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#### We live in a prison society defined by surveillance and militarization that dispossess populations, both inside and outside of prisons. Prison strikes are an intersubjective resistance strategy that imagines new worlds by rupturing the carceral state and empowering freedom.

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Like Muñoz, theorists of the carceral state have remarked that we live in a global prison society whose multifold calculus of digital surveillance, militarized policing, and discipling of the poor, to name a few, racially and spatially warehouses the dispossessed in and beyond prison walls.2 Carcerality, in other words, is not a condition limited to the physical space of the prison. We might cast doubt on whether Muñoz’s projects of worldmaking are imaginable in a time of totalizing dispossession, where his “minimal transport” is undoubtedly circumscribed by the atomizing effects of neoliberal carceral regimes.

In this thesis, I suggest we turn to emancipatory projects inside prison walls to imagine how we might move beyond them. Incarcerated strategies of resistance provide a provocative lens through which we might expand our political imaginations about Muñoz’s discussion of “new worlds” in society at large. Organizers of incarcerated struggles understand that decarceration is not only an agenda item for criminal justice policy, but a vision for the socio-political transformation and overhaul of U.S. society. In conversation with National Prison Strike organizers, I ask: What does it mean to struggle for freedom in radically unfree conditions? More speculatively, what are the possibilities for freedom in confinement? Building on Foucault’s analysis of freedom and power, I argue that contemporary prison struggles advance scholarly understanding of power and freedom beyond relations of opposition, contingency, or interdependence, as often claimed in the liberal canon.3 Instead, today’s prison struggles illuminate an understanding of freedom as potentiality: as a glimmer of and preparation for seemingly impossible futures.

First, I argue that the dialectical relationship between freedom and punishment in the carceral context prompts an alternative interpretation of Foucault’s writings on freedom and power. Many of Foucault’s interlocutors have read his claim that resistance cannot operate externally to power as foreclosing the possibilities for a meaningful experience of freedom.4 But we might also read Foucault as creating an imperative for freedom to exist in brief flashes and unlikely spaces so that we are empowered to imagine its full realization. Bridging Foucauldian theory and qualitative analysis of interviews with National Prison Strike organizers, I claim that freedom should be marked by the intersubjective capacity to struggle. Turning to the Strike’s practices of resistance on the inside – within prison walls – and outside, I examine how they might constitute and reconfigure practices of freedom. I conclude on the possibilities and limitations, theoretical and practical, for a transformative prisoners’ movement.

Why turn to the National Prison Strike (hereafter referred to as “the Strike”) in order to theorize a Foucauldian theory of freedom, and vice versa? Following on the heels of its 2016 predecessor, the 2018 Strike constituted a moment of organized rupture in a socio-political and media climate otherwise unfazed by prison struggles for the past decade. New political possibilities emerged, such as the mainstreaming of the right to vote and the critical use of prison slavery into liberal public discourse. The Gramscian horizon of the taken-for-granted in the U.S. liberal imaginary arguably no longer encompassed the casual denial of suffrage to incarcerated people and felons alike.5 Simultaneously, the radical ambitions of the Strike were checked by its politically necessary embrace of demands central to the liberal project, like suffrage and labor rights. Yet the Strike also saw an unparalleled wave of prisoner resistance through creative expression and direct action, sparking what I call pockets of freedom in unlikely spaces. These sets of contestations and contradictions – between the limits of outside media recognition and the creativity of internal struggle, liberal and postliberal imaginaries of sociopolitical transformation, potentiality and naked unfreedom – is what makes the Strike a particularly unique site for a Foucauldian inquiry into freedom.

While I situate this theory of freedom in conditions of confinement, it may apply to struggles beyond the carceral context. Per Foucault’s assertion that we live in a “prison society,” the totalizing effects of punishment and surveillance certainly move and shape beyond prison, jail, and detention center walls. For the purposes of this thesis, I narrow my focus to incarcerated struggles. Future inquiries might expand this claim to other areas.

#### Meaningful political action is only possible through mutual empowerment that rejects exclusion – anything else leads to world-destroying violence which destroys value to life by positioning marginalized populations as socially and legally dead. The prison system only serves to securitize and biopolitically control Black and brown bodies – the only alternative is unified strike action.

Guenther ‘15 [Lisa Guenther; Associate Professor of Philosophy, Vanderbilt University; “Political Action at the End of the World: Hannah Arendt and the California Prison Hunger Strikes”; 2015; Canadian Journal of Human Rights; https://heinonline.org/HOL/LandingPage?handle=hein.journals/canajo4&div=8&id=&page=; Accessed 10-08-2021] AK

IV. Hannah Arendt on the Destruction of the World

As a student of Heidegger, and also a survivor of the disaster in Nazi Germany which he implicitly and explicitly supported, Hannah Arendt extended Heidegger’s account of the world, but also revised it in a political direction. While Heidegger locates the singularity of “being-in-the-world” in its unshareable relation to the possibility of its own death, Arendt shifts the focus from death to birth, arguing that human beings are “not born in order to die, but in order to begin.”31 She traces the singularity of human existence to the natal emergence of a political actor with her own unique perspective of the world, and with an inherent capacity to break with the given to initiate something new. The singularity of each and every person who is born into the world generates a plurality, which is definitive of the human condition. This plurality makes political action possible, not as the use of violent or manipulative force to advance one’s own agenda – that is domination – but as the creation of new possibilities for mutual empowerment and for the sharing of a common world.32 Political action is the sharing of meaningful words and deeds among free and equal citizens; but the condition for political action is natality in a shared world, understood as the site of our emergence as singular beings in relation to others.

For Arendt, the singularity of birth makes each subject irreducible to “anyone else who ever lives, lived, or will live”, but it does not for this reason isolate her from others as a separate individual.33 Rather, we are born into a web of relations without which our singular lives would remain meaningless. From this perspective, isolation is not a sign of power but of tyranny. Tyranny “contradict[s] the essential human condition of plurality” and “prevents the development of power, not only in a particular segment of the public realm but in its entirety.”34 Even the epic hero relies upon others to narrate the meaning of his or her actions, and to weave these glorious deeds into a web of discourse that sustains the meaning of history as an open-ended, revisable text. We need others in order to understand, and even to become, who we are.

For Arendt, appearing to others in a common world is the basic condition for political action and, since humans are political animals, it is also the condition for a proper human life:

No human life, not even the life of the hermit in nature’s wilderness, is possible without a world which directly or indirectly testifies to the presence of other human beings. All human activities are conditioned by the fact that men live together... 35

A life without speech and without action... is literally dead to the world; it has ceased to be a human life because it is no longer lived among men. 36

Like Heidegger, Arendt challenges common-sense empirical accounts of the world as the sum total of things on earth; but she also goes beyond Heidegger’s ontological account of the world to affirm the political meaning of the world as a collective achievement of human beings. The earth is given, but the world must be made and re-made, and it risks being un-made by world-destroying violence.37 The world is what we have in common; it is a way of sharing space and time with others.38 And since the existence of the world relies on its plurality, the exclusion or isolation of any group of people threatens to destroy the world, not just for the excluded or isolated group but for anyone.

In her essay called “Introduction into Politics”, written in the late 1950s, Arendt reflected on the possibility of a world-destroying violence:

When a people loses its political freedom, it loses its political reality, even if it should succeed in surviving physically...

