONTLINE," *Frontline*, accessed April 22, 2012, <http://www.pbs.org/wgbh/pages/frontline/race-multicultural/lost-in-detention/how-much-sexual-abuse-gets-lost-in-detention>; Meredith Kucherov, "Alleged Sexual Abuse at Immigration Detention Facility in Karnes, Texas," *Human Rights First*, accessed December 20, 2014, <http://www.humanrightsfirst.org/blog/alleged-sexual-abuse-immigration-detention-facility-karnes-texas>; "Watchdog: The Feds Are Muzzling Us for Reporting Alleged Immigrant Detainee Sex Abuse," *Mother Jones*, accessed December 20, 2014, <http://www.motherjones.com/politics/2014/03/ice-sexual-abuse-immigrant-detention-oversight>; "Sexual Abuse in Immigration Detention,"

- American Civil Liberties Union*, accessed December 20, 2014, <https://www.aclu.org/sexual-abuse-immigration-detention>.
38. Bernstein, "Officials Hid Truth of Immigrant Deaths in Jail."
  39. Preston, "Obama to Seek Funds to Stem Border Crossings and Speed Deportations."
  40. "Making of an Immigration Crisis: Obama Slammed for Missing Border Mess," FoxNews.com, July 8, 2014, <http://www.foxnews.com/politics/2014/07/08/making-immigration-crisis-obama-slammed-for-missing-border-mess>; Parker, "Senate Opens Debate on Bill to Halt Surge of Migrants."
  41. Preston, "Obama to Seek Funds to Stem Border Crossings and Speed Deportations."
  42. Kristel Mucino, "Dangerous Deportations," *The American Prospect*, August 26, 2013, <http://prospect.org/article/dangerous-deportations>.
  43. Foucault, "Le grand enfermement," 1174.
  44. Foucault, "Je perçois l'intolérable," 1072.
  45. Defert, "Quand l'information est une lutte," 69.
  46. Andrew Dilts has persuasively argued that there is a constitutive connection among imprisonment, punishment, and political membership in the United States. For a more thorough and historical analysis of this connection, and of the function of racism in the construction of US citizenship, see Andrew Dilts, *Punishment and Inclusion: Race, Membership, and the Limits of American Liberalism* (New York: Fordham University Press, 2014).
  47. Foucault, ELCP, 227.
  48. Foucault, "Préface," 1065.
  49. Foucault, "Prisons et révoltes dans les prisons" (1973), FDE1, no. 125, 1296.
  50. Ibid.
  51. Ibid.
  52. Foucault, ELCP, 220.
  53. Foucault, "Enquête sur les prisons: brisons les barreaux du silence," 1047.

## CHAPTER 14

---

# “Can They Ever Escape?” Foucault, Black Feminism, and the Intimacy of Abolition

*Stephen Dillon*

In 1972, when Michel Foucault was asked, “Do you know of a model prison?” he responded:

The problem is not a model prison or the abolition of prisons. Currently, in our system, marginalization is effected by prisons. This marginalization will not automatically disappear by abolishing the prison. Society would quite simply institute another means. The problem is the following: to offer a critique of the system that explains the process by which contemporary society pushes a portion of the population to the margins. Voilà.<sup>1</sup>

Throughout the GIP documents, Foucault and his coauthors argue that “none of us is sure to escape the prison” because the police and prison are so unimaginably expansive—physically, discursively, and epistemologically—that one is always already ontologically “marked by police custody.”<sup>2</sup> In this formulation, the prison is more than an institution composed of cages, corridors, and guard towers; it is also a system of affects, desires, discourses, and ideas that make the prison possible. Thus, the prison captures not just bodies, but also feelings, desires, and forms of knowledge. The prison could disappear tomorrow and the types of power that give rise to its reign could live on in other forms such as the regimes we call freedom, rights, and the state or structures like settler-colonialism, heteropatriarchy, and white supremacy.

For Foucault, it is not only the prison that must disappear, but also the “margins.” The question for theorists of the prison and anti-prison activists is how to adequately grasp these systems of “marginalization.”

We can position Foucault’s call to theorize the expansive forms of power that inaugurate and animate the prison within the historical and “psychic terrain” of Black feminism, and women of color feminism more broadly.<sup>3</sup> As Chela Sandoval has observed, the work of thinkers like Foucault, Jacques Derrida, Frederic Jameson, and Roland Barthes share “lines of force and affinity” and contain the “decolonizing influences” of the formation she calls “U.S. third world feminism.”<sup>4</sup> So, while the corpus of Foucault’s work has been criticized and expanded because it at times did not consider processes of valuation and devaluation like colonialism, slavery, patriarchy, and white supremacy, Black feminism emerged at the same historical moment as Foucault’s work to take these formations as its condition of possibility and as foundational to its grammar.

Black feminism—and radical and revolutionary Black feminisms on which this chapter focuses—coalesced in new ways in the 1970s to name the types of marginalization that other modes of thought rendered unthinkable and unknowable. Most critically, Black feminism understands race, gender, and sexuality not as static categories of identification but as processes that produce value and disposability for individuals, populations, and forms of knowledge.<sup>5</sup> As a mode of culture, thought, and action, Black feminism emerged from the margins to theorize the production of the margins. Indeed, since Sojourner Truth analyzed the racialized and gendered production of the category “woman” and its relationship to the social death of chattel slavery, Black feminism has worked to name the forms of regulatory marginalization produced by the state, but also by radical, revolutionary, and intellectual formations like (white) feminism, Black nationalism, abolitionism, queer politics, postmodernism, post-structuralism, and the left more broadly.

We can thus understand Black feminism as providing a pathway for thinking through the systems of marginalization that authorize the racialized and gendered terror of the prison—one that complements and exceeds the theories of Foucault and the GIP. In other words, Black feminist theories of the prison are essential to understanding the systems of marginalization that Foucault argued produce the prison. Indeed, the critiques of the prison advanced by many scholars of incarceration often do not comprehend the forms of devaluation that render poor women of color and queer and trans people of color vulnerable to the power that makes the prison possible. Black feminism emerged, in part, because

formations like Black nationalism and white feminism could not theorize the forms of power that produced human disposability through the racialization of gender, sexuality, and capital. These movements often could not think of race as gendered and gender and sexuality as racialized, and thus failed to comprehend the assemblages of power that animate the prison. For example, in Eleanor Holmes Norton’s essay, “For Sadie and Maude,” included in the 1969 “Black Woman’s Manifesto” pamphlet distributed by the Third World Women’s Alliance, Norton writes, “Some subjects are so complex, so unyielding of facile insight, that it will not do to think about them in the ordinary way.”<sup>6</sup> The “ordinary way” was an epistemological collusion between statist epistemologies, “white women revolutionaries,” and Black nationalism that failed to name or comprehend the “predestined half-life of the black woman in this country.”<sup>7</sup> Norton and the other contributors to the “Black Woman’s Manifesto” worked to theorize how “the afterlife of slavery,” heteropatriarchy, and capitalism produced new forms of human disposability in the moment after the civil rights reforms of the mid-1960s.<sup>8</sup> These regimes of value and valuelessness were foundational to the rise of what Dylan Rodríguez calls the US prison regime.<sup>9</sup>

Beth Richie has observed that this failure lives on in anti-prison politics and critical prison studies. Feminist theories of the prison often cannot think race, while antiracist theories of incarceration fail to center, or even consider, gender and sexual politics.<sup>10</sup> Black feminism is one formation we can turn to—along with queer of color critique and the growing movement around imprisoned transgender women of color—that can name the particularities of power that escape the theories produced by the GIP, Foucault, and dominant Western epistemologies.<sup>11</sup> This is because Black feminism emerged out of the material conditions of “the prison of slavery and the slavery of prison” and thus does not let the racialized and gendered operations of power go unnamed or unthought.<sup>12</sup> As Sandoval puts it, “U.S. third world feminism rose out of the matrix of the very discourses denying, permitting, and producing difference.”<sup>13</sup> Her “methodology of the oppressed” emerges out of the shock, trauma, terror, and forms of resistance experienced under slavery, colonization, and state violence.<sup>14</sup> It is from within populations labeled materially and “existentially surplus” by the neoliberal-carceral state that survival skills, modes of action, and alternative epistemologies emerge to lead toward new worlds and “something else to be.”<sup>15</sup> This is the way beyond “the ordinary way” Norton named in 1969.

In this chapter, I read the insights and theories of the GIP alongside the writings of imprisoned revolutionary Black women in the 1970s. My argument is not, as Brady Heiner has observed about the Black

Panther Party, that Foucault and the GIP are directly indebted to Black feminism and thus that they have subjugated the knowledges central to their political aspirations (although, as Heiner observes, this may be true in the case of Angela Davis' writing).<sup>16</sup> Rather, I am interested in how Black feminist theories of the racialization of gender and sexuality can rewrite dominant, radical, and revolutionary conceptions of the racialized terror of the carceral and the politics of prison abolition. Such an investigation allows us to think transnationally about the emergence of a variety of 1970s movements that took the prison as their object and abolition as their goal. Yet, as I argue, Foucault and the GIP produced a universalizing theory of the prison and the prisoner that threatened to reproduce the forms of subjection they aimed to undo. In what follows, I consider how the GIP and Black feminism share a theorization of the biopolitics of the prison and the role of culture in abolitionist politics. At the same time, they diverge in the solutions they define and the futures they imagine. Black feminism analyzes the intimate forms of anti-Black and heteropatriarchal domination produced by the prison regime. Attention to the everyday intimacies of power also shapes Black feminism's conception of abolition. In their writings regarding the prisoner, the GIP continually asks, "Can they ever escape?" a question they are unable to answer. Black feminism provides a theory of how to escape the prison even as it expands and intensifies.

### I "Speech to the Detainees!": Universal Knowledge and "The Prisoner"

Throughout the GIP documents, Foucault states that the group's goal is to "let those who have an experience of incarceration speak."<sup>17</sup> The GIP was not interested in performing a "sociological inquiry" into the imagined objective conditions of incarceration.<sup>18</sup> Rather, Foucault and the GIP were invested in the truth of the prisoner, not the truth of the prison. As Foucault notes, "Everyone can speak. Whoever the one speaking might be, he does not speak because he has a title or a name, but because he has something to say. The GIP's only watchword is: 'Speech to the Detainees!'"<sup>19</sup> The GIP wanted to move beyond the truth of the expert—of those with a title or a name—in order to open a space and place for the speech of the nameless and the unknown. A world that was made possible by incarceration would have to listen to the truth of the dead and disappeared. When asked what facts the group discovered in its inquiry, Foucault responded that they did not uncover the mystification of the prison because "most of these facts were already

known."<sup>20</sup> The prison's "deplorable material conditions," its "shameless exploitation," "slavery," and "non-existent medical care" were known in particular ways—doctors, social workers, and other authorities spoke publicly about these conditions.<sup>21</sup> The issue was not necessarily a lack of knowledge, but the production of knowledge. The prison's violence was known in "circumscribed milieus," but the prisoner's voice was silenced, hidden, and subjugated. For them, there was a truth that lies within what has been erased, destroyed, and rendered invisible.

The GIP argued that imprisonment operated through a structure of invisibility, censorship, and silence. By creating space for the truth of the imprisoned to be heard, they aimed to "make reality known" so that the prison's essence might become visible and knowable in new ways. In their writings, the GIP compared the prison to an iceberg: what was visible—floating above the calmness of the water's surface—was a discourse about the safety and security created by the incapacitation of a fabricated criminal. The prison's terror was authorized by a discourse that the criminal was a natural, biological figure in need of containment. But what was hidden in the abyss of the water, lurking within the prison's structure of visibility, was the fact that the "prison is an instrument of social repression."<sup>22</sup> The goal, then, was to expose what lay hidden within the depths of the visible and knowable—to apprehend how freedom was subjection and that beneath "peace, order, wealth, and authority, beneath the calm order of subordinations, beneath the State and State apparatuses, beneath the laws" there is the sound of a permanent war.<sup>23</sup>

For the GIP, making the prison knowable and visible meant listening to the imprisoned. Undoing and understanding the biopolitical meant opening up a space for imprisoned people to "take charge of the struggle that will prevent the exercise of oppression."<sup>24</sup> It meant "breaking open the ghetto" of the prison so as to allow prisoners to define the goals, demands, and means of attacking "the punitive system" as a whole.<sup>25</sup> The struggle to end prisons and systems of marginalization must be led by "the same social stratum that forms its primary victim."<sup>26</sup> The goal of the GIP, as Foucault defined it, was to "give the right to speak to all people that have in one way or another been excluded from discourse, excluded from speech."<sup>27</sup> For them, the prisoner could make visible what others could not even see.

