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DECOLONIZING MASS INCARCERATION: "FLESH WILL WEAR OUT  
CHAINS"

*In time, flesh will wear out chains.*

--Victor Serge, "Stenka Razin"

*Now get yourself a song to sing  
and sing it 'til you're done  
Yeah, sing it hard and sing it well  
Send the robber barons straight to hell  
The greedy thieves that came around  
And ate the flesh of everything they've found  
Whose crimes have gone unpunished now  
Walk the streets as free men now.*

--Bruce Springsteen, "Death to My Hometown"

*The song now rises as high as the flames of hatred  
now whispers softly, kind and tender,  
Now glows like the sun and glitters like the lodestar  
Now thunders down the prisons*

--Chim Trang, "The Rising Song"

Serge's poetic phrase, "in time flesh will wear out chains,"<sup>1</sup> is arresting and full of hope. Hearing it, though, can provoke such puzzlement that even while drawing us forward we stumble in disbelief. What could be the meanings of these words by Serge, who himself suffered prisons under regimes of both a capitalist France and the Bolshevik Soviet Union? A similar mix of puzzlement, hope and disbelief may also attend the claim of this paper. I will be arguing here, that, "the flesh" of people who bear the "chains" of U.S. mass incarceration, can be theorized as decolonizing power for resisting the systemic apparatus of plexiglass and razor wire, of concrete walls and guarded bodies, of brutally racist and economically exploitative society, surveillance technology and U.S. militarist nationalism, the ideologies and constructs of both class and religious formation – *all* of these being constituent parts of the engine of coloniality driving U.S. mass incarceration.<sup>2</sup>

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<sup>1</sup> Victor Serge, "Be Hard" (fragment). *Resistance: Poems by Victor Serge*. City Lights, 1972, 33.

<sup>2</sup> On mobilizing Christian action against state criminalization of surplus populations, and what Foucault termed "carceral society, see Mark Lewis Taylor, *The Executed God: The Way of the Cross in Lockdown America*. Minneapolis: Fortress Press, 2001), 46-69.

I will argue that the kind of flesh that has this kind of revolutionary force, is a flesh that takes itself as vulnerable human being, but which transforms its vulnerable agonism into proactive, creative and artistic practices, into modes of collective organization so that its expressive art-forms can generate hope and change. "The people" as organizing "human bloc" of social and natural forces,<sup>3</sup> works, in these ways, toward revolutionary transformation. I will show how it does this through practices of liberating spectrality carried by the social movements. These enable people to make their claims stick, to "sing it hard" (Springsteen),<sup>4</sup> and as Vietnamese imprisoned poet, Chim Trang, intoned, with a song that "Now thunders down the prisons....".<sup>5</sup> There are no easy achievements here, neither in the dimension of practice amid current U.S. "hyperincarceration,"<sup>6</sup> nor as theory entailed in and critically reflecting on such practices.

With my focus on arts in critical social movements, I presuppose the viability of a methodological approach to mass incarceration that is both "materialist," in the sense of Marx, and also "expressivist" or "symbolic" in the sense the trajectory of social theory from Durkheim to Pierre Bourdieu. As materialist, my analysis and critique interprets U.S. mass incarceration in relation to contemporary organization of the modes and means of material production (social, economic, political). As "symbolic," I follow Bourdieu in holding that the materiality of capital includes a symbolic function, i.e. that there is a material "economy of symbolic goods" that structures everyday living at every social level. Both symbolic *and* economic production belong to the material "base."<sup>7</sup>

Moreover, bringing the material and the symbolic methodologies together is best effected by viewing U.S. mass incarceration within the wider matrix of the "coloniality of power." Thus, resisting it emerges as a "decolonizing" struggle that must recall the contributions of Frantz Fanon, Aimé Césaire, Anibal Quijano, Denise Ferreira da Silva, and others. The colonial/decolonial theoretical lenses involve no abstracting from the concrete structures of mass incarceration, but, in fact, enable a still more specific engagement with them. This move to coloniality orders the relation of material and symbolic approaches in way that makes clearer what constitutes a revolutionary and liberating spectral practice amid

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<sup>3</sup> Enrique Dussel, *Twenty Theses on Politics*. Trans George Ciccariello-Maher (Durham and London: Duke University Press, 2008), 71-7.

<sup>4</sup> Bruce Springsteen, "Death to My Hometown," compact disc *The Wrecking Ball*. New York: Columbia Records, 2011.

<sup>5</sup> Chim Trang, from "The Rising Song." In *Hauling Up the Morning/Izando la Mañana: Writings & Art by Political Prisoners of War in the United States*. Eds. Tim Blunk, Raymond Luc Levasseur. Trenton: Red Sea Press, 1990, 367.

<sup>6</sup> This latter term used frequently by sociologist, Loïc Wacquant, *Punishing the Poor: The Neoliberal Government of Social Insecurity*. Durham and London: Duke University Press, 2009, 23, 47, 65, 100.

<sup>7</sup> Mark Lewis Taylor, *The Theological and the Political: On the Weight of the World*. Minneapolis: Fortress Press, 2011, 109-10. For Bourdieu's distinctive materialism of "the economy of symbolic goods," see Pierre Bourdieu's *The Logic of Practice*, Stanford: Stanford University Press, 1990 [French 1980]. 112-3, 153. On the need for these two approaches in study of mass incarceration, see Wacquant, xv-xxii.

U.S. hyperincarceration today. This essay, then, treats of the various modalities of what might be termed “the colonial carceral,” and the decolonial practices that might serve as liberating specter to it.

There are three major sections to this essay. In a first section, I examine the rise of the penal state, of U.S. hyperincarceration. In the second section, I explain what it means to see resisting mass incarceration as a *decolonial* struggle, a struggle to “de-link,” as Walter Dignolo suggests, from a colonial matrix of power that operates in four ambits of controlling power.<sup>8</sup> The final section shows how critical movements of resistance can be decolonizing, and have a counter-carceral force today. I conclude with an example of this decolonizing and counter-carceral power in a particular social movement by mothers of the incarcerated who deploy the arts of protest and collective organization.