What perishes in this case is not a world resulting from production, but one of action and speech created by human relationships... This entire truly human world, which in a narrower sense forms the political realm, can indeed be destroyed by brute force... 39

Arendt calls this world-destroying violence “total war”: it is a violence directed not just against things or physical bodies but against voices, relationships, and meaningful action.40 Total war is a form of violence against the very possibility of political life; it casts some people “outside the common world” and undermines the space of mutual appearance that politics presupposes.41 There are no innocent bystanders in a total war of extreme isolation, and even its apparent beneficiaries are also deprived of the full plurality of the human world when any particular group of people is isolated and excluded from public life.

In The Origins of Totalitarianism, Arendt comments on the plight of those who have lost their status as citizens of a nation, and therefore lost access to a concrete political framework for enforcing their claim to basic human rights. “The fundamental deprivation of human rights is manifested first and above all in the deprivation of a place in the world which makes opinions significant and actions effective.”42 Without this “place in the world”, the stateless person is not only deprived of the right to freedom of expression, but of the right to a voice, the right to exist in a community of others as a subject of meaningful words and deeds. For Arendt, the political structure of the nation state provides a durable framework for the political action of natal subjects, without which they might find themselves without a home in the world. Stateless refugees are therefore not just positioned “outside the pale of the law”; they are cast out of the common world:

The calamity of the rightless is not that they are deprived of life, liberty, and the pursuit of happiness, or of equality before the law and freedom of opinion – formulas which were designed to solve problems within given communities – but that they no longer belong to any community whatsoever.43

While Arendt does not use this language, her account of statelessness is read as an implicit theory of civil and social death. Civil death, is meant as a legal fiction whereby someone is legally positioned as dead in law.44 Their body may be alive and their mind sharp, but they are denied the legal status of a citizen with the right to vote, to bring a legal case to court, and to exercise their civil right to free speech, free association, and peaceful protest. Social death is meant as the effect of a social practice in which a person or group of people is excluded, isolated, and/or dominated, to the point of becoming dead to the rest of the world.45 They may speak, but their voice is not heard and their words do not matter. They may protest, but their action remains unsupported and ultimately ineffective. They may analyze the central dynamics of power and privilege in twenty-first century America, but their analysis gets lost in the news cycle and buried by official rhetoric. They may be very much alive to themselves, and to their family and friends, but they are positioned as dead to the world. They are excluded from the space of mutual appearance in a common public realm. Social death is the condition under which some people can be condemned to civil death, while the rest of us fail to care or even to notice. It is the condition under which entire groups of people may be exposed to disproportionate state violence, neglect, and/or exploitation, without provoking the concern or support of other members of the community. Social death is both a condition of civil death and one of its effects; they amplify one another in a vicious circle that is difficult to interrupt.

For Arendt, writing in the 1950s, the civil death of stateless people – their loss of “the right to have rights” – contrasted sharply with the convicted criminal’s loss of the right to freedom.46 From Arendt’s perspective, the convicted criminal was in a better position than the stateless person because at least they were recognized as a legal subject with a specific (albeit limited) place in the common world. But Arendt’s analysis reaches a limit in the age of mass incarceration, the hyper-incarceration of people of colour, widespread felony disenfranchisement, and the indefinite isolation of “security threat” groups. At what point does the prisoner in extreme isolation, like the stateless person, “no longer belong to any community whatsoever”? Under what circumstances does the convicted criminal cease to count as a subject of law and an inhabitant of the common world?

In the contemporary US, criminalization and state punishment are powerful mechanisms of civil death and social death. In her book, Social Death: Racialized Rightlessness and the Criminalization of the Unprotected, Lisa Cacho argues that terms like “gang member”, “illegal alien”, and “suspected terrorist”, function to condemn some people to social death in order to protect and securitize the lives of others. Identification as a “gang member” operates as a de facto status crime that exposes racialized subjects to criminalization, not on the basis of what they have done but on the basis of who they are, or are perceived to be. A status crime “is not contingent on criminal conduct; it is premised upon bodies perceived to be criminal.”47 This perception is made by those with enough social power to identify their own status with the law, its enforcement, and the punishment of those whose status does not shield them from criminalization.

There is a similar dynamic at work within the California prison system where, in the words of the Pelican Bay SHU Short Corridor Collective, “[p]erceived gang membership is one of the leading reasons for placement in solitary confinement.”48 In what follows, how the CDCR’s gang validation policy functions as an instrument of racism, criminalization, and civil death, and how some prisoners have joined together to reclaim a meaningful sense of “being- with others” in a common world will be drawn from prisoners’ own analysis. The 2011-2013 hunger strikes organized by the Pelican Bay SHU Short Corridor Collective have managed to (re)create a sense of shared reality, even in a space that is designed to foreclose these possibilities. There is a lot to learn, both as theorists and as political animals, from their ongoing struggle.

#### Thus, I affirm: A just government ought to recognize an unconditional right of incarcerated workers to strike.

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This year’s Prison Labor Strike was one of the most amazing mobilizations of liberatory politics in the past decade. It was the latest iteration in the most recent generation of prison rebellions, which has included labor strikes in Georgia prisons in 2010, the three Pelican Bay hunger strikes in California 2011-2013, and the direct predecessor of the latest action: the strike against prison slavery in 2016.

The authoritarian nature of prison bureaucracies prevents us from compiling a precise chronicle of what takes place behind the walls. However, according to the lead organization in the strike, the network of prisoners known as Jailhouse Lawyers Speak, actions occurred in 16 states and federal prisons. In addition, over 200 people went on strike in the Northwest Immigration Detention Center.

Amani Sawari, the official spokesperson for Jailhouse Lawyers Speak, emphasized that the mobilization took many forms. In some prisons, striking meant refusing work; in others it involved hunger strikes or refusing to spend money for commissary and phone services. Apart from actions inside prisons, Sawari reported that more than 200 community organizations across the country endorsed the strike. These supporters carried out dozens of solidarity actions, including call-in campaigns known as phone zaps, noise demonstrations, teach-ins, sit-ins and massive email campaigns.

#### The aff’s radical strike action unsettles the prison apparatus, dismantling the carceral state. Strikes are in-line with the abolitionist project by disrupting the logics of carcerality. Political alternatives like the aff let incarcerated workers imagine futures of freedom and of political struggle, spilling up to larger movements and demystifying the prison.

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By shutting down activity and rejecting the material rhythms of prison life, strikes unsettle the reproduction of the prison apparatus. According to Michigan Abolition and Prisoner Solidarity organizer Alejo Stark, these disruptions “intensify the state’s inability to continue to hold prisoners captive,” helping to dismantle the carceral state piece-by-piece.117 One example of disruption can be found in the Crossroads prison uprising, which resulted in the closure of the prison itself through stripping its financial resources. Stark provides another instance of disruption in Michigan’s Kinross prison during the 2016 Strike, during which an uprising forced the state to spend exorbitant financial resources to keep the prison up and running. Because incarcerated kitchen workers were on strike, no one was left to staff the kitchen and “the warden was spotted making peanut butter and jelly sandwiches [for prisoners] with his staff.”118 The point is not that these disruptions will necessarily force the state’s hand in conceding to strikers’ demands, like higher wages, but that the state must devote extra resources to keep prisons alive.119

A longstanding prison strike tactic, disruption is central to the abolitionist project today. Like abolition, disruption is processual. In an interview with Shadowproof, a JLS member incarcerated in South Carolina remarked that he thinks about prison organizing as a “a dismantling process. And that gives the opportunity for other people to get in with their reform ideas.”120 Disruption involves mobilizing collective power to chip away at the carceral state, through actions big and small.121 Experiences of freedom emerge through participation in disruption, as protestors refuse to accept the carceral present as a blueprint for the future.