By theorizing the prisoner as a figure with the potential to subvert, resist, and undo the prison's systems of occlusion, Foucault and the GIP understood the prisoner through a type of repressive hypothesis. The prisoner was silenced, and, when he spoke, power trembled at his

subjugated truth. Power did not use the voice of the prisoner to advance its project—the voice of the prisoner was the site of the prison’s undoing. The prisoner was an object of power, created by a “clash with power that wished only to annihilate,” and thus his speech could only liberate, never subjugate.<sup>28</sup> In this way, the prisoner was the product of power but did not reproduce power. He was power’s object but not its agent. What might remain hidden within the prisoner’s speech? How might power expand and intensify through the prisoner’s claim to truth?

We can turn to the struggle over the meaning of the term and subject position of “woman” to help us think through what is lost in an abstract theorization of “the prisoner.” In other words, Black feminist critiques of “woman” can help us think critically and cautiously about the category of the prisoner. In her 1970 essay, “The Black Movement and Women’s Liberation,” Linda La Rue considers the ways that white feminism’s deployment of “woman” fails to describe the anti-Blackness foundational to heteropatriarchy:

Let us first discuss what common literature addresses as the “common oppression” of blacks and women. This is a tasty abstraction designed purposely or inadvertently to draw validity and seriousness to the women’s movement through a universality of plight. Every movement worth its “revolutionary salt” makes these headliner generalities about “common oppression” with others—but let us state unequivocally that, with few exceptions, the American white woman has had a better opportunity to live a free and fulfilling life, both mentally and physically, than any other group in the United States, with the exception of her white husband. Thus, any attempt to analogize black oppression with the plight of the American white woman has the validity of comparing the neck of a hanging man with the hands of an amateur mountain climber with rope burns.<sup>29</sup>

For La Rue, the danger of abstraction is that it erases the forms of state violence and terror that are productive of difference. Abstraction renders the margins invisible even as it grasps at a totality that can theorize the margins. This is what Frank Wilderson calls “the ruse of analogy” where “grammars of suffering” that are irreconcilable are made equivalent.<sup>30</sup> Simply, the alienation, oppression, and exploitation of white women is incomparable to Black women’s expulsion from humanity. As La Rue notes, “Blacks are oppressed, and that means unreasonably burdened, unjustly, severely, rigorously, cruelly and harshly fettered by white authority. White women, on the other hand, are only suppressed, and that means checked, restrained, excluded from conscious and overt activity. And there is a difference.”<sup>31</sup> The very attempt by

white feminism to empathetically identify with black women—to construct a “universality of plight”—resulted in the erasure of Black women’s experiences, histories, and lives. “Woman” was used as an analytic to theorize the universal power of patriarchy and to understand white supremacy, but, in so doing, it erased the histories that produced the racialization of gender and sexuality. By failing to apprehend the centrality of anti-Blackness to heteropatriarchy, “White women’s lib advocates fail to realize the possibility [that] their subsequent liberation may spell a strengthening of the status quo values from which they sought liberation.”<sup>32</sup> For La Rue, white feminism was not only an attack on power; it was also power’s accomplice, helping to open up new regimes of capture and avenues for the expansion of white supremacy.

Roderick Ferguson has observed that white feminism produced a repressive hypothesis about patriarchy that saw it as a solely disciplinary formation. Instead, like La Rue, Ferguson argues that patriarchy animated white feminism by “convincing feminists to take patriarchy as the movement’s model of agency and being.”<sup>33</sup> White feminism’s construction of a universal female identity “as the domain of absolute difference from patriarchal cultures” helped construct new domains for the expansion of heteropatriarchy and white supremacy.<sup>34</sup> In other words, by constructing patriarchy as universally oppressive and “woman” as universally oppressed, white feminism aided in the reorganization of white supremacy and heteropatriarchy in the era when these formations remade themselves within the neoliberal-carceral state. In this way, Foucault’s theory of power as productive can help us understand how categories like “woman” and “the prisoner” reproduce the forms of power they attempt to undo.

Foucault and the GIP positioned the prisoner as a subject of truth and thus could not account for how the truth of the prisoner might also reproduce forms of subjection. To extend Ferguson’s theory of “woman,” we could say that Foucault constructed incarceration as the prisoner’s sole estrangement from power. We could also add that Foucault and critical prison studies often position universal conceptions of race and class as the prisoner’s sole subjection by the prison state. In this way, the abstract category of “the prisoner” as articulated by Foucault and the GIP did not grasp the ways that the racialization of sexuality and gender are foundational to the operation of the carceral inside and beyond the prison proper. Foucault reminds us that power “is not simply eye and ear; it makes people speak and act.”<sup>35</sup> Heteropatriarchy informs the speech and actions of the prisoner and antiracist/anti-prison politics by deploying subversive speech that leaves gender and sexuality in the margins, or by disappearing them altogether. Thus, the subversive

can aid the racial/prison state by failing to challenge and theorize the ways that heteropatriarchy structures white supremacy and anti-Blackness. Joy James has argued that the master narrative of *Discipline and Punish* erases historical and ongoing practices of racialized state violence.<sup>36</sup> Similar to the power of a master narrative, an abstract theory of the prisoner's voice threatens to reproduce the very forms of erasure, silence, and disappearance the GIP wanted to undo. As Black, women of color, and third world feminists have continually argued, claims to a category's universality reproduces an epistemological erasure of the work, thought, and experiences of those who always already live on the margins or nowhere at all.<sup>37</sup> We can see how "the prisoner" functions similarly to "woman" by comparing the ways Foucault, the GIP, and Black feminists theorized the prison's biopolitics in the 1970s.

## II Black Feminist Theories of "The Prison Regime"

The GIP's understanding of the prison is articulated in their declaration that "the prison multiplies all the ideological constraints of the exterior milieu."<sup>38</sup> Because the prison reproduces normative values like submission to authority, obedience and self-discipline, a capitalist work ethic, and the repression of sexuality, the struggles of prisoners mirror those of the world "from which detainees are excluded."<sup>39</sup> The GIP observed that when prisoners were released, they were "condemned to unemployment" and "over-exploited and unstable employment."<sup>40</sup> As they argued, there was no release with a criminal record, "there are only reprieves."<sup>41</sup> The GIP wanted to produce an "active intolerance" of prisons, the press, universities, hospitals, psychiatry, the military, and the legal system.<sup>42</sup> They named this system "the prison regime."<sup>43</sup> This regime is foundational to the systems of marginalization that they declared must be examined and abolished. Although these institutions function under different names, they collude in producing forms of subjection across populations, spaces, and temporalities. Thus, the prison was only a part of a larger "penal system" and the penal system only part of a larger "punitive system" that made it so we are "punished our whole life."<sup>44</sup> This punitive system emerged in the Age of Enlightenment as a form of population control that could repress the ongoing insurrections against the rise of modern capitalism. It is worth noting that, unlike Rodríguez's conception of the prison regime as a form of white supremacist domestic warfare founded on a chattel logic that is productive of state power, the GIP centers capitalism and an abstract subject targeted for the prison's repressive maintenance of capitalism.<sup>45</sup> Prisons allowed

"them to eliminate, as dangerous, a select portion of the population" and thus served as a "miraculous remedy" to the problem of rebellious workers and the insurgency of the workless.<sup>46</sup> The GIP called these surplus populations in need of containment the "slum population" in order to name a group of people whose demographics may vary but who are always at the mercy of others.<sup>47</sup>

The GIP's project of trying to render the biopolitical visible is foundational to the epistemological project of Black feminism. Black feminism emerged and expanded alongside the neoliberal-carceral state, and, in the case of imprisoned writers like Assata Shakur, Angela Davis, and Safiya Bukhari, from within the prison. By analyzing race, gender, class, sexuality, and the state as interlocking and colluding mechanisms of power, Black feminism can name the ways that multiply-determined difference is simultaneously central to and yet incessantly disavowed in the production and reproduction of power.<sup>48</sup> Black feminism names that which cannot be apprehended under normative ideals or hegemonic epistemologies. As a way of knowing, Black feminism names the repressed, the erased, and the expunged at the very moment of their formation and articulation.<sup>49</sup> It engages "the shadows and what is living there," naming what has never entered the archives that constitute evidence and fact.<sup>50</sup> For Katherine McKittrick, Black feminism is fundamentally about showing how the erased, forgotten, and destroyed are central to the visibility of what is normal and natural. Reconstructing what has been erased requires seeing that which is both expunged and erasable. What remains invisible, and forgettable, is part of a larger social, political, and geographic project that thrives on erasing and displacing the gender and sexual life and social death of Blackness.<sup>51</sup> Turning to the imprisoned writings of Bukhari and Shakur can help make the affinities and differences between the GIP and Black feminism clearer.

In her 1979 essay, "Coming of Age: A Black Revolutionary," the Black Panther and Black Liberation Army member Safiya Bukhari writes from prison, "The maturation process is full of obstacles and entanglements for anyone, but for a black woman it has all the markings of a Minotaur's maze. I had to say that, even though nothing as spectacular takes place in the maturation process of the average black woman."<sup>52</sup> Like the writings of the GIP, Bukhari argues that everyday life in the free world mimicked and replicated her experience of incarceration. She observes that the world contains "obstacles and entanglements" for everyone, but she notes that a different and intensified regime exists for Black women. For her, the racialization of gender and sexuality are central to how freedom is imbued with the discipline and control of the

carceral. The prison is embedded in the intimate so that life is prison and prison is life.

The prison regime makes itself known in the ways that Black women's lives are "a story of humiliation, degradation, deprivation, and waste that [starts] in infancy and [lasts] until death—in too many cases, at an early age."<sup>53</sup> In this way, Bukhari theorizes the biopolitical as what Lauren Berlant calls "slow death."<sup>54</sup> According to Berlant, slow death refers to "the physical wearing out of a population" so that its deterioration "is a defining condition of its experience and historical existence."<sup>55</sup> Slow death does not occur in spectacular events like military aggression or genocides, but in the temporal space of "ordinariness itself."<sup>56</sup> Slow death does not arise from spectacles of discipline, but from the banal contours of the intimacy of the everyday. For Bukhari, the prison's power is not only attached to the law or even to concrete, identifiable structures of discipline or control. Instead, her writing categorizes how death is produced by dispersed processes like "humiliation, degradation, deprivation, and waste." In other words, death makes itself known in ways that are diffuse, banal, and unremarkable to normative epistemologies. In this context, the only way to achieve "genuine liberation for black women" is to bring about the "liberation of black people as a whole."<sup>57</sup> Thus, the end of patriarchal regulation requires the end of anti-Blackness, and the end of anti-Blackness requires the abolition of patriarchy. She declares that to "slay the beast" that is the racial state, Black women (and the Black liberation movement) must end "racism, capitalism, and sexism."<sup>58</sup> In this way, anti-Blackness makes itself known as gender and sexual regulation, and gender and sexual difference are produced by capitalism and racism. Black feminism documents how liberal epistemology and revolutionary politics often occlude the centrality of race, gender, sexuality, and capital to the formation and functioning of the social.<sup>59</sup> To miss one for the destruction of another is to let regulation reproduce itself under the name of liberation.