*The Rise of “Incarceration Nation”<sup>9</sup>*

In a previous work published in 2001, on the eve of Sept. 11, 2001, I presented theory and practice for addressing problems of runaway and racially-skewed mass incarceration, police paramilitary violence in U.S. cities and the frequent use of the death penalty— all within the framework of the United States’ imperial, international position.<sup>10</sup> I used summaries of the U.S. expanding prison population that need only slight adaptation, today, over a decade later. In 2001, I wrote that the U.S. incarcerates more than two million citizens. Still true. Now, it is at about 2.3 or 2.4 million. In 2000, I cited the present prison population as representing a four-fold increase since 1980, when Ronald Reagan assumed the presidency and his administration inaugurated the drug war. More recent studies, like that of Bruce Western, show that if one places the start of the rise of incarceration rates in the mid-1970s, the rate between then and the middle of the first decade of our new century features a *seven-fold* increase.<sup>11</sup> I reported in 2001, that 70 percent of those in U.S. county jails and state and federal prisons, were people of color. This remains true, even if now the primary group of those incarcerated from “minoritized groups” shifts back and forth between blacks and Latinos/as, with Latinos/as holding the slight edge. Asian-American and Arab-American persons, especially youth, and usually from Southeast Asian and from Arab countries, are also finding their way into the prison system. American Indians remain the most incarcerated on a *per capita* basis. There are still more in today’s privatized prisons, and in burgeoning detention centers.<sup>12</sup>

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<sup>8</sup> Here, following Mignolo’s “decolonial option,” its first step, this “delinking.” Walter D. Mignolo, *The Darker Side of Modernity*. Duke University Press, 2011, xxviii.

<sup>9</sup> Mark Lewis Taylor, *The Executed God: The Way of the Cross in Lockdown America*. Fortress Press, 2001, xi.

<sup>10</sup> *Ibid.*, chapter two, “Theatrics and Sacrifice in the U.S.-Led Imperium,” 48-69.

<sup>11</sup> Bruce Western, *Punishment and Inequality in America*. New York: Russell Sage Foundation, 2006, 3-4.

<sup>12</sup> Donna Selman and Paul Leighton, *Punishment for Sale: Private Prisons, Big Business and the Incarceration Binge*. Rowman & Littlefield, 2010. On immigrant detention centers, see ACLU studies at <http://www.aclu.org/immigrants-rights/detention>.

While emphasizing these numbers, they must continually be analyzed within both national and international frames of causality, with the latter making necessary the theorization of imperial and (neo-)colonizing strategies of rule. We must situate U.S. mass incarceration within global frames of race and empire, as do Ferreira da Silva and Paula Chakravartty in their decolonial critique of the subprime mortgage crisis.<sup>13</sup> The works of University of California sociologist, Loic Wacquant, and of the CUNY Graduate Center's critical geographer, Ruth Wilson Gilmore, are crucial for providing necessary theory.

In my 2001 study, my argument was that the poor and dispossessed of the U.S. were being treated as so many forms of "surplus population." Surplus populations are being treated today – as they have for centuries throughout European colonial and imperial history – as so many sacrifices "necessary" for modernization. Enrique Dussel has stressed that "the suffering of the conquered and colonized people" is made to appear "a necessary sacrifice. . . This logic has been applied from the conquest of America until the Gulf War, and its victims are as diverse as indigenous Americans and Iraqi citizens."<sup>14</sup> Dussel's claim seems all the more cogent as both U.S. leaders and a media-saturated citizenry find tolerable the hundreds of thousands, perhaps a million, Iraqi civilians killed by some means as a result of the 2003 U.S. assault and occupation of Iraq.<sup>15</sup>

In recent studies, Wacquant shows links between dispossessing these surplus populations and the rise of U.S. prisons; Gilmore does so focusing on California, which is the fifth- or sixth-largest among world economies, and, since World War II has functioned as "principle engine of U.S. economic growth."<sup>16</sup> Both Wacquant and Gilmore see the rise of U.S. incarceration as a reaction by powerful classes to the failures and positive advances of not only the U.S. civil rights movement in the U.S., but also of the world-wide "decolonization" processes of national independence in Asia and Africa after World War II. Gilmore summarizes this period:

Growing opposition to the U.S. war in Vietnam and Southeast Asia linked up with anticolonialism and antiapartheid forces on a world scale; and many found in Black Power a compelling invigoration of historical linkages between "First" and "Third" world liberation, not unlike the way people today trying to make sense of anti-globalization look to the Zapatistas in Chiapas. . . . Students and workers built and defended barricades from Mexico City to Paris, sat down in factories, walked out

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<sup>13</sup> Paula Chakravartty and Denise Ferreira da Silva, eds. *Race, Empire, and the Crisis of the Subprime* (Johns Hopkins University Press, 2013).

<sup>14</sup> Enrique Dussel, *the Invention of the Americas: Eclipse of 'the Other' and the Myth of Modernity*. New York: Continuum, 1995, 12, 47.

<sup>15</sup> Gilbert Burnham, Riyadh Laftu, Shannon Doocy, and Les Roberts, "Mortality after the 2003 Invasion of Iraq: A Cross-Sectional Cluster Sample Survey," *The Lancet* 368, no. 9545 (October 21, 2006):1421-28. For the estimate near a million, see the *Just foreign Policy* web site: <http://www.justforeignpolicy.org/iraq>.

<sup>16</sup> Ruth Wilson Gilmore, *Golden Gulag: Prisons, Surplus, Crisis and Opposition in Globalizing California*. University of California Press, 2007, 30, and 52.

of fields. The more militant anti-capitalism and international solidarity became everyday features of U.S. antiracist activism . . .<sup>17</sup>

Wacquant doesn't think in quite so internationalist a frame, but he sees the peaking of the Civil Rights movement in the mid-sixties as sufficient for provoking a sense of "social insecurity" among powerful ruling groups, leading them to roll out "the penal state." Ruling elites' sense of social insecurity was transposed for media consumption, however, as a problem of "rising *criminal insecurity*." This enabled elites to rationalize draconian policies in criminal justice, beginning with the "law and order" discourses of the Nixon administration and then accelerating through the "war on drugs" regimes of Ronald Reagan, George H. Bush, and Bill Clinton.<sup>18</sup> Evidence that ruling elites in the period suffered real insecurity is abundant, and cited by both Gilmore and Wacquant. Even Martin Luther King, Jr., was seen by U.S. officials as drifting toward the politics of Malcolm X and Black Power, and throwing in with "the Hanoi Hawks."<sup>19</sup> This again points back to the period that Gilmore analyzes, in which Civil Rights and "Third World" protest movements worked in tandem to put unsettling pressure on U.S. government elites. As she shows in *Golden Gulag*, "economic surpluses then began to be used for prison building and redrafting criminal justice procedures."<sup>20</sup>

Wacquant, in sketching the present mode of governance of which hyperincarceration is a part, theorizes the international order through the notion of neoliberalism. The term is used in a variety of ways, but Wacquant gives it specificity, showing its intricate relation to increased imprisonment. For Wacquant, "Neoliberalism is a *transnational political project* aiming to remake the nexus of market, state, and citizenship from above."<sup>21</sup> The United States - with an economic dominance since WWII, and its long tradition of "American exceptionalism," by which it constitutes itself as a militarily and economically expansionist "empire" (reputedly for "liberty") - has become, in Wacquant's words, "the historical crucible and the planetary spearhead" of neoliberal governance.<sup>22</sup> Moreover, this governance as project:

...is carried by a new global ruling class in the making, composed of the heads and senior executives of transnational firms, high-ranking politicians, state managers and top officials of multinational organizations (the OECD, the WTO, IMF, World Bank, and the European Union), and cultural-technical experts in their employ (chief among them economists, lawyers, and communications professionals with germane training and mental categories in the different countries).<sup>23</sup>

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<sup>17</sup> Ibid. 24-5.