Building on the lessons of the 2016 National Prison Strike, 2018 organizers broadened their internal tactics and forms of participation to include sit-ins and commissary boycotts while also re- introducing hunger strikes.122 While work strikes were a central feature of the 2016 Strike, most prisoners don’t actually work, limiting their tactical value. Importantly, disruption does not need to rely on withholding physical labor in order to be successful; work strikes are only one form of doing so.

Strikers were influenced by “Redistribute the Pain,” a set of essays by Bennu Hannibal Ra-Sun of the Free Alabama Movement, who called on his fellow prisoners to mobilize their economic power to “boycott, defund, and bankrupt.”123 Ra-Sun urged a commitment to “defund[ing] prison operations budgets” by eliminating spending on commissary, collect phone calls, and incentive packages would shrink a prison’s finances.124 Accordingly, Strike organizers employed a multiplicity of tactics tailored to participants’ levels of access in the prison. For instance, while people on lockdown couldn’t participate in a work stoppage, they could join a boycott or hunger strike.

In the year leading up to the Strike, sit-ins notably resurged in popularity across the prison movement. During a sit-in, participants refuse to return to their cells when corrections officers tell them to line up at lunch or yard. Collectively refusing to comply stops the motion of the prison, halting thedailybusinessofcorrectionalstaff.125 Like a boycott, which strips the prison of important financial reserves, sit-ins disrupt the labor power used to fuel the prison’s operations.

Florida offers an instructive example of how coordinated tactics on the inside and outside speak to the intersubjective character of freedom, which is constantly in-the-making through struggle. According to the Miami New-Times, work strikes have ballooned over the last few years in response to increasingly poor conditions in Florida’s prisons, such as when prisoners were forced to work for free in clean-up crews after Hurricane Irma in 100-plus-degree conditions.126 Throughout the Strike, hundreds of prisoners in at least five facilities organized work strikes and commissary boycotts.127 Internal participation during these uprisings showed how collective struggles can provide glimpses into alternative ways of organizing power. Returning to Oksala’s reinterpretation of Foucault, these struggles visibilize the “indeterminacy of the present” in their refusal to accept its suffocating terms.

Following the prison movement’s long tradition of inside-outside organizing, Strike disruptors understood what happened on the outside to shape the conditions of possibility on the inside.128 For instance, Gainesville’s IWOC chapter coordinated a string of solidarity actions, including an eight-day encampment outside a work release camp.129 In response to a call to escalate strike solidarity over Labor Day weekend, Gainesville IWOC, Fight Toxic Prisons, and Occupy ICE Tampa organized a 24/7 occupation across from the Florida Department of Corrections’ Gainesville Prison Work Camp. The protestors called for an end to “slave labor contractors” between FDOC, the City, County, and University of Florida, in addition to the Strike’s demands.130 Over a hundred people participated in the demonstrations, which included blocking and delaying City vehicles from leaving for work assignments and staging protests at work sites.

In an interview with Shadowproof, a JLS prison organizer remarked that “the more people that tend to stand up, demonstrate from the outside, particularly demo[nstration]s at the prisons, what it does is it incites. It incites inside and this is why prisons have a problem against it.”131 In response to the protestors, FDOC officials would frequently usher work crews back into their vans and leave the site in order to eliminate contact with the protestors. On day four, protestors reported that police and prison officials threatened to use prisoner labor to shut down the encampment.

In the absence of direct testimony from incarcerated organizers, we can heed Foucault’s dictum of analyzing power (and, by proxy, freedom) through the strategies of its antagonists.132 Returning to FAM’s “Let the Crops Rot in the Fields,” Gainesville protestors collectively “confronted the system at the site of its oppression: the prisons,” centralizing resources and forcing the state’s response.133 By forcefully demanding sets of political alternatives, incarcerated strikers and comrades offered glimpse into what life beyond carcerality could look like. IWOC organizer Nick conceded that “withholding labor” for extended periods of time “as a way of crippling the system is a way’s off,” but also that cases like Gainesville set the pace for larger-scale protests in the future.

Gainesville illustrates how the walls of the prison are more porous than any Department of Corrections would have us believe. In other words, the joint protest helped demystify an image of the prison as a self-contained institution impenetrable to outside influence. Most visibly, we can see this through how the occupation disrupted daily life in the work camp, forcing FDOC to rearrange and even suspend production. By refusing to leave for nearly a week, the protestors offered an alternative imaginary of what the work camp could be: a space for music, art, free movement, and collective struggle. But we can also find literal glimpses in reports that, though inside-outside communication was heavily restricted, incarcerated people were seen giving affirmative “nods, smiles and throwing up power fists, even in the face of overseers and guards” to outside protestors.”134 These brief moments gesture toward the kinds of intersubjectivities that uniquely emerge through struggle.

#### The prison is the newest mutation of the plantation, made possible through the incomplete abolition of slavery. Prisoner-led movements like the aff dismantle the prison industrial complex by creating glimmers of hope even in extreme isolation, making counter-hegemonic claims against racial logics of criminalization.

Guenther ‘15 [Lisa Guenther; Associate Professor of Philosophy, Vanderbilt University; “Political Action at the End of the World: Hannah Arendt and the California Prison Hunger Strikes”; 2015; Canadian Journal of Human Rights; https://heinonline.org/HOL/LandingPage?handle=hein.journals/canajo4&div=8&id=&page=; Accessed 10-08-2021] AK \*Acronym expanded in curly brackets\*

\*\*SHU = Security Housing Unit\*\*

V. Resisting Social and Civil Death in the California SHU

In 2003, seven prisoners of different races 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 went on to form the core leadership team of the PBSP-SHU Short Corridor Collective and who, beginning in 2009, developed a plan for mass hunger strikes. In a message to the Los Angeles Times, Todd Ashker described the movement as “a collective effort initiated by a multiracial group of long-term, similarly situated (SHU) prisoners who decided enough is enough.”49 How did such a movement emerge from the extreme isolation of the Pelican Bay SHU, among convicted criminals and validated gang members affiliated with rival groups such as the Black Guerrilla Family, Aryan Brotherhood, Mexican Mafia and Nuestra Familia?