An abstract conception of the prisoner's truth cannot name the forms of marginalization central to the prison that collude with and deploy gender and sexuality. While Foucault and the GIP theorized the ways the prison structured freedom as "unemployment" and a criminal record, Bukhari leaves the specificities of the prison regime unspoken because its effects are too difficult to name and impossible to catalogue. When she does describe the specific powers of the prison regime, she analyzes the "medical treatment" of imprisoned women in order to describe how the intimate gender and sexual politics of incarceration are part of a larger program of racialized state killing. For example, in discussing the

prison’s medical care, she notes that a prison doctor proscribed Maalox for a woman with a cold and diagnosed another woman’s cancer as a sore throat.<sup>60</sup> These “quasi-events” or “quiet deaths” confound response because it is hard to say exactly what happened and who caused it.<sup>61</sup> These events are forms of lethality composed of “an agentless slow death” where the everyday drifts toward a premature ending: an incorrect diagnosis, another malnourished meal, an unexpected sickness, a small pain in the chest.<sup>62</sup> According to Bukhari, unlike stories of spectacular repression and brutality in the prison, the forms of subjection and subjugation produced by anti-Blackness and heteropatriarchy are so banal that metaphors fail to describe them.<sup>63</sup> For her, the Greek myth of the Minotaur’s maze describes the impossibility of escape that confronts Black women and other people surrounded by capitalism, anti-Blackness, and heteropatriarchy. Yet the analogy fails because the impossibility of escape is not isolated to a maze or a prison—it describes the everyday structures of the world, processes left unthought under universal theories of the prison and the prisoner.

Assata Shakur, also a member of the Black Liberation Army, similarly describes the prison as regime of dispersed racialized and gendered biopolitical power in her 1978 essay “Women in Prison: How We Are”:

For many the cells are not much different from the tenements, the shooting galleries and the welfare hotels they live in on the street. Sick call is no different from the clinic or the hospital emergency room. The fights are the same except they are less dangerous. The police are the same. The poverty is the same. The alienation is the same. The racism is the same. The sexism is the same. The drugs are the same and the system is the same. Riker’s Island is just another institution. In childhood school was their prison, or youth houses or reform schools or children shelters or foster homes or mental hospitals or drug programs and they see all institutions as indifferent to their needs, yet necessary to their survival.<sup>64</sup>

In this passage, Shakur centers gender and sexuality in an analysis of a racialized field of knowledge, containment, and immobilization that manages populations subjected to “assigned disposability.”<sup>65</sup> By repeating that the prison’s power is “the same” as the hospital, racism, sexism, the police, schools, and so on, Shakur outlines a massive system of biopolitical governance animated by anti-Blackness, heteropatriarchy, and white supremacy.<sup>66</sup> This system cannot be apprehended through “ideologies of discreteness” or universal knowledge.<sup>67</sup> Indeed, this is Shakur’s point in writing about the particularities of the experiences of incarcerated women of color and queer women of color. And this

attention to gender and sexuality allows her to highlight the intimate effects of the prison regime. The symbiotic and productive relationship between freedom and the prison makes itself visible on the bodies of the women with whom she is incarcerated:

She is in her late thirties. Her hands are swollen. Enormous. There are huge, open sores on her legs. She has about ten teeth left. And her entire body is scarred and ashen. She has been on drugs about twenty years. Her veins have collapsed. She has fibrosis, epilepsy, and edema.<sup>68</sup>

Her description of bodily disintegration captures the intimacy of domination that orders the lives of Black women but that is invisible in its banality. For Shakur, open sores, collapsed veins, and missing teeth are traces of power's presence. The prison's power is visible and public, but it also shapes the contours of skin and memory.

Critically, for Shakur and Bukhari, this system targets those resistant to capitalism and those populations produced as capitalism's surplus. Because they focus heteropatriarchy and anti-Blackness in their theories of the prison regime, they argue that the prison targets people and populations produced as nonnormative in a multiplicity of ways. For example, the imprisoned women of color—the “butches,” “fems,” “bulldaggers,” and “stud broads”—in Shakur's analysis of incarceration show the ways that heterosexism, white supremacy, and neoliberalism collude to immobilize poor queer women of color. Shakur's writing highlights the centrality of gender, sexuality, and race to the ways that the neoliberal-carceral state renders socially and civically dead women of color and queer people of color “who come from places where dreams have been abandoned like the buildings.”<sup>69</sup> In the following passage, she describes the significance of heteropatriarchy to the prison regime:

There are no criminals here at Riker's Island Correctional Institution for Women (New York), only victims. Most of the women (over 95 percent) are black and Puerto Rican. Many were abused as children. Most have been abused by men and all have been abused by ‘the system’ . . . Many are charged as accessories to crimes committed by men. The major crimes that women here are charged with are prostitution, pick pocketing, shoplifting, robbery, and drugs . . . The women see stealing or hustling as necessary for the survival of themselves and their children because jobs are scarce and welfare is impossible to live on.<sup>70</sup>

In this passage, Shakur makes clear how heteropatriarchy extends the carceral into the mundane contours of the lives of Black women and

other women of color. When the GIP asked, “Can they ever escape?,” they meant, Can the imprisoned ever be free of identifiable systems of carceral control? Shakur and Bukhari argue that the racial terror of the carceral shapes the home, sex and sexuality, love, labor, interpersonal violence, the contours of one’s veins and the size of one’s hands. In their theorization, the prison’s power is often exercised outside the law, through the intimate, the affective, the indescribable, and the unknowable. They highlight how anti-Blackness and heteropatriarchy extend the carceral beyond the prison or even the police. As scholars like Beth Richie and Julia Sudbury have observed, intimate forms of patriarchal violence often push women of color into regimes of confinement and capture.<sup>71</sup> These intimate forms of capture require intimate and affective forms of abolition.

### III Culture and the Intimate Politics of Abolition

In Foucault’s statement on the 1972 Nancy prison revolt, he shares a powerful story about the role of knowledge and culture in the process of abolition. To make their list of demands known to the public, prisoners wrote them on leaflets. In order to distribute them, they wrapped the leaflets around stones and threw them into the crowd of their supporters. The police worked furiously to collect “all the leaflet-wrapped stones so that no one would know what the detainees wanted.”<sup>72</sup> For Foucault, this example demonstrates how dangerous the knowledge of the prisoner is to the state. It also demonstrates that a struggle over knowledge is foundational to the conflict between prisoners and the prison. This struggle over knowledge was central to how Foucault and the GIP understood abolition. For them, abolition was a material and epistemological process. They wanted to defend the rights of prisoners, abolish criminal records, counter the beatings occurring in police stations and prisons, and politicize detainees through the GIP or other organizations. They also wanted to destroy “the divisions the system establishes . . . the hierarchical divisions within prison and the isolation of families outside.”<sup>73</sup> These material changes were tied to the epistemological change they worked toward. They thus argued that their inquiry into the prison “itself is a struggle.”<sup>74</sup>

The goal of the GIP’s work was to attack “oppressive power,” whether it went by the name “justice, technique, knowledge, or objectivity.”<sup>75</sup> Indeed, Foucault said he had no “personal opinions” about incarceration. Instead, he wanted to receive and disseminate information.<sup>76</sup> Creating new forms of knowledge might create openings for challenging and

undoing the prison regime. For the GIP, if the prison regime was to end, it needed to be made visible, and rendering it visible required new epistemologies constructed by the imprisoned. As Foucault put it plainly, “We can respond to the information on prison with revolt, with reform, or with the destruction of prisons.”<sup>77</sup> But first, one needed information. In this way, the GIP understood culture to be a repository of alternative memories and histories where new subjectivities, collectivities, and forms of life could be imagined.<sup>78</sup> Black feminism has similarly centered culture and epistemology in its understanding of creating a new world. However, it has not only critiqued an abstract conception of the state and the prison, it has demanded the destruction of dominant epistemologies and subjectivities. Thus, it has positioned abolition as material and epistemological, as well as intimate.

In her 1970 essay, “Double Jeopardy: To Be Black and Female,” Francis Beale argues that Black feminism is a cultural force that will remake epistemologies and subjectivities. She argues that revolution is not a single economic or political moment, but rather the transformation of knowledge and being: “A people’s revolution that engages the participation of every member of society, man, woman, and child brings about a certain transformation in the participants as a result of this participation. Once you have caught a glimpse of freedom, or experienced a bit of self-determination, you can’t go back to old routines established under a racist, capitalist regime.”<sup>79</sup> For her, to die for the revolution is “a one shot deal; to live for the revolution means taking on the more difficult commitment of changing our day-to-day life patterns.”<sup>80</sup> In this formulation, Black feminism is a politics that creates “a new world” for everyone. For example, in their classic “A Black Feminist Statement,” the Combahee River Collective writes, “We might use our position at the bottom, however, to make a clear leap into revolutionary action. If Black women were free, it would mean that everyone else would have to be free since our freedom would necessitate the destruction of all the systems of oppression.”<sup>81</sup> Similarly, Beale argues that it is essential for those “who understand the workings of capitalism and imperialism to realize that the exploitation of black people and women works to everyone’s disadvantage.”<sup>82</sup> For her, the abolition of anti-Blackness and heteropatriarchy are stepping stones toward the liberation of everyone.

For the Black feminist thinkers discussed in this chapter, intersectionality is not an identitarian analytic.<sup>83</sup> Rather, it is a theory of race, gender, sexuality, the prison, and capitalism as social processes that traverse time and space in ways that change even as they remain the same. This epistemology provides a pathway for seeing both regulation

in liberation and marginalization in what might look like revolution or resistance. This means producing forms of knowledge attuned to the prison regime’s displays of spectacular repression, brutality, and regulation, but it also means undoing the intimate effects of the prison regime—processes that can invade the home, deteriorate the mind, and scar the skin. This is not a static analytic, but one attuned to movement and change. In the cases of Shakur, Bukhari, and Angela Davis, this knowledge was produced from within the prison, but also on the run. All three activists were not only imprisoned at one point, they also escaped or fled in order to disappear into the world of the underground. Yet, running was not only physical. They have also been fugitives from normative modes of thought. Whether fugitives or prisoners, they were trying to flee the forms of knowledge constitutive of the racial state, the prison, heteropatriarchy, and new formations of global capitalism. For them, there might not be a way out, but that doesn’t mean you stay put. This is the lesson of the fugitive; a lesson we must grasp if the intimate affects, desires, discourses, and ideas central to the prison are to end along with its cages, corridors, and guard towers. The prison’s end must exceed the institution. The fugitive can lead the way. Even if escape is impossible, we still have to run.

### Notes

1. Foucault, “Le grand enfermement” (1971), FDE1, no. 105, 1174.
2. Foucault, “(Manifeste du GIP)” (1971), FDE1, no. 86, 1042.
3. Chela Sandoval, *Methodology of the Oppressed* (Minneapolis: University of Minnesota Press, 2000), 182.
4. *Ibid.*, 5.
5. Grace Hong and Roderick Ferguson, “Introduction,” in *Strange Affinities: The Gender and Sexual Politics of Comparative Racialization* (Durham: Duke University Press, 2011), 13.
6. Eleanor Holmes Norton, “For Sadie and Maude,” *Black Woman’s Manifesto*, Duke University Library Digital Collections, [http://library.duke.edu/digitalcollections/wlmpc\\_wlmms01009](http://library.duke.edu/digitalcollections/wlmpc_wlmms01009).
7. *Ibid.*
8. Saidiya Hartman, in *Lose Your Mother: A Journey Along the Atlantic Slave Route* (New York: Farrar, Straus and Giroux, 2008), writes, “This is the afterlife of slavery—skewed life chances, limited access to health and education, premature death, incarceration, and impoverishment” (6).
9. Dylan Rodríguez, *Forced Passages: Imprisoned Radical Intellectuals and the U.S. Prison Regime* (Minneapolis: University of Minnesota Press, 2006).
10. Beth Richie, “Queering Anti-Prison Work: African American Lesbians in the Juvenile Justice System,” in *Global Lockdown: Race, Gender, and the Prison-Industrial Complex*, ed. Julia Sudbury (New York: Routledge, 2005).