<sup>18</sup> Wacquant, 11, 287.

<sup>19</sup> Kenneth O'Reilly, *Nixon's Piano: Presidents and Racial Politics from Washington to Clinton*. New York: The Free Press, 1995, 291.

<sup>20</sup> Gilmore, 26.

<sup>21</sup> Wacquant, 306.

<sup>22</sup> Ibid. xv.

<sup>23</sup> Ibid. 306-7, and 365n30.

There are three basic moves of neoliberal governance pertinent to hyperincarceration today. First, there is a recasting of neoliberals' own social and economic insecurity, as a class riding atop the national economy, into an "insecurity" attributed to criminalizable groups (usually marked by race), who are thus deemed threats to the entire public order. Second, there is a masking of this recasting by a "cultural trope of individual responsibility," enabling the state to "punish the poor" for alleged "irresponsibility," by curtailing or withdrawing social support services. At the same time, any economic regulations of the state that once protected poorer groups are lifted. Such "deregulation" is lauded as stimulating responsible economic behavior. Individual responsibility, then, is simultaneously trumpeted as what the poor should exercise to achieve their own economic well-being, and simultaneously explained, disingenuously, as what economic deregulation promotes. The result, though, is the cutting loose of the poor from empowerment, enabling more wealth to flow into the coffers of the already wealthy. The third move, then, is the expanding and proactive implementation of the state's penal apparatus.<sup>24</sup> Hence the subtitle of Wacquant's *Punishing the Poor*, "The Neoliberal Government of Social Insecurity."

Wacquant argues in his more recent book, *Prisons of Poverty*, that the U.S. currently exports state ideology of deregulation and imprisonment as "its penal commonsense." The ideology finds a home in Europe where there has been an upsurge of "moral panic" over "youth" delinquency and "urban violence in neighborhoods" holding newly immigrant communities from West Asia and Africa. Wacquant charts and traces the operations of various well-funded Think Tanks, like the Manhattan Project in exporting this new "Washington Consensus" regarding the penal state.<sup>25</sup>

#### *U.S. Mass Incarceration: A Decolonial Struggle*

A decolonial perspective moves beyond Wacquant's theorization, proposing that the various institutions and operations of U.S. mass incarceration should be viewed not only as part of an economic and political transnational project (valuable as is the analytic of "Neoliberalism"), but also as a neo-colonizing project that utilizes structures of international control rooted in the history of colonizing and imperial nations. U.S. mass incarceration is a (neo-)colonizing apparatus. As such, then, resistance to it is a decolonial struggle, a struggle to delink populations controlled by Neoliberalism's penal state, insofar as it is nested in a matrix of "the coloniality of power."

This latter notion is laid out most clearly by Peruvian social thinker, Aníbal Quijano<sup>26</sup>, and developed by Immanuel Wallerstein, and Walter D. Mignolo.<sup>27</sup>

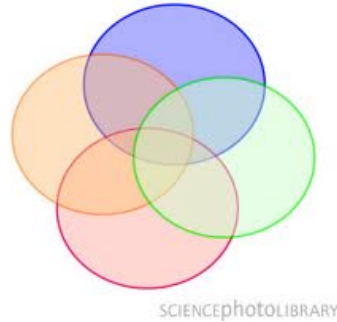
<sup>24</sup> Here I am distilling Wacquant's "four institutional logics" of neoliberalism, in *Punishing the Poor*, 307.

<sup>25</sup> Loïc Wacquant, *Prisons of Poverty*. Expanded edition. French original 1999. Minneapolis, MN: University of Minnesota Press, 2009, 7-54.

<sup>26</sup> Aníbal Quijano, "Coloniality of Power, Eurocentrism, and Latin America," *Napanltla: Views from the South*. Vol. 1. No. 3 (2000): 533-78.

<sup>27</sup> Aníbal Quijano and Immanuel Wallerstein, "Americanism as a Concept, or the Americas in the Modern World-System," *International Social Science Journal*. Vol. 44. No.

Quijano's "coloniality of power" is a matrix of four ambits of social structural and cultural practices. These include, first, *labor* (structural practices of global capital), *sex and sexuality* (structural practices of hegemonic masculinity and heteronormativity), *subjectivity* (structural practices of Eurocentric white racism), and *state authority* (structural practices of state boundary fortifications). These four ambits are not separate circles of operation. They should be seen as overlapping, with various interactions specifiable between them, as shown in the following Euler diagram, *figure 1*.



The advantages of viewing mass incarceration within the coloniality of power are three. First, the neoliberal transnational project Wacquant proposes for situating hyperincarceration in neoliberal U.S. and Western Europe, is set within a fuller temporal and spatial sphere of analysis, i.e. a European colonial history of interaction with colonized peoples. The prisons must be seen not simply as a U.S. invention, but in the context of the mix of racism, captivity, practices of bodily control long practiced by colonizing powers.<sup>28</sup> Decolonial frameworks have a lineage of thought and political struggle emanating from 19<sup>th</sup> century Latin American and Caribbean national independence movements, these being, in turn, part of a still longer ongoing resistance dating to 15<sup>th</sup> century when colonizing operations by European powers began in the Americas. It thus includes indigenous, as well as poor Mestizo or Creole populations in the Americas, also Latino/a and Chicano/a struggle in the U.S., as well as in African-, Asian- and Arab-American communities. Abroad, the concept of the decolonial is also gaining currency among Arabo-Muslim intellectuals, and Asian knowledge traditions, too.<sup>29</sup>

Second, this lineage not only provides a sense of the long *duree*, but also enables analysts to see connections between neoliberalism and mass incarceration, which include but go beyond relations of economic and penal theory. The ambits of power in Quijano's framework allow us to simultaneously bring in the issues of how subjects and subjectivity are constructed and imposed, along with notions of race, gender and sex, and in interaction with forces of empire and nation. This multiply-refracted lens marks another advantage of the decolonial turn in analyzing U.S. mass incarceration.