In an article entitled, “Why I joined the multi-racial, multi–regional Human Rights Movement to challenge torture in the Pelican Bay SHU” leadership team member Antonio Guillen argues that the intended purpose of extreme isolation in the SHU {Security Housing Unit} is to “create an environment that discourages a man’s ability and/or desire to socialize with other human beings.”50 In effect, this is the production of a worldless environment in which dehumanization and hyper-privatization are the norm. Guillen’s interpretation is consistent with the official rationale of supermax confinement, which seeks to manage security threats by isolating leaders, blocking communication, and limiting the possibilities for social interaction among prisoners – all in the name of increased safety and harm reduction. Guillen’s account, however, adds a critical analysis of the CDCR’s unofficial policy of amplifying and exploiting racial hatred as a means of further isolating prisoners by dividing them against each other, in spite of the many interests they share in common. According to Guillen, prison officials “[i]ntentionally 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.”51 While it is difficult to prove (or disprove) intent in such situations, Guillen’s analysis is consistent with independent reports from prisoners across the US of racial baiting in prison, including “gladiator fights” staged and/or tolerated by correctional officers, sometimes as opportunities to place bets on winners and losers.52 For centuries, racial hatred has functioned in the US, and elsewhere, as an instrument of social control for the poor and disenfranchised, who might otherwise notice that they have more reason to join together in struggle rather than to fight against each other.53

This is not, however, the only form of continuity between the logic of slavery and that of the SHU. In an essay from the 2011 hunger strikes entitled, “Why Prisoners Are Protesting”, Pelican Bay SHU prisoner Mutope Duguma (James Crawford) names the space of the SHU as “a plantation or a prison colony and we prisoners are the slaves (a status legitimized by the 13th amendment to the U.S. constitution)”.54 This act of naming situates the present US prison system in its proper historical context of slavery, the incomplete abolition of slavery by the Thirteenth Amendment (which, to this day, allows for the enslavement of convicted criminals), the black codes (which created de jure status crimes for freed blacks, such as vagrancy and possession of a firearm), the convict lease system (which leased prisoners by the “hand” to private and public employers under circumstances that some have called worse than slavery), and the prison industrial complex.55

In the original call to engage in hunger strikes, issued in the summer of 2011, Duguma describes the situation in the Pelican Bay SHU as a form of “psychological and physical torture, as well as... civil death”.56 He identifies the CDCR’s policies on gang validation and debriefing as a way of “sentenc[ing] all of us on Indeterminate SHU program to a ‘civil death’ merely on the word of a prison informer.”57 These policies not only allow the word of one prisoner to disqualify the voice of another and condemn him to isolation; they actively create an incentive for this betrayal by constricting the possibilities of SHU prisoners to the triple bind of “parole, snitch, or die”. In “Why Prisoners Are Protesting” Duguma writes:

The actual objective or goal of all this [extreme isolation and control] is to force every indefinitely held SHU prisoner to “debrief” (to turn rat, snitch, turncoat, however you want do define it). Some SHU prisoners break and give their captors names just to escape the terrible conditions of solitary confinement. These prisoners are rewarded by being placed in Special Need Yards (SNY) where living conditions are better. This has been happening since the 1990s and it continues today. Ninety-five percent of the debriefers lie in order to get out of the SHU and then go on to become lifetime stoolies for the cops.58

In Duguma’s analysis, the debriefing policy not only uses the word of one prisoner to disqualify the voice of another; it also recruits the voice of debriefing prisoners to produce certain forms of speech and sociality, and to undermine the possibility of trust and solidarity among prisoners who might otherwise find that they have more reason to join together than to fight.59

The term “gang member” serves to both mask and to perpetuate the civil death of prison slavery by providing a flexible justification for criminalizing the collective resistance, and even the collective existence, of racialized prisoners, and for excluding them from the common world on the basis of their incorrigible criminality. The CDCR defines a criminal gang as:

Any ongoing formal or informal organization, association or group of three or more persons which has a common name or identifying sign or symbol whose members and/or associates, individually or collectively, engage or have engaged, on behalf of that organization, association or group, in two or more acts which include, planning, organizing, threatening, financing, soliciting or committing unlawful acts of misconduct classified as serious pursuant to the California Code of Regulations (CCR), Title 15, Division 3, Section 3315.60

The emphases above highlight the flexibility of this definition in criminalizing and gang-validating a wide range of behaviors and associations.61 Under these criteria, a person who informally associates with two other people, to whom an identifying sign (such as a drawing or a colour) has been collectively attributed, and can be identified as planning two or more acts of unlawful misconduct with these people, can therefore be isolated for the rest of his life on the basis of this identification.

Steve Champion, an award-winning author and prisoner on California’s death row, was validated as a member of the Black Guerilla Family in 2010 and isolated in the San Quentin death row Adjustment Center on the basis of his possession of a Kiswahili dictionary and the book Soledad Brother by George Jackson. Champion calls this practice “criminalizing critical literacy”: a brilliant diagnosis of the logic whereby the possession of certain books, or even the reference to certain authors, can result in one’s indefinite exile from a human community. Champion insists that the criminalization of critical literacy among prisoners is more than just an issue of censorship or First Amendment rights; it is a matter of political existence in a world that is increasingly constrained by global security networks:

I am interested in a much broader analysis that deconstructs the current ideology of suppression in U.S. prisons that can be traced to other interrelated post-9/11 realities, such as creation of Homeland Security and the gradual erosion of civil liberties; the prosecution of a global “war on terrorism”; the virtually unrestricted spending on and by intelligence agencies; and redefining domestic terrorism to meet the threat posed by gang violence.62

Champion makes it clear that the issues raised by gang validation are not just prison issues. They are not even just human rights issues. At stake here is the very meaning of social life and social death, and the possibility of political action in a common world.

How do prisoners manage to sustain this possibility, even in spaces of extreme isolation? Antonio Guillen explains the emergence of a sense of solidarity among the prisoners in the Short Corridor, beginning with everyday sociality:

Being enclosed in such a small environment – a pod of eight cells – where at any given time a man only has maybe seven other people in his immediate surroundings for many years, one cannot help but to get to know his neighbors. Whether this is motivated by survival instinct or because he is familiar with the next man from a different prison or if it is just basic human nature to reach out to another human being, I cannot say for sure. Maybe it’s a combination of all or something entirely different.

All I know is that, in spite of CDCR policy or procedure, people, regardless of their race, ideologies or regional background, gradually started to socialize with one another.

At first it seemed to start off with common tier courtesies, then to casual conversations which lead 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 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!63

Guillen emphasizes the importance of everyday conversation in forming a sense of community in the Short Corridor. Even in a concrete box, locked behind steel doors and divided by racial and regional affiliations, prisoners in the SHU found a way to connect with each other, to share words, and to begin the work of (re)creating a common world.

Guillen acknowledges that, when he came to prison, he brought with him “attitudes and mindsets that were shaped and hardened by the years of gangbanging in the streets of San Jose and the several years spent in the California Youth Authority.” Rather than interrupting this pattern and introducing the possibility of different, less violent forms of sociality, Guillen’s experience of prison was continuous with his experience of the streets; he describes the prison yard as “no different from any other hostile environment I had experienced.” It took a prisoner-led movement, beginning with everyday small talk and leading to the eventual identification of common interests, to create a meaningful alternative to the world-destroying violence of the streets and the prison yard. For Guillen, the “ability and/or desire to engage in deep, meaningful and stimulating conversation about similar interests”, “the sharing and debating of thoughts and ideas”, and the act of “offering moral support in times of personal loss or tragedy” are “the things that make human beings, human beings.”64

How did this sharing of words, ideas, and feelings give rise to the political action of the hunger strikes? In an interview with Democracy Now, Todd Ashker explains how, beginning from a sense of social community, prisoners in the Short Corridor began to recognize their common interests and to identify as members of a “prisoner class” with both a specific agenda of its own and a broader human rights agenda:

In response to your question on how it’s come to pass that prisoners of different races and groups have become united in our struggle for prisoners and our outside loved ones to be treated humanely, with dignity and respect, in spite of our prisoner status, well, we’re glad you asked about this because we believe it’s inclusive of a powerful symbol of the wisdom and strength similarly situated people can achieve in the face of seemingly impossible odds when they collectively unite to fight for the common good of all...