11. On queer of color critique, see Roderick Ferguson, *Aberrations in Black: Toward a Queer of Color Critique* (Minneapolis: University of Minnesota Press, 2004). On critical trans politics, see Dean Spade, *Normal Life: Administrative Violence, Critical Trans Politics and the Limits of Law* (Cambridge: South End Press, 2011).
12. Angela Y. Davis, "From the Prison of Slavery to the Slavery of Prison: Frederick Douglas and the Convict Lease System," in *The Angela Y. Davis Reader*, ed. Joy James (Hoboken: Wiley-Blackwell, 1998), 74–96; Hong and Ferguson, "Introduction," 9.
13. Sandoval, *Methodology of the Oppressed*, 43.
14. *Ibid.*, 77.
15. Grace Kyungwon Hong, "Existentially Surplus: Women of Color Feminism and the New Crises of Capitalism," *GLQ* 18.1 (2012): 87–106; Ferguson, *Aberrations*, 110–137.
16. Brady Heiner, "Foucault and the Black Panthers," *City: Analysis of Urban Trends, Culture, Theory, Policy, Action* 11.3 (2007): 313–356.
17. Foucault, "(Sur les prisons)" (1971), FDE1, no. 87, 1043 and Foucault, "Non, ce n'est pas une enquête officielle" (1971), FGIP-AL, 68.
18. Foucault, "(Sur les prisons)," 1043.
19. Foucault, "Le grand enfermement," 1172.
20. Foucault, "Prisons et révoltes dans les prisons" (1973), FDE1, no. 125, 1296.
21. *Ibid.*, 1297.
22. Foucault, "Enquête sur les prisons: brisons les barreaux du silence" (1971), FDE1, no. 88, 1047.
23. Michel Foucault as quoted in Marcelo Hoffman, "Foucault's Politics and Bellicosity as Matrix for Power Relations," *Philosophy and Social Criticism* 33.6 (September 2007): 766.
24. Foucault, "Préface" (1971), FDE1, no. 91, 1063.
25. Foucault, "Enquête sur les prisons: brisons les barreaux du silence," 1046.
26. Foucault, "Pour échapper à leur prison . . ." (1972), FGIP-AL, 155.
27. Foucault, "Non, ce n'est pas une enquête officielle . . .," 67.
28. Foucault, EEW3, 163.
29. Linda La Rue, "The Black Movement and Women's Liberation," in *Words of Fire: An Anthology of African-American Feminist Thought*, ed. Beverly Guy-Sheftall (New York: The New Press, 1995), 164.
30. Frank Wilderson, *Red, White, and Black: Cinema and the Structure of U.S. Antagonisms* (Durham: Duke University Press, 2010), 37.
31. La Rue, "The Black Movement and Women's Liberation," 166.
32. *Ibid.*, 170.
33. Roderick Ferguson, "On the Specificities of Racial Formation: Gender and Sexuality in the Historiographies of Race," in *Racial Formation in the Twenty-First Century*, ed. Daniel Martinez HoSang, Oneka LaBennet, and Laura Pulido (Berkeley: University of California Press, 2012), 55.
34. *Ibid.*, 55.
35. Foucault, EEW3, 172.
36. Joy James, *Resisting State Violence: Radicalism, Gender, and Race in U.S. Culture* (Minneapolis: University of Minnesota Press, 1996), 24.
37. Brenna Bhandar and Denise Ferreira da Silva, "White Feminist Fatigue Syndrome," October 21, 2013, <http://criticallegalthinking.com/2013/10/21/white-feminist-fatigue-syndrome>.
38. Daniel Defert, "Quand l'information est une lutte" (1971), FGIP-AL, 72.

39. Ibid.
40. Ibid., 73.
41. Foucault, "Préface," 1065.
42. Foucault, "(Sur les prisons)," 1044. See also Foucault, "Préface," 1063.
43. Foucault, "Enquête sur les prisons: brisons les barreaux du silence," 1045.
44. Foucault, "Prisons et révoltes dans les prisons," 1298.
45. Rodríguez, *Forced Passages*, 41–47.
46. Foucault, "Le grand enfermement," 1165.
47. Foucault, "Enquête sur les prisons: brisons les barreaux du silence," 1050.
48. Grace Kyungwon Hong, *The Ruptures Of American Capital: Women of Color Feminism and the Culture of Immigrant Labor* (New York: University of Minnesota Press, 2006), xiii.
49. Ibid., xxiv.
50. Avery Gordon, *Ghostly Matters: Haunting and the Sociological Imagination* (Minneapolis: University of Minnesota Press, 1997), 18; Hong, *The Ruptures of American Capital*, xxx.
51. Katherine McKittrick, *Demonic Grounds: Black Women and the Cartographies of Struggle* (Minneapolis: University of Minnesota Press, 2006).
52. Safiya Bukhari, *The War Before: The True Life Story of Becoming a Black Panther, Keeping the Faith in Prison and Fighting for Those Left Behind* (New York: The Feminist Press, 2010), 1.
53. Ibid., 2.
54. Lauren Berlant, *Cruel Optimism* (Durham: Duke University Press, 2011).
55. Ibid., 95.
56. Ibid., 100.
57. Bukhari, *The War Before*, 10.
58. Ibid., 11.
59. Ferguson, *Aberrations*, 4.
60. Bukhari, *The War Before*, 9.
61. Elizabeth Povinelli, *Economies of Abandonment: Social Belonging and Endurance in Late Liberalism* (Durham: Duke University Press, 2011), 144.
62. Ibid., 145.
63. Ibid., 2.
64. Assata Shakur, "Women in Prison: How We Are," in *The New Abolitionists: (Neo) Slave Narratives and the Contemporary Prison Writing*, ed. Joy James (Albany: SUNY Press, 2005), 85.
65. Judith Butler and Athena Athanasiou, *Dispossession: The Performative in the Political* (Malden: Polity Press, 2013), 19.
66. Elsewhere I have written about Shakur's writing in order to consider the connections between chattel-slavery, neoliberalism, and the prison. See Stephen Dillon, "Possessed by Death: The Neoliberal-Carceral State, Black Feminism, and the Afterlife of Slavery," *Radical History Review*, 112 (Winter 2012): 113–125.
67. Ferguson, *Aberrations*, 4.
68. Shakur, "Women in Prison: How We Are," 81.
69. Ibid., 85.
70. Ibid., 81.
71. Julia Sudbury, "Celling Black Bodies: Black Women in the Global Prison Industrial Complex," *Feminist Review* 80 (2005): 162–179; Beth Richie, *Arrested Justice: Black Women, Violence, and America's Prison Nation* (New York: New York University

- Press, 2012); Beth Richie, *Compelled to Crime: The Gender Entrapment of Battered, Black Women* (New York: Routledge, 1995).
72. Foucault, "Il y a un an à peu près . . ." (1972), FGIP-AL, 198.
  73. Defert, "Quand l'information est une lutte," 72.
  74. Ibid.
  75. Foucault, "Préface," 1063.
  76. Foucault, "Je perçois l'intolérable" (1971), FDE1, no. 94, 1073.
  77. Foucault, "Luttes autour des prisons" (1979), FDE2, no. 273, 813.
  78. Lisa Lowe, *Immigrant Acts: On Asian American Cultural Politics* (Durham: Duke University Press, 1999), 22.
  79. Francis Beale, "Double Jeopardy: To Be Black and Female," in *Words of Fire: An Anthology of African-American Feminist Thought*, ed. Beverly Guy-Sheftall (New York: The New Press, 1995), 154.
  80. Ibid., 154.
  81. The Combahee River Collective, "A Black Feminist Statement," in *Words of Fire: An Anthology of African-American Feminist Thought*, ed. Beverly Guy-Sheftall (New York: The New Press, 1995), 237.
  82. Beale, "Double Jeopardy: To Be Black and Female," 150.
  83. Jennifer C. Nash, "Practicing Love: Black Feminism, Love-Politics, and Post-Intersectionality," *Meridians*, 11.2 (2011): 1–24.

# Contributors

**Abu-Ali Abdur'Rahman**, “The Episcopalian,” is an artist and activist living on Tennessee’s death row inside Riverbend Maximum Security Institution and is a member of the REACH Coalition.

**Steve Champion (Adisa Kamara)** is a death row prisoner of San Quentin State Prison. A Crip emeritus, he grew up in South Central Los Angeles. He is author of *Dead to Deliverance: A Death Row Memoir* (2010) and coauthor of *Afterlife* (2003) and *The Sacred Eye of the Falcon* (2011). Champion is a PEN Prison Writing Award winner (1995, 2004) and his essays, including his memorial poem for Stanley Tookie Williams, “My Brother Is Gone,” have appeared in forums like the *San Francisco Bay View*, *Indybay*, and *Demands of the Dead* (2012). He has been incarcerated for 33 years.

**Natalie Cisneros** is assistant professor of Philosophy at Seattle University. Her forthcoming book is titled *The “Illegal Alien”: A Genealogical and Intersectional Approach*.

**Stephen Dillon** is assistant professor of Queer Studies in the School of Critical Social Inquiry at Hampshire College. His writing has appeared in *Radical History Review*, *Women and Performance*, *Darkmatter*, *Qui Parle*, and in the edited collection *Captive Genders: Trans Embodiment and the Prison-Industrial Complex* (2011).

**Andrew Dilts** is assistant professor of Political Theory in the Department of Political Science at Loyola Marymount University and is the author of *Punishment and Inclusion: Race, Membership, and the Limits of American Liberalism* (2014).

**Lisa Guenther** is associate professor of Philosophy at Vanderbilt University. She is most recently the author of *Solitary Confinement: Social Death and Its Afterlives* (2013) and coeditor of *Death and Other Penalties: Philosophy in a Time of Mass Incarceration* (2015). As a member of REACH Coalition, she facilitates a weekly discussion group with men on Tennessee’s death row.

**Bernard Harcourt** is Isidor and Seville Sulzbacher Professor of Law and director of the Columbia Center for Contemporary Critical Thought at Columbia Law School. He is most recently the author of *The Illusion of Free Markets: Punishment and the Myth of Natural Order* (2012) and editor of Foucault's *La Société punitive* (2013).

**Marcelo Hoffman** is an independent scholar and author of *Foucault and Power: The Influence of Political Engagement on Theories of Power* (2014). His essays have been published in *Philosophy & Social Criticism*, *Telos*, *New Political Science*, and *Michel Foucault: Key Concepts* (2014). Hoffman has taught at Earlham College and Marian University.

**Lynne Huffer** is Samuel Candler Dobbs Professor of Women's, Gender, and Sexuality Studies at Emory University. Most recently, she is the author of *Are the Lips a Grave? A Queer Feminist on the Ethics of Sex* (2013) and she currently serves as coeditor of *philoSOPHIA: A Journal of Continental Feminism*.

**Colin Koopman** is associate professor of Philosophy at the University of Oregon. He is most recently the author of *Genealogy as Critique: Foucault and the Problems of Modernity* (2013). He is currently at work on a genealogical interrogation of the history of the politics of information in the early twentieth century.

**Nancy Luxon** is associate professor of Political Science at the University of Minnesota. She is the author of *Crisis of Authority: Trust and Truth-Telling in Freud and Foucault* (2013) and is editing a translation of *Le Désordre des familles* along with a companion volume of scholarly essays.

**Ladelle McWhorter** is Stephanie Bennett-Smith Chair in Women, Gender, and Sexuality Studies, professor of Philosophy, and professor of Environmental Studies at the University of Richmond. She is most recently the author of *Racism and Sexual Oppression in Anglo-America: A Genealogy* (2009) and is currently working on a book titled *The End of Personhood on a Postmodern Planet*.

**Donald Middlebrooks** is currently on death row at Riverbend Maximum Security Institution, where he coteaches Greek, writes, and produces art. He is a member of the REACH Coalition and has been on death row since he was 24.

**Derrick Quintero** is an artist, poet, and author living on death row at Riverbend Maximum Security Institution. He is a member of the

REACH Coalition and coauthor (with Farid Abd-Al-Rafi) of *Voices through Stone* (2013).

**Dylan Rodríguez** is professor and chair of the Department of Ethnic Studies at University of California—Riverside. He is the author of two books: *Forced Passages: Imprisoned Radical Intellectuals and the US Prison Regime* (2006) and *Suspended Apocalypse: White Supremacy, Genocide, and the Filipino Condition* (2009).

**Falguni A. Sheth** is associate professor of Women's, Gender, and Sexuality Studies at Emory University. She is the author of *Toward a Political Philosophy of Race* (2009), and a coeditor of *Race, Liberalism, and Economics* (2004). Sheth has served on the Immigrant Rights Commission of San Francisco and Hampshire College's Board of Trustees, as an organizer of the California Roundtable for Philosophy and Race, and as a columnist at Salon.com, where she writes about national security, race, and politics.