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134. *The Americas – 1492-1992* (1992): 549-57. For Mignolo, see pages xxv-xxvii. See Mignolo, 8.

<sup>28</sup> Graeme Harper, *Colonial and Postcolonial Incarceration*. Continuum, 2001.

<sup>29</sup> Mignolo, xxvi.

Third, viewing mass incarceration within the assemblage of the coloniality of power allows us to see how both material and symbolic factors work together, thus enabling us to excavate the symbolic imagination within peoples' movements that can become spectral powers of material resistance to mass incarceration. This liberating spectrality, treated below, comes better into view with the aid of the colonial and decolonial lens. Consider how each ambit in the coloniality of power is at work in the transnational neoliberal project generating the penal state.

*a. Labor*

The ambit of labor concerns structural practices of global capital. I have already articulated how the modes of organizing labor are present in hyperincarceration, when theorizing neoliberalism's creation of a penal state to manage upper class dominance over increasingly dispossessed masses who would otherwise create social insecurity. Hyperincarceration is a mode for managing labor pools. Wacquant also emphasizes that neoliberalism as transnational project creates "desocialized wage labor," i.e. workers so precariously poised in the socio-economic order that they are subject to work conditions and schedules that disintegrate family resources, create mental anguish, and promote despair, increasing risks of physical trauma and premature death. Wacquant often uses the metaphors of safety-net and dragnet: when social "safety-nets" are dismantled and social despair then drives many to social transgression, the "dragnet" of the penal state sweeps them into the prisons.

The penal state has a function similar to that of the U.S. global military apparatus which, according to the Pentagon's own neocolonial vision, is deployed to manage previously colonized regions of the global South that are considered inassimilable into the cultures of economic and political globalization. Such peoples are consigned to a "non-integrating gap" that threatens the "core" countries of the neoliberal global order.<sup>30</sup> The ever more closely fused carceral state powers and U.S. military apparatus stand as "bulwark" against those in the non-integrating gap who seek to break free, as they do, finding ways, via migration or other transitions, into the U.S., the European Union, Japan, Korea and so on. Key populations abroad, which are subordinated to U.S. military or U.S.-backed paramilitary activity, often experience tremendous brutality and become brutal themselves. In the name of controlling global labor, many youth of communities brutalized by U.S. violence abroad, as in Guatemala, El Salvador, and Honduras, have immigrated to the U.S. and brought that brutal violence into U.S. urban gang life *and* the U.S. prisons.<sup>31</sup> This is one of the most direct ways that U.S. militarization of the labor economy in the neoliberal global order is linked to the rise of violent prison cultures in the U.S.

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<sup>30</sup> Thomas P. M. Barnett, *The Pentagon's New Map: War and Peace in the 21<sup>st</sup> Century*. Berkley Trade, 2005.

<sup>31</sup> Deborah Levenson, *Adios Niños: The Gangs of Guatemala City and the Politics of Death*. Duke University Press, 2013,



Contemporary mass incarceration's imbrication in the economy of labor is especially apparent when considering the profits made by private prisons from their holding of inmates. The inmates serving time in private prisons become "workers" by virtue of their mere presence, held to make profits. Phone companies exploit the incarcerated and their families by charging exploitative rates.<sup>32</sup> Then, too, there are the "cheap labor" hours that the imprisoned must perform in both public and private prisons for such well-known corporate businesses of our neoliberal economy, Starbucks, Marriott, Victoria's Secrets, Verizon, and more.<sup>33</sup>

#### b. Sex and Sexuality

Quijano's second ambit of *sex and sexuality* concerns the structural practices reinforcing hegemonic masculinism and heteronormativity. Studies of European constructs of both gender and sexuality have long established the importance of this ambit. Colonizing powers have situated colonized peoples and their lands as feminine, gender often signifying that subjugated lands' peoples as a whole are subordinatable to masculine ventures of control. The colonizer/colonized relation thus was cast in accord with a binary forged by a hegemonic masculinism where male-led colonization replicates structures of power in male-dominated heterosexual family households. This process is carefully traced in Anne McClintock's research.<sup>34</sup> No wonder that white colonizers in North America had difficulty accepting the wisdom and organizational processes of women-led indigenous societies.<sup>35</sup>

In the United States, Wacquant identifies another aspect of the gendered dimension of hyperincarceration. He notes that innovative thinking about incarceration had wrought social changes from feminist social movements of the 1960s and 1970s, but also by the often unheralded, but indispensable, initiatives of the civil rights movement led by women of color. Against the backdrop of these women-led initiatives and their impact on state affairs, the current rise of the harsher neoliberal, penal state may be seen as what Wacquant terms a "(re)masculinization" of the state.<sup>36</sup> Moreover, gender stereotypes are apparent in many rules of "workfare" for "truly needy" families seeking ever harder-to-get social assistance. Here are the cruelly operative social logics that construct the "bad mother." Especially single mothers-in-need are "bad" if they go to work and leave children with some "less appropriate" care-giver. But they are "bad," too, if they don't work, since then they "live off the state" and become parasitic.<sup>37</sup>

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<sup>32</sup> "Fact Sheet: Corporate Exploitation and the Prison System," *Center for Constitutional Rights*, <https://ccrjustice.org/learn-more/faqs/factsheet:-corporate-exploitation-and-prison-system>

<sup>33</sup> Selman and Paul Leighton, 116-24.

<sup>34</sup> Anne McClintock, *Imperial Leather: Race, Sex and Class in the Imperial Contest*. New York: Routledge, 1995.

<sup>35</sup> Paula Gunn Allen, *The Sacred Hoop: Recovering the Feminine in American Indian Traditions*. Beacon Press, 1986, 30-8.

<sup>36</sup> Wacquant, *Punishing the Poor*, 15. And see note at bottom of the page.

<sup>37</sup> Molly Ladd Taylor and Lauri Umansky, eds. "Bad" Mothers: *The Politics of Blame in Twentieth-Century America*. NYU Press, 1997. Wacquant, *Punishing the Poor*, 81-2.