Many of us housed in the short corridor have been subject to PBSP SHU solitary confinement torture since it opened in 1989, 1990, wherein we’ve been housed together in an eight-cell pod. Many of us have taught ourselves and each other about the law in order to utilize the legal system to challenge those conditions. We’ve come to know, and in large part respect, one another as individuals with the common interest of bringing change to our conditions in ways beneficial for all concerned. This common experience together, with the group of us being housed together in adjacent cells, wherein we engaged in dialogue about our common experience, legal challenges, politics and the worsening conditions, enabled us to put aside any disputes we may have harbored against each other and unite as a collective group—a prisoner class—with the common goal of using nonviolent, peaceful means to force meaningful, long-overdue prison reform to happen now.65

This account stands as a testament to the power of words and deeds to (re)create a meaningful sense of political action in a common world, even in a space of extreme isolation. Ashker emphasizes the importance of both a particular identification as members of a “prisoner class” and a universal commitment to “fighting for the common good of all”. This connection between a particular struggle for certain concrete, clearly-articulated goals (the five core demands), rooted in a social community of people in everyday conversation with one another, and a universal struggle for social justice, weaves together the fabric of a world shared with others, even in a space of extreme isolation. It makes a counter-hegemonic claim against the structures of race and class oppression that frame certain groups of people as “always- already” criminal and “always-already” destined for punishment. As such, it reclaims a meaningful sense of the human, and of human rights, starting from the common experience of similarly-situated people who have joined together to engage in political action – in the exchange of words and deeds among free and equal citizens – in spite of their civil death sentence.

The CDCR’s response to the collective action of the Pelican Bay SHU Short Corridor Collective, and to the 30,000 prisoners across California who joined with them to launch the 2013 hunger strikes, was to re-frame the strike action as a “gang power play”. CDCR Secretary Jeffrey Beard published an opinion piece in the LA Times, warning the public:

Don’t be fooled. Many of those participating in the hunger strike are under extreme pressure to do so from violent prison gangs, which called the strike in an attempt to restore their ability to terrorize fellow prisoners, prison staff and communities throughout California... We’re talking about convicted murderers who are putting lives at risk to advance their own agenda of violence.66

Beard plays upon the fear of terror and violence among protected groups to disqualify the words and deeds of prisoners in extreme isolation, and to further intensify their situation of social and civil death. The hunger strikers disappear as non-violent protesters with a political voice and a list of five (arguably reasonable) demands, and they re-appear as manipulative convicts, murderers, criminal gang leaders, and even quasi-terrorists.

Beard even recruits the voices of prisoner-informants to re-signify the political action of hunger strikers as evidence of criminal self-interest:

Some of the men who participated in the last hunger strike have since dropped out of the gangs for religious or personal reasons, and they said it best in recently filed court declarations. “Honestly, we did not care about human rights,” one inmate said about the 2011 hunger strike. “The objective was to get into the general population, or mainline, and start running our street regiments again.” Another described the hunger strike this way: “We knew we could tap big time support through this tactic, but we weren’t trying to improve the conditions in the SHU; we were trying to get outof the SHU to further our gang agenda on the mainline”.67

This appeal to the testimony of declassified gang members is ironic, given the hunger strikers’ second core demand regarding the revision of gang validation and debriefing policies, and their detailed critiques of such policies as a way of producing informants who tell prison officials what they want to hear in order to secure for themselves an otherwise impossible path out of isolation.

It also stands in sharp contrast to the CDCR’s vision statement, which is “to end the causes and tragic effects of crime, violence, and victimization in our communities through a collaborative effort that provides intervention to at-risk populations and quality services from the time of arrest that will assist our clients in achieving successful reintegration into society.”68 The CDCR defines collaboration as the “mutual understanding of ideas, open exploration of our differences, and [the commitment to] work... constructively and cooperatively with our stakeholders.”69 Clearly, this vision is far from being realized in the current California prison system, with its ongoing violation of the Supreme Court order to solve its prison overcrowding crisis, and the continued practice of extreme isolation after two years of intermittent hunger strikes. Even if prisoners were earnestly treated as “clients” and “stakeholders” in their own incarceration, they would still remain caught in a neoliberal fantasy of corporate solutions to social and political problems. Unless the “open exploration of our differences” includes a critical analysis of poverty, racism, and other forms of exclusion, as well as a commitment to working collectively with those who are most directly affected by structures of violence to dismantle them and create new ways of sharing the world, then the “collaborative effort” of the CDCR will remain what it currently is: an empty rhetorical gesture that both masks and justifies the criminalization and caging of poor people and people of colour.70

There is much to learn, both for the CDCR and for the rest of the world, from the political action of the Pelican Bay SHU Short Corridor Collective. Through their collective words and deeds, prisoners in extreme isolation have managed to create and sustain a meaningful sense of collective existence and collective resistance, even within a system that structurally undermines them. The hunger strikers and their supporters have labeled their political action a human rights movement: a label that is not contested so much as to try to situate it within a context that demonstrates how their movement gives meaning to the human, not just as an individual with inherent rights and freedoms but as a relational “being-in-the-world” and a political “being-with others” in a shared, but contested space of mutual appearance. That prisoners have managed to create this space of mutual appearance without even seeing each others’ faces is a testament to their power as political actors, even in a situation of criminalization and civil death.

#### Prison strikes align prisoners with radical Black movements to test revolutionary political strategies against the state’s necropolitics. The aff’s multiracial solidarity that’s created through Black radicalism threatens the hegemony of the prison and achieves self-determination for the incarcerated.

Fox ‘20 [Taylor Fox; a fourth-year in the College studying Political Science and Human Rights; 05-01-2020; “Freedom, Caged: A Foucauldian Inquiry into the National Prison Strike”; Bachelor’s Thesis, University of Chicago; Advisor: Professor Reuben Miller; Preceptor: Alex Haskins; http://pozen.s3.amazonaws.com/system/ckeditor/attachments/435/Fox\_\_Taylor\_BA\_Thesis\_copy.pdf; Accessed 10-09-2021] AK

The National Prison Strike follows a long tradition of prison strikes in the U.S., beginning with insurrections in late 18th-century prisons. Incarceration was a popular form of criminal punishment, compared to the death penalty in England and elsewhere, and often required hard labor. In Philadelphia’s Walnut Prison, America’s first prison, incarcerated people regularly mounted work stoppages to protest brutal labor conditions. In turn, common features of today’s prison struggles can be traced to the founding of the U.S. prison system itself.67

Following the Civil War, Black convict laborers struggled in response to brutal labor practices demanded by the growing Southern plantation economy. In order to enforce social control over recently freed Black men and disincentivize poor whites from unionizing, these punitive labor regimes escalated in cruelty and violence.68 As this problem of incarceration grew in size and brutality, prisoners responded with over a dozen major riots and strikes between 1879 and 1892.69 Though quickly suppressed, these strikes “symbolically empowered inmates, who could no longer be considered ‘powerless, broken men who could do nothing but toil obediently for their masters.’”70 This “symbolic” register re-emerges throughout prison strike history, apparent in uprisings that failed to secure material gains but garnered significant outside attention. Yet scholars also consider the public outrage and media attention that ensued from these late-19th century strikes to be significant in their own right, contributing to the demise of contract prison labor and chain gangs.71

Moving to the 20th century, the period between 1968 and 1972 saw a significant uptick in prison struggles, providing a testing ground for political questions of unionism and revolutionary action that continue to beset prison strikes today. During this era, a broad coalition of prisoners’ rights groups, academics, lawyers, journalists, and incarcerated activists emerged in support of the growing prison movement. In particular, the 1970 Folsom Prison Strike was a major inflection point for the U.S. prison movement.72 While no demands were met, prisoners claimed the right to unionize for the first time in U.S. history, along with economic, labor, and general human rights. The early 70s saw other major prison uprisings, with San Quentin and Attica among the most notorious.