**Dianna Taylor** is professor of Philosophy and the current Shula Chair in Philosophy at John Carroll University. She is most recently the editor of *Michel Foucault: Key Concepts* (2010). Her current research draws upon Foucault's work in order to explore new feminist ways of conceptualizing and countering sexual violence against women.

**Shannon Winnubst** is professor of Women's, Gender & Sexuality Studies at the Ohio State University. She is most recently the author of *Way Too Cool: Selling Out Race and Ethics* (2015) and works at the intersections of European theory, queer theory, and race theory. She also coedits *philoSOPHIA: A Journal of Continental Feminism*.

**Perry Zurn** is visiting assistant professor in the School of Critical Social Inquiry at Hampshire College. His work in political and European philosophy appears in the *Journal of the American Psychoanalytic Association*, *Radical Philosophy Review*, and *Zetesis*, and is forthcoming in *philoSOPHIA and Engaging the World: Thinking After Irigaray* (2016). He is currently at work on a book project preliminarily titled *Curiosity: Philosophy and the Politics of Difference*.

# Index

- Aamer, Shaker, 125, 131, 133, 137  
Abdur'Rahman, Abu Ali, 14, 92  
abolition. *See also* prison abolition  
    Black Panther Party and, 4  
    of criminal records, 86  
abolition of philosophy, 23–40  
    defining philosophy, 24–6  
    and lesson of failure, 31–4  
    philosophy's prospects and, 34–6  
    and self-overcoming in Foucault's  
        work, 26–31  
abolition politics  
    culture and, 271–3  
    Foucault and, 7–8  
abolition-democracy, 10, 18n49  
abolitionist praxis, 2–3  
Abu-Jamal, Mumia, 218  
academia, Koch Brothers'  
    influence on, 40n71  
active intolerance  
    creaturely politics of, 226  
    cultivating, 14  
    immigration policies and, 251  
    introduction to, 1–19  
ADDD (*L'Association pour la défense des  
    droits des détenus*), 86, 91n39  
African Americans. *See also* Black  
    feminism; Black nationalism;  
    Black women  
    criminalization of, 154, 167n18  
    incarceration of, xv, 187  
Agamben, Giorgio, 47, 124  
Alexander, Michelle, 126, 187  
Althusser, Louis, 190, 197–8  
    Foucault and, 201n35  
American Civil Liberties Union  
    (ACLU), abuse of detained  
        immigrants, 248–9  
Amiens prison, xvii  
Amnesty International, abuse of  
    detained immigrants, 248  
analytics of problematization, 63  
Angola 3, 104n6  
anonymous speech, 208–9, 330n28  
    and regimes of veridiction, 211–17  
anti-Blackness, heteropatriarchy and,  
    264–71  
*Anti-Oedipus* (Deleuze &  
    Guattari), xvii  
anti-prison activism. *See also* prison  
    abolition  
    Great Confinement and, 44–5  
Anzieu, Didier, 208  
Appert, Benjamin, 84  
*Archaeology of Knowledge, The*  
    (Foucault), 60, 63. *See also* Collège  
    de France lectures  
archeology  
    compatibility with genealogy, 62–3  
    epistemes and, 63  
    expansion into genealogy, 65–8  
    *versus* genealogy, 63  
*Are Prisons Obsolete?* (Davis), 241  
Aristotelian epistemology, Foucault's  
    alternative to, 66–7, 73n20  
Artières, Philippe, 87, 211, 218

- Ashker, Todd, 229–30  
*Assassination of George Jackson*  
 (Genet), 5  
 Asylums Information Group, 4  
 Attica prison, xvii  
   Foucault and, 244–6  
   revolt at, 9
- Badinter, Robert, 17n32  
 Badiou, Alain, 176  
 Barnhill, David A., 113–18  
 Barthes, Roland, 260  
 Beal, Frances, 272  
 Beauvoir, Simone de, 4  
 Becker, Gary, 131  
 Begg, Moazzem, 133  
 Bell, Ferdinand, 158–9  
 Bellour, Raymond, 26  
 Bentham, Jeremy, on philosophy of  
   failure and work, 76  
 Berlant, Lauren, 268  
 Biggs, Michael, 124  
 biopolitics  
   neoliberalism and, 189  
   of prison, 262, 266  
   of resistance, 123  
   sovereignty of, 47  
 biopower  
   confinement and, 42–3, 45, 47–52  
   as displacement of sovereign power,  
   47–8  
   nature and function of, 118n1  
   regulatory pole of, 47  
   unreason and, 52  
*Birth of Biopolitics, The* (Foucault),  
   187–8  
 Black feminism  
   affinities and divergences with GIP,  
   262, 267  
   demands of, 272  
   emergence of, 259–62  
   theories of prison regime, 266–71  
 “Black Feminist Statement, A”  
   (Combahee River Collective), 272  
 “Black Movement and Women’s  
 Liberation, The” (La Rue), 264  
 Black nationalism, exclusions of, 261  
 Black Panther Party, 4, 89  
   CAPA and, 150, 152, 155  
   Foucault’s work and, 244  
 Black radical thought, Foucault’s  
   work and, 244  
*Black Reconstruction* (Du Bois), 18n49  
 “Black Woman’s Manifesto,” 261  
 Black women  
   incarceration of, 266–71  
   revolutionary, imprisonment of, 14  
   slow death of, 268–9  
 Boraley, Michel, 86  
 Borradori, Giovanna, 86  
 Brich, Cecile, 49–50, 170  
   critique of GIP, 77–8, 227  
   critique of *Investigation in 20*  
   *Prisons*, 179–80  
 Browder, Kalief, xv  
 Bukhari, Safiya, 267–9, 273  
 Bulow, Catherine van, 4  
 Burdick, Phillip DeWitt, 113–18  
 Butler, Judith, 197, 201n35  
 bystanders, power relations and, 217
- California, number of prisons in, 98  
 California Department of Corrections  
 (CDC)  
   class action lawsuit against, 103  
   state of emergency and, 96–7  
 California Men’s Colony, 12  
   caregiving program at, 106 (*see also*  
   Gold Coats Program)  
 California prison hunger strikes.  
   *See also* Pelican Bay  
   hunger strikes  
   inspirations for, 231  
   turning points in, 226  
 “Call, The” (Mutope Duguma) (James  
   Crawford), role of, 232–3  
 Canguilhem, Georges, 52  
*Capital* (Marx), 171

- carceral logic  
 GIP's exposure of, 190–3  
 GIP's focus on, 194–5
- carceral system. *See also* prison(s);  
 specific prisons  
 divide-and-conquer strategies in,  
 118n4, 127  
 Foucault's summary of, 107, 118n3  
 and normalizing relations of  
 power, 108
- Care of the Self, The* (Foucault), 28
- caregiving  
 antinormalizing potential of, 113  
*versus* care of self, 119n13  
 and potential for personal  
 transformation, 106  
 potential for self-transformation  
 and, 112
- caregiving activities, inmates  
 participating in, 106
- Castellanos, Arturo, 229
- Central America, migrant children  
 from, 241
- Certeau, Michel de, 220n27
- Champion, Steve (Adisa Kamara),  
 12, 89  
 and overcoming prison conditioning,  
 98–9  
 relevance of, 95–104
- Charles-III jail of Nancy, xvii
- children, migrant. *See* undocumented  
 children
- Chinese Cultural Revolution, 176
- Cisneros, Natalie, 14
- citizenship, rights and construction of,  
 252–3
- Cixous, Hélène, xvi, 3, 5, 75, 87
- Clairveaux prison, 5, 209
- classical liberalism, neoliberal  
 transformation of, 187–8
- Coalition Against Police Abuse  
 (CAPA), 145–68  
 archives of, 155–6  
 context of founding, 150–1, 153–4  
 and continuum of guerilla liberation  
 struggles, 155  
 contrasts with GIP, 151–5  
 and decentering of white academic  
 raciality, 148  
 institutional interventions and,  
 158–63  
 political-intellectual agenda of, 162–3  
 cognitive impairment. *See also* Gold  
 Coats Program  
 age-related, 106
- collaborative approach  
 CAP and, 10  
 GIP and, 5, 7–8, 11, 25, 71  
 prisoner voices and, 84
- Collège de France lectures, 4, 63–4  
 genealogical critique and, 60  
 GIP and, xvi  
 massive elimination concept  
 and, 244  
 philosophical transformations  
 and, 65–8  
 and politicization of Foucault's  
 work, 62
- Combahee River Collective, 272
- “Coming of Age: A Black  
 Revolutionary” (Bukhari), 267–8
- Comité d'action des prisonniers (CAP),  
 xvii, 75, 86  
 formation and demands of, 6  
 GIP's displacement and, 86–8  
 politicized activists of, 10
- communication. *See also* voices of  
 detainees  
 prison control over, 127
- conducts/practices*  
 analytics of, 69–71  
 genealogy and, 63–4
- confinement  
 biopower and, 42–3, 45, 47–52  
 genealogy's effects and, 44  
 and production of silences, 42–3
- confining societies, 191, 198,  
 245–6, 251

- containment  
   of dangerous individuals, 225  
   as massive elimination, 244–7  
 coping mechanisms, of death row  
   prisoners, 101–2  
 Corrections Corporation of America,  
   immigration detention centers  
   and, 242  
 Costa Vargas, João, 150  
 counter-archives. *See also* GIP  
   counter-archive  
   examples of, 52  
 counter-conduct, 64, 69, 71  
 creaturely politics  
   of active intolerance, 226  
   connection with demands for  
   justice, 234–5  
   of prison resistance, 233–6,  
   239n32  
   and role of accomplices, 236–7  
 criminal, Becker's definition of, 131  
 criminal records, GIP critique of, 81  
 criminality, inherent nature of,  
   107–8  
 Cuban immigrants, Reagan  
   administration and, 242  
  
*D'après Foucault* (Potte-Bonneville), 87  
 Davidson, Arnold, 28, 63  
 Davis, Angela, 126, 241, 243, 248,  
   267, 273  
   on *Discipline and Punish*, 244–5  
 death penalty, abolition of, 6, 86  
 death row prisoners, coping  
   mechanisms, 101–2  
 deconstructive failure, 83  
   GIP and, 86, 88  
 Defert, Daniel, xvi, 3, 4, 5, 6, 15n5, 75,  
   87, 91n46, 246–7  
   and emergence of GIP, 206  
   on Marx's investigation,  
   177, 184n55  
   on normalizing function of care,  
   111–12  
   on prison practices, 126  
  
 Deleuze, Gilles, xvi, xvii, 3, 75, 87,  
   210, 212  
   on Foucault's assessment of political  
   action, 32  
   on significance of GIP's work, 117  
 delinquency  
   inherent nature of, 107–8  
   prison production of, 107  
 dementia. *See also* Gold Coats Program  
   of elderly inmates, 110–11  
   inmates with, 113  
 deportation  
   as extension of prison practices, 244  
   immigrant detention and, 243  
   of migrant children, 249–50  
   violence resulting from, 250  
 Derrida, Jacques, 85–6, 260  
 detainees  
   giving voice to (*see* voices of  
   detainees)  
   and revolutionary movements  
   outside prison, 164  
 deviance, institutional production and  
   marginalization of, 41–2  
 Diallo, Amadou, 154  
 Dillon, Stephen, 14, 259–76  
 Dilts, Andrew, xvii  
 Dirty Protest (Ireland), 231  
*Disagreement: Politics and Philosophy*  
   (J. Rancière), 135  
 disciplinary function, fraying of,  
   109–10, 119n16  
 disciplinary power, difficulty of  
   resisting, 127  
*Discipline and Punish* (Foucault), 4, 6,  
   7, 27, 63, 88  
   captured speech and, 42  
   chief complaint of, 67  
   and destabilizing of status quo, 33–4  
   and disciplinary function of  
   prison, 105  
   and erasure of racialized state  
   violence, 266  
   failure of prison and, 82  
   GIP and, xvi