In another field of gender and sexuality, which is pertinent to imprisonment, there is the persistent problem of rape within U.S. prisons, whether we are analyzing male-on-female sexual violence or male-on-male abuse. According to a 2010 analysis in *The New York Review of Books*,<sup>38</sup> the numbers from the Department of Justice itself show sexual assault running at epidemic levels.<sup>38</sup> The experiences are concentrated and worse for those men who are also subject to stigmas of race and sexual orientation. Women are also subject to rape and sexual violence, often by male prison staff.<sup>39</sup> Of all prisoners, in 2008 alone, the DOJ now says, more than 216,000 were sexually abused in prisons or jails, over 17,000 of them, in juvenile detention. Overall, that's almost 600 people a day, 25 an hour. As Christian Parenti summarizes, the result is not just the violence of sexual abuse, but also an abusive manufactory that reinforces the structures of sexual abuse in the wider society:

So the sexualized "other" is manufactured with almost Fordist regularity, on the conveyor belt of absolute sadism and homicidal violence....Sex slaves [in prison] are used as prostitutes, domestics and 'wives.' They are forced to provide all the sexual, manual, and emotional services that men in a sexist society normally extract from women.<sup>40</sup>

Thus the dimension of sex and sexuality is implicated in U.S. mass incarceration in two mutually reinforcing ways. First, hyperincarceration as a whole is a (re)masculinizing state function, that exercises tough measures of incarceration as a stern paternal response by which usually male politicians shore up the hegemonic masculinist "virtues," ones usually rewarded in American politics. Feminist analyses of the masculinized state play an important role in focusing this dynamic.<sup>41</sup> Second, heteronormative relations marked by hegemonic masculinity are often replicated between prisoners themselves, whatever their sexuality. In the prisons, the "tough/punk" pairing under conditions of prison sexual violence known to prison guards, replicates and reinforces the hegemonic masculinity of the masculinist version of the "husband/wife" or "man/woman" pairing. Those processes at work in the micro-relations of many pairings, reinforce the legitimacy and power of the (re)masculinizing Neoliberal state, especially when politicians themselves often play out publicly their own poses as "toughs" against crime, thus replicating the "tough/punk" gender and sexual binary. And again, a special toll in the prisons is enacted against LGBTTI prisoners who insist on same-sex loving, and suffer, often, a most daily and

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<sup>38</sup> David Kaiser and Lovisa Stannow, "Prison Rape and the Government," *The New York Review of Books*, March 24, 2011.

<http://www.nybooks.com/articles/archives/2011/mar/24/prison-rape-and-government/?pagination=false>.

<sup>39</sup> Janet Anderson, "Prison Rape and Sexual Coercion Behind Bars," in *Research and Advocacy Digest*, 7, 3 (May 2005):

<http://www.wcsap.org/advocacy/PDF/PrisonRape052005.pdf>.

<sup>40</sup> Christian Parenti, *Lockdown America: Police and Prisons in the Age of Crisis*. Verso Books, 1999.

<sup>41</sup> Wacquant, *Punishing the Poor*, 15. See the footnote for some of these studies.

brutal retaliation for living against the strictures of this ambit of the coloniality of power.<sup>42</sup>

c. *Subjectivity*

This third ambit of Quijano's theory of colonial power, subjectivity, is especially crucial, both materially and symbolically. Here however, the symbolic plays special roles by signifying for cultural and political life who, precisely, has the attributes of a worthy human subject. Frantz Fanon, in his early work, dramatically foregrounded the role of whiteness in colonization.<sup>43</sup> The role of racism as "the axiom of difference *par excellence*" in colonialism has been substantiated by many others.<sup>44</sup> Today, perhaps the most rigorous and comprehensive treatment of the white subject's role in constituting a racial and colonizable other, is offered by social philosopher, Denise Ferreira da Silva.<sup>45</sup> The fundamental move of European discourse (theoretical and practical), Silva argues, was giving primacy to this "white I," a Europeanized subject, marked by transcendental reason and mind, featuring, especially, powers of self-determination. She traces this emergent subject from Descartes (who famously said "...I can infer correctly that my essence consists solely in the fact that I am a thinking thing...Accordingly, it is certain I am really distinct from my body and can exist without it"),<sup>46</sup> and then in other influential figures in European philosophy, culminating in Hegel's view of spirit and self-consciousness that takes spirit and consciousness to be in its most excellent, mature form, in Europe. Spivak views Hegel's "foreclosure" of Asian and African subjects as the outworking of the "geopolitically differentiated subject of European discourse." She also argues it is "deeply offensive," a "radical racist separation."<sup>47</sup> Those "other to Europe," as Silva writes, are discursively positioned as subjects who can claim only an "affectable" subjectivity, not a self-determining one. They are merely to be affected - by nature, by their own bodies, and, of course, by the ruling presence of self-determining and rational, European subjects.

In looking at the preponderance of the "black and brown" of our prisons today, it is important to recall this colonial historical construct of the white subject, and

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<sup>42</sup> On LGBTTI (lesbian, gay, bi-, trans-sexual, transgender, intersex) persons' perspectives on prisons, see Joey L. Mogul, Andrea J. Ritchie, and Kay Whitlock, eds. *Queer (In)Justice: The Criminalization of LGBT People in the U.S.* Beacon Press, 2011. "This book turns a queer lens on the criminal legal system in the U.S. exposing how the policing of sexual and gender 'deviance' is central to notions of crime, and serves both as a tool of race-based law enforcement and as an independent basis for punishment" (xiii).

<sup>43</sup> Frantz Fanon, *Wretched of the Earth*. A new translation by Richard Philcox. 1961. New York: Grove Press, 2004.

<sup>44</sup> Jürgen Osterhammel, *Colonialism: A Theoretical Overview*. Markus Wiener Pub, 2005, 108.

<sup>45</sup> Denise Ferreira da Silva, *Toward a Global Idea of Race*. University of Minnesota Press, 2009.

<sup>46</sup> *Ibid.* 42

<sup>47</sup> Gayatri Chakravorty Spivak, *Critique of Postcolonial Reason: Toward a History of the Vanishing Present*. Cambridge: Harvard University Press, 1999, pages 27, 31, 43, and 94. See, more recently, Teshale Tibebe, *Hegel and the Third World: The Making of Eurocentrism in World History*.

for two reasons. First, it makes more understandable *why* communities of color are the ones vulnerable to feeding the hyperincarceration process of the neoliberal penal state. Defenders of the penal state will often reference personal, communal and national factors when explaining high rates of incarcerating black and brown poor in the U.S.: “they fail to exercise responsibility,” “there is more crime in their impoverished communities,” “there’s inadequate discipline or commitment to education in U.S. black and brown communities,” and so on.<sup>48</sup> These stock answers gloss a hard, cold truth that in the long history of European-descended white projects, “black and brown” is what transgressive, subordinatable, affectable subjects “look like” to the white imaginary of state power-holders of European social inheritance. Race is a cultural and political signifier operating, and deeply sedimented in practices and institutions, framing current expectations of who punishable “criminals” will be. Without ruling liberal elites ever having to appear like “racist bigots,” they can ride this mainstream of signification, overseeing (again without ever saying so) a routinization of outcomes that entrench racially marked subjects at the bottom of hierarchies of value and empowerment.<sup>49</sup> The dark majority which makes up the denizens of those confined in the neoliberal U.S. penal state are no departure from the long history of European racial marking of subjects.