Folsom was made possible by the rise of Black Power and its ideological import on political prisoners across the U.S. and beyond. Black Power organizers positioned themselves as a revolutionary alternative to NAACP-style legal change and proffered a distinct form of Black political consciousness that was embraced by prison radicals. Incarcerated Black Power organizers saw their task as a revolutionary challenge against the state and its necropolitics, which incarceration embodied. They claimed that white racism necessarily relied on Black captivity, which manifested in the prison being used “as,” and not “for,” punishment.73 For Black Power revolutionaries, criminalization was a racialized project designed to punish Blackness itself. In turn, Black prisoners were de facto political prisoners. Black Power’s redefinition of crime as something beyond moral failure – as a political act, and as a form of survival – exposed the indefensible logics of incarceration to a new generation of prison radicals.74

Beyond appealing to Black prisoners, Black radicalism attracted whites through its message that all incarcerated people belonged to a distinctly exploited underclass.75 The possibilities for multiracial solidarity presented by Black radicals threatened the prison’s hegemony over the socio- political order. During prison uprisings in Walla Walla and Walpole, for instance, Black Power organizers and prisoner unions fought and temporarily won self-governance.76 Though this demand for self-governance is largely absent from today’s prison struggles, the instinct toward self- determination remains visible in hunger strike campaigns that assert prisoners’ subjectivity.

#### The role of the judge is to engage in critical counter-mapping of carceral systems of control. The most important theoretical work we can do is to understand the geographical implications of the carceral state.

Gill, et al, 18—Professor of Human Geography, University of Exeter (Nick, with Deirdre Conlon, Assistant Professor in Critical Human Geography at the University of Leeds, Dominique Moran, Professor in Carceral Geographies, School of Geography, Earth and Environmental Sciences, University of Birmingham, and Andrew Burridge, Associate Research Fellow, University of Exeter, “Carceral circuitry: New directions in carceral geography,” Progress in Human Geography, Vol 42, Issue 2, 2018, dml) [brackets in original]

Critical mapping offers ways to identify hidden connections in order to visualize them for collective scrutiny. It connects places that are ‘typically encountered as discrete’ (Katz, 2002: 722) but that have been caught up in the same processes of marginalization and exclusion. ‘Finding, demonstrating and understanding…connections and what they give rise to are crucial to challenging them effectively’ (p. 721). Geographers are in an unrivalled position to undertake the work of addressing these lines of enquiry owing to their familiarity with radical, critical and counter-mapping techniques (Counter Cartographies Collective, 2012). In the spirit of Katz’s (2001) concept of counter-topographies, critical mapping of carceral circuitry affords the production of new visions from the margins of, and against, the development of carceral circuits.

Katz observes that topography as a traditional methodological tool in geography links physical locations of the same elevation. It is, in effect, a way to identify the hidden connections between seemingly discrete, isolated nodes. Applying Katz’s (2001) framework to carceral circuits, critical counter-topographic mapping offers a way to explore the analytical connections between places confronted with similar forms of accumulation by dispossession. Critical mapping and locating projects can be deployed to not only support individual activist struggles against incarceration by being ‘publicized to garner public attention, to advocate, to change policies and practice, and to support [inmates] in the immediate challenges they face’ (Mountz, 2012: 100), but also to place activists in solidarity with other struggles by tracing the contours and signature techniques of the neoliberal system that becomes embedded in different places in similar ways.

Walters notes that there are ‘various tactical cartographers, critical geographers, self-styled hacktivists, and visual artists’ (2009: 129) that undertake critical cartographic methods aimed at unveiling, unravelling and destabilizing entrenched forms of power (Crampton, 2001; Crampton and Krygier, 2006). Critical cartography aims to subvert conventional notions with the objective of promoting social change (Bhagat and Mogel, 2008) and is usually a bottom-up response to the top-down organization of power and representation of space (Kurgan, 2013: 204).

There is already valuable work underway (see Casas-Cortés and Cobbarubias, 2008). Paglen and Emerson’s (2008) efforts to map the dynamics of carceral systems, including planes chartered by the CIA to transport inmates to facilitate their rendition, resists the aggressive screening of secretive practices of state-sponsored incarceration. Other mapping projects that also work to represent absences include Mitchelson’s (2013) mapping of prisoners who are omitted from census data, Moran et al.’s (2011) maps of the Russian prison system and Kurgan and Cadora’s project Million Dollar Blocks that maps the ‘city-prison-city-prison migration flow’ of prisoners within several US cities (Kurgan, 2013).

Taking Kurgan and Cadora’s work as an example, Figure 1 shows how they have represented the concentration of expenditure on prisons within specific communities in the US in cartographic form. The map illustrates ‘single blocks in inner-city neighbourhoods across the [US] for which upwards of one million dollars is allocated each year to imprison its residents’ (Kurgan, 2013: 201; Loyd and Burridge, 2015). In this way, they convey the wastefulness and racial targeting of public investment in the criminal justice system.

Efforts are also underway to gather statistics about the capacity of immigration detention centres, numbers of persons detained, deaths of detainees and interdictions at sea, that are often obscured from public view (Hiemstra, 2013; Martin, 2013). The Island Detention Project, for example, is concerned with mapping sites of extraterritorial detention while the US-based Detention Watch Network (DWN) has developed interactive maps of various features of detention and struggles against it (Mountz, 2012). The Global Detention Project has developed a comprehensive interactive map of global detention sites that includes the location, capacity and status of detention facilities globally, as well as operational and bureaucratic characteristics of the centres such as security level and size (Global Detention Project, 2016). And Migreurop, a network of European and African activists and researchers, has produced maps of the approximately 250 detention centres in the EU-27 (Clochard et al., 2013; Clochard and Rekacewicz, 2010), alongside maps showing the deaths of migrants across Europe.

There is, however, much more to do. Dodge et al. (2011) note, in advocating for more political-economic approaches to mapping, that ‘the vast bulk of mapping, measured in terms of volume, scale and spatial coverage, is still produced and owned by government institutions and large corporations’ (2011: 230), and carceral spaces are no exception. We encourage geographers to devote more time, resources and skills towards critical mapping of the carceral system, and we see various empirical areas as ripe for investigation.