- prison function and, 107  
 spatial emphasis of, 206–7  
 “Discourse of Toul, The,” 53  
 discursive failure, 83  
   GIP and, 84  
*discursive formations*, 63  
 divide-and-conquer strategies,  
   118n4, 127  
   resistance to, 138n28  
   Tolonnikova and, 128–9  
*Doing Time* (Jamal), 218  
 Domenach, Jean-Marie, xvi, 3, 75, 191  
*donner la parole*, 4, 10, 46, 49, 75, 77.  
   *See also* voices of detainees  
   GIP’s investigations and, 180–1  
 Donzelot, Jacques, 4  
 “Double Jeopardy: To Be Black and  
   Female” (Beal), 272  
 drug use, death row prisoners and, 101  
 Du Bois, W. E. B., 207  
 Duguma, Mutope (James Crawford),  
   232–3  
 elderly inmates. *See also* Gold Coats  
   Program  
   care of, 106  
   challenges of care for, 111  
   needs of, 110, 120n27  
   numbers of, 110, 119n18  
 empowerment, prisoner, GIP and, 101  
 England, working conditions in, 171–2  
*enquête*. *See also* investigations  
   risks of method, 50–1  
*epistemes*, archeology and, 63  
 epistemology. *See also* knowledge  
   as incipient political theory, 68  
 Esposito, Roberto, 47  
 eventialization, GIP’s speech as, 52  
 exiling societies, 190, 245  
 Factory Acts (England), 171–2, 183n17  
 failure  
   decoupling from moralizing  
     schemas, 89  
   definition of, 84  
   internal criteria of, 76  
     as revelatory malfunction, 76  
     as work of prison, 78–9  
 failure and work, theories of, 76–8  
 failure and work of GIP, 75–91  
   contemporary assessments of, 77–8  
   failure modalities and, 82–4  
   Foucault’s assessment of, 77  
   history of debate over, 77–8  
   internal assessment of, 77  
   and work of prison, 78–82  
 failure modalities, 82–4  
   GIP and, 84–8  
 Fanon, Frantz, 161, 207  
 Ferguson, Roderick, 265  
 Feuer, Lewis, 35  
 Fleury-Mérogis prison, xvii  
 “For Sadie and Maude” (Norton), 261  
 force-feeding, of hunger strikers, 134–5  
 Foucault, Michel, xvi, 75, 105  
   Althusser and, 201n35  
   critics of, 49–50  
   dismissal of academic  
     philosophy, 23–4  
   and founding of GIP, 170  
   GIP in shadow of, 6–7, 87  
   GIP’s “failure” and, 103–4  
   immigrant detention and, 243  
   influences on politicization of, 72n2  
   literary interests, 24, 37n4  
   on marginalization, 259–60  
   methodological transformation  
     of (*see* methodological  
     transformation)  
   neoliberalism lectures of, 189–90  
   philosophy lineage claimed by, 31  
   as practical abolitionist, 8  
   as present-day resource, 60, 72n2  
   on prison as eliminative process, 245  
   on prison practices, 126  
   and subjectivity as mode of  
     self-relation, 106–7  
   white academic raciality and, 145–9  
 Fox, Michael, 35  
 France, working conditions in, 172

- Frankfurt School, 31, 62
- Free Alabama Movement, 9
- French intellectuals  
     GIP and, 3–4  
     role of, 6
- French Maoism, 176–9
- French prisons, and language of  
     reeducation and humanization,  
     79–80
- Fresnes prison, revolt at, 6
- gambling, as coping mechanism, 101–2
- Gare, Arran, 35
- Garvey, Marcus, 207
- Gattegno, Jean, 5
- Gauche Prolétarienne, 204, 206, 210
- gay men, incarcerated, 5
- gender, heteropatriarchy and, 265–6
- genealogical critique, in Foucault's  
     methodological transformation, 60
- genealogical method  
     GIP and, 192–3  
     political resistance and, 43–4
- genealogical time, discontinuity of, 42
- genealogy, 12  
     *versus* archeology, 63  
     compatibility with archeology, 62–3  
     *conducts/practices and*, 63–4  
     confinement and, 44  
     as coupling of scholarly erudition  
         and local memories, 33–4  
     *methodos* of, *versus topos* of prison, 61  
     and politics of speech, 42–4  
     of power/knowledge, 63
- Genet, Jean, xvi, 4, 5, 44, 55
- GEO Group, Inc., immigration  
     detention centers and, 242
- Georgia prisons, work stoppages in, 9
- GIP (Prisons Information Group)  
     abolitionist praxis of, 2  
     actions of, 75  
     affinities and divergences with Black  
         feminism, 262, 267  
     aim of, xvi, 75, 170, 194–5, 217,  
     227, 263  
     analytics of action of, 69–71  
     archives of (*see* GIP archive)  
     *versus* CAPA, 13  
     Champion's defense of, 101, 103–4  
     and charges of white  
         paternalism, 153  
     collaborative approach of, 11, 25  
         (*see also* collaborative approach)  
     contemporary prison industrial  
         complex and, 189  
     context of founding, 154  
     contrasts with CAPA, 151–5  
     creation and mission of, 1  
     criteria of work and failure and, 76–7  
     as critical movement, rejoinder to,  
         157–63  
     critics of, 49–50 (*see also* Brich,  
         Cecile; Davis, Angela; Rodríguez,  
         Dylan; Spivak, Gayatri  
         Chakravorty)  
     deployment of publicity by, 130  
     displacement by CAP, 86–8  
     “effective work” of, 52–3  
     enduring political legacy of, 51  
     failure and work of, 75–91 (*see also*  
         failure and work of GIP)  
     Foucault studies and, 11–12  
     and Foucault's assessment of political  
         action, 32–3  
     history of, 2–6  
     and ideology of rehabilitation, 194  
     immigrant detention and, 243  
     as individualistic *versus* collaborative,  
         10, 85  
     innovations of, 212–13  
     institutional interventions and, 158  
     investigations of, 176–9  
     legacy and theoretical debts, 2  
     legacy in contemporary prison  
         struggles, 9  
     manifestos of, 3, 77, 191, 227  
     Maoist influences, 170–1, 176–9  
     and Marxist conception of  
         investigations, 170  
     method, 5

- mission of, 4–5
- need for similar groups, 97
- neglect of legacy, 11
- neglect of political force of, 8
- political *topos* and *methodos* in
  - writings of, 69
- and politics of speech, 41
- and possibilities for change, 117–18
- prisoner empowerment and, 101
- relevance of, 95–104
- resisting reductions of, 6–15
- scholarship shortcomings, 9–10
- and solidarity with international
  - activists, 45
- and standard of neutrality, 170, 180
- Toul and Nancy prison revolts and, 199–200
- and transformation of philosophical
  - critique, 59
- untimely politics of speech and, 44
- white academic raciality and, 146, 151–3
- GIP and prison activism, 225–6
  - turning points in, 226
- GIP archive, collective authorship of, 7
- GIP as neoliberal intervention, 187–201
  - as trafficking in illegible concepts, 189–93
- GIP counter-archive, 41–58
  - concrete instances of, 53
  - History of Madness* and, 41–6
  - and reframing of GIP's speech, 51–2
  - and return of mass confinement, 47–9
  - untimely speech of, 49–55
- GIP investigations, 170, 176–9
  - donner la parole* intent and, 180–1
  - and lack of inmate access, 177–8
  - Maoist influences, 170–2
  - Marxist influences, 178–9, 182, 185n64
  - and standard of neutrality, 213
- GIP questionnaires, 4–5, 95
  - and blurring of innocence-guilt
    - division, 190
  - creation of, 227–8
  - critiques of, 49–50
  - discursive space opened by, 227, 229
  - and exposure of carceral logic, 190–3
  - framing of, 231–2
  - and frustration of neoliberal
    - agenda, 13
  - and ideology of humanism, 193–5
  - Maoist influences on, 4
  - reports based on, 195–8
  - responses to, 108
- Gold Coats Program, 12, 113–18
  - caregiver responsibilities and
    - motives, 114–15
  - caregiver training and
    - responsibilities, 113–14
  - impacts and transformative
    - potential, 115–16, 121n46
- Government of Self and Others, The* (Foucault), 29–30
- Grant, Oscar, 154
- Grassian, Stuart, 104n7
- Great Confinement, 23. See also
  - History of Madness* (Foucault)
- current mass incarceration and, 43–4
- Foucault's anti-prison activism and, 44–5
- in genealogy of biopower, 48
- locking up of prisoners and of
  - thought, 48–9
- prison work and, 81
- Guantánamo Bay detainees, 13
- Guantánamo Bay hunger strikers, 125
  - objectives of, 130–1
  - versus* Tolokonnikova hunger strike, 130–5
- Guantánamo Bay prison, conditions
  - in, 133
- Guattari, Félix, xvi, xvii
- Guenther, Lisa, 14, 133–4, 225–40
- Guevara, Che, 231
- Guha, Ranajit, 183n32
- Guillen, Antonio, 229

- guilt-innocence dichotomy. *See also*  
 GIP and prison activism; Pelican  
 Bay State Prison SHU Short  
 Corridor Collective; Prisoner  
 Hunger Strike Solidarity Network  
 moving beyond, 225–40
- “H.M.” (G rard Grandmontagne), 41,  
 90n32  
 letter of, 53–4
- Hadot, Pierre, 28–31, 36, 38n37,  
 38n40
- Haitian immigrants, Reagan  
 administration and, 242
- Hashi, Mahdi, 130
- Hawking, Stephen, 34–5
- Hegel, Georg Wilhelm, 31
- Heidegger, Martin, philosophy of  
 failure and work, 76
- Heiner, Brady, 89, 244, 261–2
- Hellenistic philosophy, Foucault’s study  
 of, 28–9, 60, 66–8
- heteropatriarchy  
 anti-Blackness and, 264–5, 264–71  
 and exclusion of gender and  
 sexuality, 265–6  
 forms of subjection of, 269
- Hicks, David, 133
- Hildebrand, David, 35
- History of Madness* (Foucault), 12. *See also*  
*Great Confinement*  
 GIP and, 41–3, 41–6  
 reissue of, 44–5  
 speech and confinement analysis in,  
 41–2
- History of Sexuality, Volume 1*  
 (Foucault), 27, 63, 190, 212
- Hoffman, Marcelo, 13, 169–85
- homophobia, institutionalized, 5
- Homosexual Revolutionary Action  
 Front, 4
- homosexuality, prohibition of, 118n7
- Hospice workers, 114. *See also* Gold  
 Coats Program
- Huffer, Lynne, 12, 41–58
- human disposability, new  
 forms of, 261
- human rights, in neoliberal context, 131
- human rights framework, hunger strike  
 and, 124, 137n13
- human rights movement, at Pelican  
 Bay, 102–4
- hunger strikes, 12, 13, 123–40  
 common understandings of, 123  
 in context of abjection, 124  
 effectiveness of, 123–4  
 force-feeding and, 134–5  
 of Guant namo Bay prisoners, 125,  
 130–1  
 by H.M., 54  
 by imprisoned protesters in France,  
 3, 12, 108, 179  
 in L.A. County Jail, 158–9  
 at Lucasville prison, 102  
 at Pelican Bay State Prison, 9, 52,  
 100, 102–4  
 as political resistance, 13  
 publicity and, 130–7  
 and recapture of moral status, 134  
 sites of, 9  
 Tolokonnikova and, 125–7
- “I,” in Discourse of Toul, 53
- “i,” use of, 145, 165n1
- ideological framework, Foucault’s  
 rejection of, 197–8
- ideology  
 Althusser’s work on, 197–8, 201n35  
 rituals of, 197
- immigrant detention, 14. *See also*  
 deportation  
 abuse and, 248–9  
 deportation orientation of, 243  
 neglect by media, 241–2  
*versus* other forms of incarceration,  
 242–3, 255n8
- immigrants, classification as subrace,  
 247–8
- Immigrants Information and Support  
 Group, 4