Second, this perspective on Subjectivity in the coloniality of power, alerts us to an ongoing very ominous symbolic consequence of the racialized incarcerated population, which also has a material effect upon the whole society. The prison population now itself becomes a powerful signifier. It reinforces the public tendency, circulated in the media especially, which identifies “blackness or brownness” with “transgression.” The prisons across our landscapes then, as holding centers, also become powerful social signs, reinforcing the pattern of European and American white populations who take darker peoples not only as “others,” but as transgressors. This means that redress of mass incarceration, as a decolonial struggle, cannot simply occur at the level of prison reform or activism. It must address the question of the constitution of human subjects and of which subjects are marked as preferred ones. A coloniality of power perspective makes this eminently clear, and we must thus find ways to reimagine the very subjectivity of the confined. Anti-racist work and critique of whiteness will be crucial to this effort.

#### *d. State Authority*

We come to the final ambit of Quijano’s coloniality of power, state authority. Much of Quijano’s discussions focus on formations and operations of the nation-state, a largely Eurocentric creation. But structural authority today needs to broaden beyond nation-state formulations. We need to ask: Is the nation-state still the major mode for structurally enforcing the coloniality of power? As political theorists of various disciplines have shown, it is premature to declare

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<sup>48</sup> On these as myths, see “Five Myths about Crime in Black America – and the Statistical Truth,” *ColorLines* online magazine, [http://colorlines.com/archives/2012/04/crime\\_myths.html](http://colorlines.com/archives/2012/04/crime_myths.html).

<sup>49</sup> On “routinized outcomes” and racism, see Howard Winant, *The New Politics of Race: Globalism, Difference, Justice*. University of Minnesota Press, 2004, 126.

the end of the nation-state in deference to transnational organizing powers of globalization. Granted, Antonio Negri and Michael Hardt, as well as others, have shifted the notion of imperial authority and global sovereignty into transnational spaces.<sup>50</sup> But globalization and its international processes still use the nation to enforce many of its transnational projects. For example, laws and security forces that are specific to the distinctively national powers of the United States and the nations of the European Union, are crucial to the regulation of labor flows transnationally. Moreover, on the underside of struggle, wherein people resist dehumanization by Neoliberal governance, we also find persuasive arguments that *national* projects can be valuable strategies for challenging the largely global-North based powers of globalization. Recall Argentina's or Malaysia's nationalist challenges to globalization mandates of the IMF. Or, note too, the challenges posed to Western-led globalization by new regional groups in which nations together set alternative economic agendas (MERCOSUR as "The Common Market of the South" in Latin America, "APEC" as the "Asian-Pacific Economic Cooperation"). Determinative state authority that materially bears on the everyday experience of peoples' political and economic lives - whether they be subjected and/or resistant to that authority - is authority operative in *both* nation-state *and* transnational projects and structures. With the persistence of the nation-state, then, Wacquant's insistence on seeing the penal state as a transnational project should not be allowed to eclipse the national dynamics tending toward hyperincarceration. Indeed, attaining global sovereignty abroad still requires establishing coalitions for domestic domination at home.<sup>51</sup>

What is important to stress, though, is that today state authority is being reconfigured in a powerful way, as a new, more elusive material force. Authority is structured, in Foucault's language, "biopolitically," a governing power that is enforced and encountered in the various ways that daily-life is structured. The process of hyperincarceration both marks and drives these new ways of inscribing state authority. Today's greater dependence by transnational neoliberalism on the penal state is part of an overall governing process, of boundaries and surveillance, that is larger than the space of the U.S. prison system. As David Lyon writes, the prison is but the sharp end of the "panoptical spectrum" today, with the soft end being all the ways that citizens commodify and expose themselves voluntarily to the state."<sup>52</sup>

These fortified boundaries we face multiply at both ends of the surveillance spectrum. There are not only the walls for regulating labor, territory and peoples in U.S./Mexico or in Israel/Palestine. There are also the increasing constructions of walled and gated prisons and detention centers in both rural and urban communities of the U.S. Moreover, there are also the fortified boundaries established by legal mandates, which set in motion practices of discernment ("discretion") by security officials representing the neoliberal state. Especially in a period when official discernment of violators and transgressors is given ever greater discretion by U.S. courts, this kind of exercise of state authority becomes

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<sup>50</sup> Antonio Negri and Michael Hardt, *Empire*. Harvard: Cambridge University Press, 2000.

<sup>51</sup> Michael Doyle, *Empires*. Cornell University Press, 19.

<sup>52</sup> David Lyon, ed., *Theorizing Surveillance: The Panopticon and Beyond*. Willan Publishing, 2009, 6.

both harder to see, and yet, ever more controlling.<sup>53</sup> Law and the carceral state may be everywhere, but they are found less in a lattice-work of observable disciplinary regulations, as Michel Foucault traced, and more in a set of invisible, improvised enforcements that can be encountered at almost any time. These may be invoked by a police officer, a prison guard, a prosecutor, a judge, a volunteer neighborhood watch captain, and can have quite material effects on bodies – injury, confinement, death. The arbitrary ethos of growing “Stop and Frisk” procedures in communities of color is just one notable case in point.

Three new laws issued in the U.S. in 2012 set up possibilities for control, confinement, regulation and even violation of bodies in a markedly new ways. Accompanying the neoliberalism’s hyperincarceration reflex, much of society is potentially subject to new powers of state authority. On New Year’s eve of December 2011, President Obama signed into law the National Defense Authorization Act, with “counter-terrorism” provisions affirming presidential authority to hold U.S. citizens in indefinite military detention<sup>54</sup>. There is also House Resolution 347, which expands official flexibility for charging protestors with felonies for entering “restricted areas.”<sup>55</sup> In April 2012, the U.S. Supreme Court gave virtually unchecked rights to officials in jails and prisons, to administer strip searches. This extends the collective authority of the penal state into operations of direct control of the flesh and vulnerable orifices of the human body. The strip searches, already used for purposes of degradation against male and female prisoners, now are approved for any arrested and detained, even on minor charges.<sup>56</sup> To be sure, if you ask analysts of U.S. law today, even on the Left, they will explain that these provisions are not so much new as they are more legal codification of practices already in play. The new affirmations, though, codify an expanding function of collective authority.