Little is known, for example, about the circuits of elite governors, accountants, politicians, consultants, experts and specialists between prisons, detention, military assignments, government departmental positions, and posts within global security companies. Relatedly, we still know relatively little about the specific spatial relationships between finance capital and carceral systems. Still less-known is the circuitry of material goods and possessions within carceral spaces, and prison-made goods and products within and beyond them. Despite recent geographical advances in the understanding of policy mobilities, the mutation of carceral policy innovations and more informal practices of control across carceral space are also insufficiently understood. Deaths and other forms of suffering in carceral settings are not sufficiently mapped either, not only in relation to humans but also other sentient beings whose experience of industrial captivity and slaughter opens up a whole new area of carceral geography (Morin, 2016). And the representing, both through indices and cartographic means, of the impact of incarceration upon families and local communities – for example in terms of mental health – is a clear potential focus of future geographic effort.

#### All political analysis must begin with a diagnosis of power – attempts to reach an objective “truth” only fortify societal control and violent power relations.

Fox ‘20 [Taylor Fox; a fourth-year in the College studying Political Science and Human Rights; 05-01-2020; “Freedom, Caged: A Foucauldian Inquiry into the National Prison Strike”; Bachelor’s Thesis, University of Chicago; Advisor: Professor Reuben Miller; Preceptor: Alex Haskins; http://pozen.s3.amazonaws.com/system/ckeditor/attachments/435/Fox\_\_Taylor\_BA\_Thesis\_copy.pdf; Accessed 10-09-2021] AK

Foucault disagrees — instead of claiming fidelity to a “true identity” that can be unmasked beyond power, he argues that it’s unthinkable to imagine phenomena outside of power at all. In other words, power relations themselves are not “in a position of exteriority with respect to types of relationships (economic processes, knowledge relationships, sexual relations), but are immanent in the latter.”26 Likewise, resistance cannot be in “a position of exteriority in relation to power,” though Foucault does not deny that it can exist at a distance from power.27 In turn, Foucault rejects an notion of objective truth, among other phenomena, beyond a given regime of power.28

For instance, we see how resistance cannot be in an exterior position to power in discourses of sexual liberation. Foucault argues that what we understand as sexual liberation is often inextricable from systems of control. He suggests discourses that presume a more authentic sexual expression are themselves “a strategy of power.”29 Again, it’s worth reiterating that Foucault is not making a normative judgment about power, which depends on the regime in question. Instead, he argues that these sexual liberation ideologies are not in a position of exteriority to power and vice versa.

Because Foucault rejects an exteriority beyond power relations, Taylor concludes that “transformation from one regime [of power] to another cannot be a gain in truth or freedom, because each is redefined in a new context.”30 Yet, according to Taylor, the sexual liberation case is an instance where truth might emerge through liberation. Taylor reads these discourses as permitting a more authentic sexual expression that we can access. If we can “collaborate in our own subjugation,” which Taylor says Foucault allows, then it stands that that we might also reject that subjugation through practices of liberation.31 Put differently, discursively unmasking systems of sexual control lays the groundwork for emancipatory sexual practices.

For Foucault, making concessions to truth claims only confuses power with liberation. Power reconstitutes itself on new moral terms; there is no escape from it. Put simply, this is in part because Foucault rejects any notion of truth beyond a given regime of power. At the heart of their disagreement is a question of where the bounds of power fall and what, if any, role truth plays in liberation.

Taylor rightfully suggests that a Foucauldian reading of socio-political transformation limits the kinds of “gains” in truth Taylor is concerned with. Certainly, Foucault is less interested in the legitimacy of truth claims that can be drawn from practices of liberation than how these truth claims are reconfigured and reconstituted in new contexts of power. However, I object to Taylor’s claim that Foucault’s ambivalence toward truth constrains the political possibilities for resistance. My objection concerns (1) Taylor’s placement of truth as a necessary condition of liberation and (2) Taylor’s inattentiveness to the primacy of resistance in Foucault’s account.

First, Taylor’s interest in the truth limits what otherwise might be a capacious reading of freedom in Foucault. If truth is not a necessary condition of liberation, then Foucault’s analysis of resistance – which Taylor downplays because of its inhospitality to truth claims – is quite robust. Where Taylor’s argument that “power requires truth if we can in fact collaborate in our own subjugation, which proffers a certain truth inherent to our own nature,” goes awry is not in his claim that we might locate truth claims, some more legitimate than others, through strategies of liberation.32 It seems perfectly reasonable to suggest that, say, a movement to enfranchise people with felony convictions yields a public truth that incarcerated people are deserving of full constitutional rights. Such a movement would discursively elevate so-called carceral citizens to the status of full citizenship, potentially fostering more authentic forms of recognition and belonging in U.S. society.33

But if we follow Taylor’s argument to its logical conclusion, then we might consider supporting alleged truth-generating projects of representation that satisfy liberal demands for socio-political inclusion while reinforcing existing structures of power. Consider the previous example about the felon enfranchisement campaign, except now the movement only advocates for people with nonviolent felony convictions. People with violent convictions are excluded, whether for moral reasons or concerns about lack of public support. Taylor might claim this movement illustrates a “notion of liberation through the truth” because it affirms the right of people with nonviolent conviction histories to live as full and equal citizens.34 At some point, this status could be granted to people of all felony conviction histories; the movement does not deny this.

However, a Foucauldian analysis suggests this kind of politics only fortifies structural divisions that reinforce unjust power relations themselves. By asking us to consider power through the lens of truth, as Taylor would suggest, we miss how the enfranchisement movement is, in Foucault’s words, “itself a strategy of power.”35 In this case, Taylor’s view of liberation through the truth affirms a politics of resistance whose aims selectively affirm sympathetic subjects of justice. Truth, here, is not the point. At stake is the pursuit of political strategies that unmask power relations, which Taylor’s precondition of truth inhibits us from doing.

Alternatively, someone who believes the U.S. Constitution is illegitimate might claim that neither example produces truth at all. Pace Foucault, there is no meaningful truth to be gained “in a position of exteriority” from the U.S. Constitution, insofar as the Constitution is an ongoing product of white supremacist power relations born of slave society. Yet if we remove truth from the equation, we can still affirm the broader enfranchisement movement on the merits of its material and symbolic gains for people with felony convictions. We need not endorse a particular truth claim in order to recognize how a politically transformative movement can secure important socio-political rights and benefits for historically marginalized groups. In fact, Foucault’s inquiry into the reciprocity of power and struggle permits us to do precisely that: to recognize the emancipatory potential of resistance strategies without expecting them to spark high-order revelations.

#### Methodological pluralism is key to properly conceptualizing carcerality – prisons exist at the intersections of anti-Blackness, biopolitical violence, and capitalism.

Ware and Anon ‘18 [Jared Ware; Anon; an organizer from Jailhouse Lawyers Speak; 08-20-2018; “‘I’m for Disruption’: Interview with Prison Strike Organizer from Jailhouse Lawyers Speak”; Abolition Journal; https://abolitionjournal.org/im-for-disruption-interview-with-prison-strike-organizer-from-jailhouse-lawyers-speak/; Accessed 10-09-2021] AK

J: Talking a little bit about prison slavery, there’s various analyses of that concept. And one of the things that I think creates some tension around it, when we talk about the labor aspect specifically, is this notion that there are these “privilege” or “character” units that are really the folks that have more labor, I guess. Because there’s certainly labor that goes on within the prisons that’s a few hours here or there, cleaning or cooking or doing other jobs around the unit. But there are people who will really argue—including prison reformers and prison abolitionists—that prisons are not the same as slavery, but are a form of social control.