- immigration  
 debates about, 241  
 massive elimination and, 247–50  
 production of illegality and, 243, 255n12
- Immigration and Customs Enforcement K(ICE), private prison industry and, 242
- incarceration, mass. *See* mass confinement
- information gathering, as political act, 8, 192
- inmates. *See* detainees; prisoners
- innocence-guilt dichotomy  
 blurring of, 190  
 fear of criminals and, 235  
 GIP and, 195  
 GIP's questionnaires and, 190–1  
 questioning, 252–3
- inquiry, objects *versus* analytics of, 61
- interpellation, Althusser's work on, 197–8, 201n35
- intolerable  
 identification of, 5  
 naming as normalizing, 54  
 prison's failures as, 84  
 publicity and, 130
- Intolerable series*, 5, 85
- intolerance, cultivating, 85–6
- intolerance-investigation  
 (*enquête-intolérance*), 180
- Investigation into 20 Prisons* (GIP), 5, 178–9, 195
- Investigation into a Model Prison: Fleury-Mérogis* (Miller & Regnault), 5
- investigations. *See also* GIP  
 investigations; GIP  
 questionnaires  
 Lenin and, 173  
 Maoist approach, 169, 173–6, 185n76  
 Marxist approach, 169–73, 170  
 as weapons of struggle, 179–82
- isolation, shift in rationales for, 80
- Jackson, George, 44, 90n32  
 political assassination of, 9  
 as prison counter-archive, 52
- Jailhouse Lawyers* (Jamal), 218
- Jamaa, Sitawa Nantambu (Dewberry), 229
- James, Joy, 244, 266
- Jameson, Frederic, 260
- Journal de la commune étudiante* (Schnapp & Vidal-Naquet, eds.), 208
- Journal du CAP, Le*, 10, 86
- jurisdiction-veridiction  
 regimes, 13. *See also* regime of jurisdiction; regime of veridiction  
 intersection of, 204, 209–10
- justice, connection with creaturely politics, 234–5
- Kagan, Elie, 211
- Kamara, Adisa. *See* Champion, Steve (Adisa Kamara)
- Kant, Immanuel, 31
- Karl, Rebecca, 174
- Kelley, Robin, 237
- killing/torturing/purifying societies, 190, 245–6
- King, Martin Luther, Jr., 207
- knowledge  
 archeology of, 63  
 Aristotelian theory of, 66  
 Nietzsche and, 65–8  
 prisoner, danger to state, 271–2  
 as product of struggle, 65, 68, 71  
 for purposes of revolution, 170–1  
 sovereignty/purity of, 66–7  
 subjugated, 33–4, 39n54
- knowledge production, GIP *versus* CAPA, 163
- knowledge-power relation.  
*See* power-knowledge relation
- Koch Brothers, financial influence on academia, 40n71
- Koopman, Colin, 12, 59–74

- La Roquette, women's prison of, 4
- La Rue, Linda, 264
- Lacassagne, Alexandre, 218
- Lacenaire, Pierre, 84–5
- Lawlor, Leonard, 117
- Lazarus, Antoine, 234
- Lectures on the Will to Know*  
(Foucault), 60
- Lenin, Vladimir, investigations of, 173
- liberalism, classical, neoliberal  
transformation of, 187–8
- life sentences, increased use of, 110
- life-without-parole sentences, increased  
use of, 110
- Lih, Lar T., 173
- Liscia, Claude, 177
- Lists of Demands* (Cixous & Gattegno),  
5–6
- Livrozet, Serge, 6, 85, 86
- Long Live the Revolution (VLR),  
GIP and, 170–1
- Loos prison, xvii
- Loos-Lès-Lille prison, revolt at, 6
- Lotta Continua, 4
- Lovejoy, Arthur, 35
- Lucasville (Ohio) prison, hunger  
strike at, 102
- Luxon, Nancy, 13
- Malcolm X, 207
- manifesto, GIP, 3, 77
- Mao Tsetung, investigations of, 173–6
- Maoist groups, investigations by, 169
- Maoist Proletarian Left (GP)  
GIP and, 171  
investigations of, 176
- Maoist tradition. *See also* French  
Maoism  
GIP investigations and, 170–1
- marginalization  
forms and systems of, 260–1  
systems of, 259–60, 266–7
- market  
as authority, 189  
as barometer of truth, 188
- Martin, Trayvon, 154
- Martineau, Christine, 5, 177
- Marxist tradition of investigation,  
169–73  
GIP and, 178–9, 185n64  
and standard of neutrality, 170, 172,  
183n7
- “Masked Assassin, The” (Foucault),  
246–7
- mass confinement, return of, 47–9
- massive elimination, 241–57  
containment as, 244–7  
Foucault's conception of, 243–7  
immigration and, 247–50  
reframing discourse of, 254  
resistance to, 250–3
- McBride, Renisha, 154
- McIntyre, Lee, 35–6
- McKittrick, Katherine, 267
- McWhorter, Ladelle, 12, 23–40
- media. *See also* publicity  
GIP's use of, 204, 215–16
- Melun prison  
inmate solidarity in, 127–8  
revolt at, 6
- Mendez, Juan, 100
- mentally ill people, imprisonment of,  
100
- Merleau-Ponty, Marianne, 3
- methodological transformation, 59–74  
and analytics of power/knowledge,  
65–8  
Collège de France lectures and, 65–8  
genealogy *versus* prisons in, 60  
and knowledge-power relation, 72  
and politicization of Foucault's  
thought, 60–2
- Middlebrooks, Donald, 14, 222
- migrant children. *See also*  
undocumented children  
invisibility of, 241–2
- Miller, Geoffrey, 133
- Miller, Jacques-Alain, 5
- Miller, Tyisha, 154
- Mirowski, Philip, 40n71

- Montgomery, Secel Romerious, Sr., 113–18  
 moral status, hunger strike and, 134  
 morality, Foucault's history of, 28–9  
 Mordovia Prison, conditions in, 125–6  
 Moten, Fred, 162, 167n35
- Nancy prison revolts, 5, 6, 9, 271  
 new tactics of, 198–9  
 neoliberalism. *See also* GIP as neoliberal intervention  
 and dispersed formations of power, 189–90  
 Foucault's analyses of, 189–90, 198 (*see also* biopolitics)  
 human rights and, 131  
 nonideological analyses of, 189, 195  
 neutrality  
 GIP investigations and, 170, 180, 213  
 Marxist tradition of investigation and, 170, 172, 183n7  
*New Jim Crow, The* (Alexander), 187  
 Ney prison of Toul, xvii. *See also* Toul prison revolt
- Nietzsche, Friedrich, 27, 31  
 knowledges and, 65–8  
 “Nietzsche, Genealogy, History” (Foucault), 192
- Nîmes prison, xvii  
 revolt at, 6
- normalization, racist, 246–7
- normalizing power  
 detainment/deportation as strategies of, 250  
 immigrant detention and, 247–8  
 prison as tool of, 245  
 prison reproduction of, 266  
 proliferation of, 107
- Norton, Eleanor Holmes, 261
- Obama, Barack, immigrant deportation and, 243  
 oppression, Black *versus* white, 264–5  
*Orange Is the New Black*, 241  
*Order of Things, The* (Foucault), 63  
 Organization of Political Prisoners (OPP), 3
- Paine, Thomas, 231
- panopticism, Foucault's analysis of, 49  
 parole, policies of, 110  
 peasantry, as force of revolution, 174–5
- Pelican Bay Human Rights Movement, 102–4  
 Pelican Bay hunger strikes, 9  
 divide-and-conquer strategies and, 138n28  
 prison counter-archives and, 52  
 prisoner core demands, 102–3  
 Pelican Bay SHU, “The Call” and, 232–3
- Pelican Bay State Prison, gangs in, 229
- Pelican Bay State Prison SHU Short Corridor Collective, 14, 225–6  
 Ashker's description of, 230  
 demands of, 233–4  
 development of solidarity, 230  
 discursive space opened by, 227, 229–30  
 “Penal Theories and Institutions” (Foucault), 60  
 GIP and, xvi
- penalties, “replacement,” 8, 17n32
- people of color, disproportionate imprisonment of, 44
- Perrot, Michelle, 87
- personal transformation, caregiving and potential for, 106
- philosophers, incarcerated, exclusion of, 10–11
- philosophical critique  
 disparagement of method in, 72n1  
 methodological transformation of (*see* methodological transformation)

## philosophy

- abolition of (*see* abolition of philosophy)
- engagement with everyday life, 29–30, 34–6
- Foucault's denunciations and distancing of, 24–31, 37n11
- Hellenistic, 28–9
- prospects for, 34–6
- theory-making as strategy of avoidance/obfuscation, 36, 40n71
- Philosophy in a Time of Terror* (Derrida), 85–6
- Pierce, Andre, 10–11
- Plato, 29–30, 38n42, 67–8
- Pleven, René, 215
- police order, as jurisdictional order, 206–7
- police violence, CAPA and, 150
- political change, GIP's nonideological approach to, 198–200
- political prisoners
  - GIP and, 108, 119n8
  - hunger strike and demands of, 3, 15n5, 206
- political resistance. *See also* resistance
  - genealogical method and, 43–4
  - hunger strike as technology of, 124
- political theory, epistemology as, 68
- politics of sexuality, Foucault's
  - contribution to, 61
- politics of speech, genealogy frame for, 42–4
- Potte-Bonneville, Mathieu, 87
- pouvoir-savoir*, 73n31. *See also* power-knowledge relation
- power
  - disciplinary, difficulty of resisting, 127
  - dispersed formations of, 189–90
  - exercise of, 64
  - Foucault's formulation of, 64
  - normalizing (*see* normalizing power)

- reclaiming of, 98–9
- white feminism and, 265
- power relations
  - everyday, GIP's interruption of, 204–5, 208–9, 213–15
  - hunger strikes and, 129–30
  - versus* individuals impacted by, 212
  - Kagan's photos and, 211–12
  - prison reproduction of, 105
- power-knowledge relation, 64
  - analytics of, 65–8
  - failure to recognize, 68
  - methodological transformation and, 72
- Prete, Giulio, 26
- prison(s)
  - assessment from below, 1
  - Black feminist theories of, 260–1
  - conditions of, 95–6, 195–6
  - contemporary issues, 14
  - Davis's genealogy of, 244–5
  - as eliminative process, 245
  - Foucault's politicization of, 61–2
  - goals of, 133
  - overcoming conditioning of, 98–9
  - privatization of, 187
  - and production of delinquency, 105, 107
  - and promise of redemption, 79
  - racism and, 244–5
  - repression as work of, 80
  - self-justifications of, 80
  - as social control, 96
  - as technique of embodiment, 12
  - topos* of, *versus methodos* of
    - genealogy, 61
  - traumatic stress disorder and, 100–2
  - in US popular culture, 241
  - work and failures of, 78–82
- prison abolition, 13–14
  - Black feminist theory and, 262
  - CAP and, 6, 86–7
  - creaturely politics and, 234, 237
  - GIP and, 11, 80, 190
  - moving beyond, 251

- prison theory and, 14–15  
 role of knowledge and culture, 271–2
- prison abolitionists, writings of, 126
- prison activism/abolition, 13–14  
 GIP model of, 76
- prison counter-archives,  
 examples of, 52
- Prison de la Santé, 203
- prison demographics  
 elderly inmates and, 105–21 (*see also* elderly inmates; Gold Coats Program)  
 persons of color, 187
- prison discourse, 203–21  
 disordering, 203–21  
 limits to disordering, 217  
 moving between regimes of jurisdiction and veridiction, 205–11  
 regimes of veridiction, 211–17
- prison populations, growth of, 110, 119n17, 187
- prison reform, GIP's renouncing of, 2, 5–6, 78
- prison regime  
 Black feminist theories of, 266–71  
 definition of, 146–7  
 jurisdictional framing of, 205–9  
 racist state and, 146–7
- prison revolts. *See also* specific prisons  
 creation of GIP and, 95
- prison struggles, GIP's legacy in, 9
- prison studies/politics, exclusions of, 261
- Prison Suicides* (Defert & Deleuze), 5
- prison work  
 abuses of, 81  
 as continuation of slavery, 126
- prison writing, changing genre of, 217–18
- Prisoner Hunger Strike Solidarity Network, 226, 237n4  
 aim of, 227  
 mission of, 226, 237n4
- prisoner resistance  
 creaturely politics of, 233–6, 239n32  
 and role of accomplices, 236–7
- prisoners  
 criticism of GIP's presumed silencing of, 49–50  
 death row, coping mechanisms, 101–2  
 dehumanization of, 79, 96, 132–4  
 empowerment of, GIP and, 101  
*relais* between free citizens and, 5  
 resistance of (*see* prisoner resistance)  
 suicide of, 54  
 thinking with *versus* about, 10
- prison-industrial complex  
 exploitation by, 187  
 hyperracialized, 44  
 immigrant detention in, 248  
 “Prisons and Revolts in Prisons” (Foucault), 163–4  
*Prisons aussi, Les*, 5  
*Procès de la mutinerie de Nancy, Le*, 5  
 productive failure, 83  
 GIP and, 88, 105
- protests, San Quentin, 97
- PTSD, prevalence of, 100–1
- public pressure, prisoner resistance and, 130–7
- publicity. *See also* media  
 modes of, 130  
 as resistance, 130–7  
 for Tolokonnikova *versus* Guantánamo Bay hunger strikes, 132, 139n40, 139n41, 139n42  
 “Punitive Society, The” (Foucault), 60  
 GIP and, xvi  
 Pussy Riot, 13
- Quéro, Laurent, 87
- questionnaires. *See also* GIP  
 questionnaires  
 ambivalent functions of, 227–8  
 Marx and, 171–3  
 politics of, 190–3  
 “Questions of Method” (Foucault), 64  
 Quintero, Derrick, 14, 141