*The Prison and a Liberating Spectrality*

*And then one fine day the bourgeoisie is awakened by a terrific boomerang effect: the gestapos are busy, the prisons fill up, the torturers standing around the racks invent, refine, discuss.*

--Aimé Césaire, *Discourse on Colonialism*, cited by Frantz Fanon, *Black Skin, White Masks*

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<sup>53</sup> On U.S. courts granting officials ever-growing “discretionary power”, see Michelle Alexander, *The New Jim Crow: Mass Incarceration in the Age of Color Blindness*. New Press, 2010, 112-6.

<sup>54</sup> “Obama Signs Defense Bill,” *Washington Post*. December 31, 2011. [http://articles.washingtonpost.com/2011-12-31/politics/35288256\\_1\\_detainee-provisions-defense-bill-president-obama](http://articles.washingtonpost.com/2011-12-31/politics/35288256_1_detainee-provisions-defense-bill-president-obama)

<sup>55</sup> “HR 347,” *Partnership for Civil Justice Fund* <http://www.justiceonline.org/commentary/hr-347-get-the-truth.html>

<sup>56</sup> “Supreme Court: Strip Searches OK in Jails Even for Minor Offenses,” *US News*. April 2, 2012. [http://usnews.nbcnews.com/\\_news/2012/04/02/10982324-supreme-court-strip-searches-in-jail-ok-even-for-minor-offenses?lite](http://usnews.nbcnews.com/_news/2012/04/02/10982324-supreme-court-strip-searches-in-jail-ok-even-for-minor-offenses?lite)

Fanon cites the words above, taken from Césaire's searing indictment in *Discourse on Colonialism*. The "terrific boomerang effect" is the tendency of violence perpetrated by colonizers upon the colonized to circle back into colonizers' worlds. One such effect of the boomerang within colonizing countries is that "the prisons fill up."<sup>57</sup> In both Césaire's and Fanon's handling of the passage, the prisons (as well as "gestapos and torturers") are treated as a kind of visitation, a "return of repression" by perpetrators onto themselves, into their own worlds. W. E. B. Du Bois also attributed Europe's woeful destruction of its own nations in World War I to habits honed in its colonizing violence (particularly by Belgium in the Congo). For Du Bois, the "real soul of white culture" - its violence long-practiced on the colonized - shows itself to deadly effect in forms of intra-European brutality.<sup>58</sup>

More recently, Rey Chow, in her study of xenophobia in the U.S., argues that the stranger, the cultural, national, religious 'other,' becomes today "the other as target," and growing numbers of these are reduced to bombable others. But practices of "xenophobia can backfire," Chow warns, as xenophobes' anxieties go inward; and thus white supremacist militiamen turn the xenophobic bombing reflex loose on their own citizens and residents, in "a violence that erupted from within the heart of the country," as in Oklahoma City 1995. She cites, then, a "vicious circle of "the-world-as-target . . . returned to its point of origin."<sup>59</sup>

The point of the "terrible boomerang effect" or "the vicious circle," is not that there is some metaphysically-grounded payback for violence perpetrated, but that the *habitus*, the organizing and ethos of violative practices soon become violations of one's own self, community and nation. This is, in fact, close to where Césaire ends his argument: the colonizer who grows accustomed to treating the colonized as animals, "tends objectively to transform *himself* into an animal."<sup>60</sup>

I accent this dynamic not just to highlight another sphere of destruction in colonial history, now within colonizers' own societies. My aim is more to foreground a phenomenon of historical spectrality, a kind of visitation of the past into the present, precisely because of the ways destructive colonizing practices take over the *habitus* of perpetrators. In a sense, we could say, from the perspective of a certain sense of justice, that there is "good news" here: the colonizer's world, so ruthless and seemingly invincible, seems to be undoing itself. But what makes this spectral phenomenon "liberating," what makes this akin to what Derrida writes of specters, as "unhinging the present" by a "non-contemporaneity,"<sup>61</sup> are not just the returning of past violence, but also the legacies of resistance to it. As the specter of violence impinges to negative effect on colonizers' worlds, there is a re-igniting of those weighing-in with resistance

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<sup>57</sup> Aimé Césaire, *Discourse on Colonialism*. 1955. Trans. Joan Pinkham. New Introduction by Robin D. G. Kelley. Monthly Review Press, 2000, 36.

<sup>58</sup> W. E. B. Du Bois, *Darkwater: Voices from Within the Veil*. 1920. Dover Pub., 1999, page 22.

<sup>59</sup> Rey Chow, *The Age of the World Target: Self-Referentiality in War, Theory and Comparative Work*. Duke University Press, 2006. 42-3.

<sup>60</sup> Césaire, 41.

<sup>61</sup> Jacques Derrida, *Specters of Marx*. Trans. Peggy Kamuf. Routledge, 1994, xix.

to forge alternative social structures outside the colonizers' ambits of power. This is the work of decolonial revolution. It is "revolution" in Joy James' sense as seeking "freedoms safeguarded by institutions. . . to build new structures and norms." This is, as she also writes, a move beyond what is often styled as radical, progressive or even insurrectionist.<sup>62</sup>

Such movements express a long and significant historical lineage of resistance. Throughout the history of European colonization and U.S. nation-building, and across the global South (Latin America, Asia, Africa), resistance to European hegemony has been ongoing. There is operative here a distinctive - often unheralded, denied, and repressed - world revolutionary tradition, with a unique history of movement struggle, subjectivity and mythic language, which I have detailed elsewhere.<sup>63</sup> It was often labeled and feared as "the Hydra," and Europe's proclaimed "heroes" often styled themselves as so many apparitions of Hercules, who aimed to slay this Hydra. At the time of the U.S. founding, white property owners, while establishing their new government, feared this "mob," this "mobility dangerous to the gentry," as "founding father" Gouverneur Morris observed.<sup>64</sup>

#### *The Specter of Critical Movements of Resistance*

The specter of critical movements of resistance (CMR) amid the tumult of mass incarceration today, is made possible by this historical lineage of resistance. Movements of resistance are many and they are at work from all sides of the political continuum. The movements of resistance we most need, and which, in fact, are arising amid mass incarceration, are "critical," in senses I wish here to delineate carefully. As "critical," in the general sense, they are marked by an ethos of deliberation, a respect for complexity of persons, of their action and thought - even amid the stark brutality of colonizer/colonized binaries. Beyond this general meaning, however, the notion of "critical" also specifies that resistance movements foster and integrate three important impulses of movement life. The three impulses of CMRs I discuss below feature both reflexive and cultivated aspects. As "reflexive," each impulse is an action often occurring without much conscious thought, amid suffering the colonial carceral. As "cultivated," though, organizing victims of the colonial carceral take the reflexive action and hone it, build it stronger, focus it, and direct it to strengthen its force as liberating spectrality. The cultivating of reflexive resistance is the hallmark of social movements that are critical. Let me develop further what I see as the key three critical impulses.