What’s your analysis of all this?

JLS: Well, I think actually both of them are correct. It is a mechanism of social control and it is also slavery.

I have to say this here, from a New Afrikan perspective—and I have to say it like that, right?—because many of us back here, particularly from JLS, we come from different cultural perspectives, but from a New Afrikan perspective: I’ve always been taught, and I believe based on my cultural experience in this country, that the current prison system as it relates from an Afrikan perspective is directly from the plantation days.

I think since Afrikans first came off those boats, landed over here, that connection has been clearly defined, even when they removed them off the plantations, and they started going through everything else and the 13th Amendment [came] into place… and this is why particularly New Afrikans feel the way that they do when it comes down to prisons. We’ve never had too much of an issue with identifying it as slavery.

I can remember my great granddaddy and them, they were talking about it. Prison is slavery. They never really referred to it as prison or as jail, they referred to it as being forced back onto the plantations again. This is something we’ve always understood. Of course, as things evolved more, the system evolved, it’s a little more sophisticated, and you know people tried to change the language and there was a disconnect.

I notice there’s a disconnect with a lot of our caucasian comrades. Because I don’t think necessarily they see the connection there. “Why do so many Blacks see it the way they see it, like that?” That more so [comes from] them. And I think it’s because of that lack of cultural experience, that cultural connection. The continuation [of slavery], they haven’t experienced that. So they wouldn’t see it like that.

On the other hand we also know—I think a lot of times people think that when we say it’s slavery, that we miss the bigger picture that it’s also a mechanism of social control. We also understand that. We understand it’s a mechanism of social control, we understand the connections to capitalism, we understand how this enterprise has spread it around the globe today, how it is much more than just being placed right here in a building, in a cell. We understand all of that right there. No one is missing that picture, either.

But I think we do a grave injustice when we just ignore the fact that it’s still a continuation of slavery.

J: I think one of the things we have to understand is that prisoners want to be able to get out of their cells. You’ll hear this from former prisoners, I hear this from former prisoners, and a lot of times it is white former prisoners.

It’s like they wanted the job, because that was the opportunity for them to get out of their cell, to get out and do something, do something with their hands, work, feed people, communicate. To them, they don’t look at it as slavery partly because they look at the prospect of being housed in that cell for 23 hours a day and not being able to do anything as more detrimental to them then the prospect of being able to work, even if they weren’t being paid for that.

I often think about this as an interesting thing, because we all know the horrors of what slavery is. I think there’s also this realization that people have to come to, to a certain extent, which is that prison is so horrible that people will do a lot of different things to be able to provide themselves some relief from that experience.

JLS: I know many, many, many prisoners would prefer to be out of their cells, getting some leg room, getting some leg stretches, being able to wander around and being able to talk, if they can. And when you give them the opportunity to do that if they work, obviously they’re going to choose to work. Because this is the opportunity they have to get out, but you’re getting out is based on whether or not you’re going to do this particular labor or not. Your entire existence is based on whether or not you’re going to do this particular labor or not.

Just like these new “privilege units” that’s flying around the country right now. Down in Florida they have these “faith-based units,” “character units,” and in order to be in these so-called superior units with superior privileges, it’s mandatory you work. If you fail to work, then you will be removed out of these units.

#### The status quo doesn’t solve – conditions and outright prohibitions on prisoners’ right to strike is exactly the problem – it’s try or die.

Harvard Law Review ‘19 [Harvard Law Review; a law review published by an independent student group at Harvard Law School; 03-08-2019; “Striking the Right Balance: Toward a Better Understanding of Prison Strikes”; Vol. 132, No. 5; https://harvardlawreview.org/2019/03/striking-the-right-balance-toward-a-better-understanding-of-prison-strikes/; Accessed 11-21-2021] AK

As a threshold matter, state and federal statutory law provides no recourse for protecting prison strikes. Incarcerated individuals are not included as protected “employees” in the text of federal labor laws like the Fair Labor Standards Act78× and the National Labor Relations Act,79× and courts have refused to extend the protections that these statutes offer to those confined within prison walls.80× Further, this Note is aware of no state labor laws, or for that matter any state constitutional provisions, that have been interpreted to allow prisoners to strike. Not only are prison strikes not protected by statutory law — they also are often explicitly prohibited. State statutes and prison regulations pose the most immediate barrier to prison strike activity, as states across the union appear to categorically bar prison strikes and other forms of inmate collective organizing. For instance, Alaska’s administrative code lists “participation in an organized work stoppage” and “encouraging others to engage in a food strike” as “[h]igh-moderate infractions.”81× The same is true at the federal level, as the Bureau of Prisons has made “[e]ngaging in or encouraging a group demonstration” and “[e]ncouraging others to refuse to work, or to participate in a work stoppage” prohibited acts.82× Further research is certainly necessary to develop a fuller, more nuanced treatment of the various state and federal statutory schemes that impact prison strikes.83× But even this brief overview drives home a clear bottom line: that state and federal laws, in their current forms, likely offer no viable protection for prison strikes and indeed often prohibit them outright.

**Demands on the state don’t tie us to the government or its legitimacy – they’re key to question its legitimacy.**

**Newman 11** (Saul Newman; PhD and professor of political theory; Goldsmith University; “The Politics of Postanarchism”; <https://theanarchistlibrary.org/library/saul-newman-the-politics-of-postanarchism>; CAMP-CARD)

Despite the obvious pitfalls of the Leninist vanguard strategy, we should nevertheless take Zizek's challenge to Critchley seriously: that, in other words, the problem with the strategy of working outside the state is that it **may essentially leave the state intact**, and entail an irresponsible and even **self-indulgent politics of demand** that hides a secret reliance on the state to take care of the everyday running of society. Is there some truth to this claim? There are two aspects that I would like to address here. First, the notion of demand: making certain demands on the state - say for higher wages, equal rights for excluded groups, to not go to war or an **end to draconian policing** - is one of the **basic strategies** of social movements and radical groups. Making such demands **does not necessarily mean working within the state or reaffirming its legitimacy.** On the **contrary**, demands are made from a position **outside the established political order,** and they often **exceed the question of the implementation** of this or that specific measure. They implicitly **call into question the legitimacy** and even the sovereignty of the state by highlighting fundamental inconsistencies between, for instance, a formal constitutional order that guarantees certain rights and equalities, and state practices that in reality violate and deny them. Jacques Ranciere gives a succinct example of this when he discusses Olympe de Gouges, who, at the time of the French Revolution, demanded that women be given the right to go to the Assembly. In doing so, she demonstrated the inconsistency between the promise of equality - invoked in a general sense and yet denied in the particular by the Declaration of the Rights of Man and the Citizen - and the political order which was formally based on this: Women could make a twofold demonstration. They could demonstrate that they were deprived of the rights that they had, thanks to the Declaration of Rights. And they could demonstrate, through their public action, that they had the rights that the constitution denied to them, that they could enact those rights. So they could act as subjects of the Rights of Man in the precise sense that 1 have mentioned. They acted as subjects that did not have the rights that they had and had the rights that they had not.21