- raciality, defined, 145  
 “Racialized Punishment and Prison Abolition” (Davis), 244  
 racism  
   and moral classification of human life, 246  
   prison as tool of, 246–7  
   in US prisons, 244  
 racist normalization, 246–7  
 resistance to, 250–2  
 racist state, prison regime and, 146–7  
 radical prison praxis, Rodríguez and, 125  
 Rancière, Danielle, xvi, 3, 5  
   and GIP investigations, 176–7  
 Rancière, Jacques, 3, 135–6, 207  
 Ratcliff, Mary, 103  
 Ratcliff, Willie, 103  
 Reagan, Ronald, 188  
 Reagan administration, Haitian and Cuban immigrants and, 242  
 recidivism, increased likelihood of, 110  
 reformism, GIP’s distancing of, 194  
 reforms, minor, 5  
 regimes of jurisdiction  
   anonymous speech and, 208–9  
   and student protests of May 1968, 207–8  
 regimes of jurisdiction and veridiction, moving between, 205–11  
 regimes of veridiction  
   anonymous speech and, 211–17  
   broadened view of, 209  
   defined, 209  
   truth-telling and, 211–17  
 Regnault, François, 5  
 rehabilitation, GIP’s distancing of, 194  
 “Report on an Investigation of the Peasant Movement in Hunan” (Mao), 174, 183n32  
 repression, as work of prison, 80  
 resistance. *See also* political resistance; prisoner resistance; specific prison revolts  
   biopolitics of, 123  
   to divide-and-conquer strategies, 138n28  
   Foucault’s formulation of, 64  
   hunger strikes as (*see* hunger strikes)  
   to prison control, 127  
   prisoner, 80  
 revolution  
   investigation as tool of, 173–4  
   knowledge for purposes of, 170–1  
   peasantry as force of, 174–5  
   as transformation of knowledge and being, 272  
 “Revolutionary Action: ‘Until Now’” (Foucault), 235  
 Richie, Beth, 261, 271  
 Riker’s Island jail, xv, 269–70  
 Riverbend Maximum Security Institution, 14  
 Rivière, Pierre, 218  
 Rodríguez, Dylan, 13, 127, 145–68, 261  
   concept of prison regime, 266  
   on radical prison praxis, 125  
 Rorty, Richard, 73n20  
 Rose, Edith, 6, 53, 91n46  
 Ross, Kristin, 169–70, 206, 208  
 Rouault, Claude, 4  
  
*San Francisco Bay View*, 103–4  
 San Quentin Prison Administration, state of emergency and, 97–8  
 San Quentin Prison University Project, 218  
 San Quentin State Prison, 95  
 Sanchez, Heriberto, 113  
 Sandoval, Chela, 260  
 Sartre, Jean-Paul, xvi, 4, 75, 87  
 Schmitt, Carl, 136  
 Schnapp, Alain, 208  
*Security, Territory, and Population* (Foucault), 64  
 Security Housing Unit (SHU), 96  
   description of, 227  
   long-term confinement in, 100, 104n7  
   mentally ill people in, 100

- seized speech, 13, 210, 220n27. *See also*  
 voices of detainees  
 function of, 215–16  
 making audible, 218
- self-care, *versus* caregiving, 119n13
- self-constitution  
 anti-normalizing modes of, 109, 112,  
 116, 119n14  
 caregiving and, 106  
 and reproduction of power relations,  
 107–8
- self-relation  
 of caregiving inmates, 106  
 and countering of normalization, 108  
 harmful mode of, 112, 120n33  
 non-normalizing modes of, 106
- Senellart, Michel, 74n31
- sex, compulsive, as coping  
 mechanism, 102
- sexuality  
 heteropatriarchy and, 265–6  
 politics of, Foucault's  
 contribution to, 61  
 repression of, 108, 118n7
- Shakur, Assata, 267, 269–70, 273
- Sheth, Falguni A., 13, 123–40
- Sholtz, Janae, 117
- SHU (Security Housing Unit). *See*  
 Security Housing Unit (SHU)
- SHU syndrome, 104n7
- slavery, incarceration as, 126
- social amnesia, and student protests of  
 May 1968, 169
- social control, prisons as, 96
- Société Punitivă, La* (Foucault), 89
- societies, Foucault's classification of,  
 190–1
- Society Must Be Defended* (Foucault),  
 243
- solidarity, prison disruptions of, 126–7
- solitary confinement  
 hunger strike in opposition to, 9  
 long-term, 100, 104n, 104n6  
 UNHCHR and, 100
- Sophists, 67–8
- sovereign power  
 displacement by biopower, 47–8  
 hunger strikes and, 124
- sovereignty, theory of, 27–8
- Spade, Dean, 248
- Special Needs Program for Inmate-  
 Patients with Dementia (SNPID),  
 113. *See also* Gold Coats Program
- speech. *See also* seized speech; voices of  
 detainees  
 anonymous, 208–9, 211–17, 330n28  
 captured, 42  
 and challenge to regime of  
 jurisdiction, 208, 219n17  
 politics of (*see* politics of speech)  
 untimely, of GIP counter-archive,  
 49–55
- Spivak, Gayatri Chakravorty, 49–50  
 critique of GIP, 227
- state-market relations, 188
- Stoics, on philosophy, 29
- structural failure, 83  
 GIP and, 85–6
- struggle  
 analytics of, 62  
 Aristotelian epistemology and, 67–8  
 in genealogy method, 12  
 guerilla liberation, 155  
 investigations as weapons of, 179–82  
 knowledge as product of, 65, 68, 71  
 new forms of, 198–9  
 Nietzschean theme of, 71  
 prison as site of, 2, 7, 10, 71  
 suppressed history of, 33–4
- student protests of May 1968, xvii  
 achievements of, 215–16  
 and disintegration of jurisdiction  
 regime, 207–8  
 incarceration of protesters, 3  
 social amnesia and, 169
- Stuhr, John, 34
- subject, legible, 197
- “Subject and Power, The”  
 (Foucault), 64
- subject of interests, 188

- subjectivity  
   genealogy of, 108–9  
   as mode of self-relation, 106–7  
   and risk of normalizing power, 107  
   self-relation and, 109  
 subrace, immigrant classification as,  
   247–8  
 Sudbury, Julia, 271  
 suicide, prisoner, xv, 12, 54  
 Sylvia Rivera Law Project Web,  
   counter-archives and, 52  
 systemic failure, 83  
   GIP and, 87–8  
  
 Taylor, Dianna, 12, 105–21  
 Thatcher, Margaret, 188  
 Thibaud, Paul, 77  
 Thoreau, Henry David, 34  
 “three strikes” laws, 110  
 Tiisala, Tuomo, 64  
 time of unreason, 44–6  
 tolerance, Derrida’s analysis of, 85–6  
 Tolokonnikova, Nadezhda, 13, 125–7  
   *versus* Guantánamo Bay hunger  
   strikers, 130–5  
   motivations of, 126  
   objectives of, 130–1  
   political context, 132  
   release of, 134  
 torture  
   force-feeding as, 134–5  
   at Guantánamo Bay prison, 133–4  
   Pelican Bay prisoner demands  
   and, 233  
   solitary confinement as, 100  
   “tough on crime” measures, 110  
 Toul, Discourse of, 53  
 Toul prison revolt, 5, 6, 9, 79–80,  
   82, 209  
   Foucault’s press release on, 233,  
   239n29  
   new tactics of, 198–9  
 trafficking in illegible concepts, GIP’s  
   tactics as, 190  
 traumatic stress disorder, 100–2  
  
 Treaty of Tordesillas, 149  
 truth. *See also* regimes of veridiction  
   market as barometer of, 188  
   of prisoner *versus* expert, 262–3  
 Truth, Sojourner, 260  
 Truth Committee of Toul, 80  
 truth-telling  
   GIP approach to, 204  
   *parrhesia* and, 30–1  
   *versus* truth-seeking, 38n42  
  
 U.S. third world feminism, 260.  
   *See also* Black feminism  
 undocumented children, detention of,  
   242. *See also* immigrant detention  
 Union of Communists of France  
   Marxist-Leninist (UCFML),  
   investigations of, 176  
 Union of Marxist-Leninist Communist  
   Youth (UJCML), 176  
 United Nations High Commissioner  
   for Human Rights (UNHCHR),  
   solitary confinement and, 100  
 United States, racism in prisons of, 244  
 unreason  
   biopower and, 52  
   and detainees of 1970s, 45  
   and eclipse by language of reason, 42  
   genealogy and, 43  
   and link of *Madness* and GIP, 46  
   recursive time and, 41–2  
   time of, 44–6  
 Use of Pleasure, The (Foucault), 28  
  
 Vasseur, Véronique, 203–4, 217  
 Vaudez, Claude, 86  
 Verzilov, Pyotr, 138n19  
 Vidal-Naquet, Pierre, xvi, 3, 75, 126,  
   191, 193, 208, 247  
 violence  
   paradigmatic *versus* incidental, 154  
   in prisons, 96–7, 128–9  
 voice  
   disciplinary power and, 13  
   silencing of, 97

- voices of detainees, 4, 10, 46, 49, 75, 77, 103–4, 154, 210. *See also* seized speech  
 danger to state, 271–2  
 detained immigrants and, 251–2  
 forms of subjection reproduced by, 265–6  
 of and GIP, 4, 10, 46, 49, 75, 77, 103–4, 154  
*versus* voices of experts, 262–3  
 von Bülow, Catharine, 246–7
- Waters, Kevin, 121n45
- white academic raciality  
   CAPA and, 148  
   CAPA's grassroots execution of, 158–63  
   epistemic monopoly of, 161–2  
   GIP and, 151–5
- white feminism  
   and erasure of Black women's experience, 264–5  
   exclusions of, 261
- white raciality  
   academic embodiments/  
     institutionalizations of, 148–9  
   prison-policing system and, 147–8
- white supremacy, abolishing, 237
- Wilderson, Frank, 264
- Will to Know, The* (Foucault), 63
- Winnubst, Shannon, 13, 187–201
- Wolf, Naomi, 231
- Wolfe, Patrick, 167n19
- Wolin, Richard, 170–1
- women. *See also* Black feminism; Black women  
   incarceration of, xvi  
   “Women in Prison: How We Are” (Shakur), 269
- Women's Liberation Movement, 4
- women's prison of La Roquette, 4
- women's prisons, hunger strikes in, 9
- Woodfox, Albert, 104n6
- work, taxonomy of, 83
- “Worker's Inquiry, A” (Marx), 170, 171
- working conditions, information on, in England *versus* France, 171–2
- Zancarini-Fournel, Michelle, 87
- Ziarek, Ewa, 123–4
- Zinn, Howard, 231
- Zinzun, Michael, 150, 155
- Zurn, Perry, xvii, 12, 75–91, 130–1