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<sup>62</sup> Joy James, editor, *Imprisoned Intellectuals: American Political Prisoners Write on Life, Liberation and Rebellion*. Rowman & Littlefield, 2003, xi-xii.

<sup>63</sup> Mark Lewis Taylor, *Religion, Politics and the Christian Right: Post-9/11 Powers and American Empire*. Fortress Press, 2005, 111-23.

<sup>64</sup> Peter Linebaugh and Marcus Rediker, *The Many-Headed Hydra: Sailors, Slaves, Commoners and the Hidden History of the Revolutionary Atlantic*. Beacon, 2000, 3-6, 331.



First, there is an *owning of agonistic being*. Here communities of victims<sup>65</sup> understand themselves as under pressure, existing in an agonism. There is also a consciousness of antagonism that marks movement members' daily living and sets the terms of their larger projects. The beginning point is the cry – the Spanish term, “*el grito*,” used by Dussel being more expressive – “emerges as a roar from the pain of the victims, in their work, in their daily torment, or from the midst of their torture.”<sup>66</sup> The cry of the victim is not just a sad or disturbing feature of the generalized human condition. It is a marker of an agonism. It is a “bellwether” (leader or indicator) for all humanity, a call to guard dignity of *all* subjects, health of *all* bodies, justice for *all* persons. In the agonistic cry a space is opened in the concentrated mass of suffering, and victims begin constituting themselves as a community to negate systems that cause their suffering. They thereby also call to others – “interpellate” others to their side from out of the system, writes Dussel – to build social forms to end their victimization.<sup>67</sup>

Incarcerated persons and groups, for example, their friends and families, and persons of conscience throughout the society of the carceral state, take the antagonism carried in rage, lament and mourning, and chisel it into an oppositional stance. The cry may be the rage and grief of the thousands of children of the incarcerated and their loved ones. It may be the “I am dying too soon,” “I am without dignity,” “I am raped,” “I am tortured by solitary confinement and torture!” When agonistic cries build a sense of group suffering, and a sense of historical violation of one’s group, then there comes the querying cry of “how long,” and the deeply bruising, answering cry of “too long!” Especially among the incarcerated with sense of colonizing violence, the interpellating cry reverberates throughout all the ambits in Quijano’s coloniality of power.” I would render that reverberating cry as being something like this: “We are violently excluded, exploited and oppressed – as laborers, as women and sexual(-zed) others, as dark affectable subjects, as those denied life and dignity consigned to the underworlds and interstices of ever-surveilling state authorities.”<sup>68</sup>

Again, I stress, the cry is first reflexive, but it is also cultivated, shaped toward sustaining community by and for victimized groups. The agonistic cry becomes both “owned” (admitted and named) and then “forged” as oppositional stance for the work of resistance. Owning antagonism is always dangerous. It can destroy the crier and the innocent. But also it is the lifeblood of bodies rising and congealing for resisting collectively what unjustly provokes the cry. Thus the cry

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<sup>65</sup> On consciousness of being and acting as victim with agency, as distinct from being reduced to “merely victims,” see Enrique Dussel, *Ethics of Liberation*, xvii-xviii, 453n7

<sup>66</sup> Dussel, 557n36.

<sup>67</sup> Dussel, 213.

<sup>68</sup> Examples of incarcerated voices heavy with such cry and critique would include Assata Shakur, Standing Deer, Mumia Abu-Jamal, Susan Rosenberg. For these, see James, 114-21, 176-84 and 261-78. Consider also the writings of Eddy Zheng in *Other: An Asian & Pacific Islander Prisoners' Anthology*. Editors. Eddy Zheng and Ben Wang (San Leandro, CA: Dakota Press, 2007), 37-41, as well as the essays of prisoner, Russell Maroon Shoatz, in Fred Ho and Quincy Saul, editors, *Maroon the Implacable: Collected Writings of Russell Maroon Shoatz*. PM Press, 2013.

becomes an act of collectively affirming a solidarity of resistance, as Dussel summarizes, “we-are-existing” . . . as re-sistant reality,” and becomes, too, a more militant interpellation by the colonized other: “I *interpellate* you on the basis of the justice that you should have accomplished for us!”<sup>69</sup>

Second, there is a *cultivating of artful expression*. Here CMRs exhibit or display – and, not just as a second step but as an impulse often simultaneous to the agonistic cry – penchants for artful and imaginative vision. The artful expression may be an almost immediately reflexive move, a subtle gesture, even some “gimmick” (as James Baldwin found so necessary for the child of color that knows something is wrong in a racist world but has not yet been able to say and think what it is).<sup>70</sup> This might take the form of a pose, a kind of carriage of the body, as struck by women at times in patriarchal systems, by youth of color on the street, by imprisoned men striking the pose of toughness, by a child alone in a room full of adults. These poses and reflex gestures are a creative arrangement of the body, and part of what Bourdieu termed the *hexis*, the symbolizing motor functions of the body under pressures of domination.<sup>71</sup>

In the CMRs that become spectral, though, these artful reflexes are only the starting point. In movements, they are further cultivated for a more creative, dramatic, even theatrical, resistance to the incarcerating transnational powers in the U.S. Indeed, the dramatic becomes especially important in a media-saturated age wherein information technology wields media images to create spectacles that assure domination, enlisting citizen fear and fascination for fealty to state powers. Of particular value, artistic performance offers to CMRs amid their agonistic sensibility, a celebratory function, but often also a first gesture in political struggle. Prisoners taking up the paint brush, the pen for poetry and prose, or the song while they are on the chain gang,<sup>72</sup> – all are cases in point. So also are the activists readying the singers, the artists, the rhetoricians for social movement gatherings. The artful reflex is cultivated as a strategy for highlighting and sharpening a resisting movement’s protests, criticisms and organizational structure. The arts, then, are expressions with political force. They should be seen as also political. As in the Palestinian prisoners’ movement of today, there is a practice of “imaginative steadfastness” (*samud*), even amid interrogatory torture, in which imaginative vision enables the tortured to resist Israeli interrogators and build ever more strongly their solidarity with the Palestinian anti-colonial movement and oppressed peoples everywhere.<sup>73</sup> Art and imagination are sites of a resistant politics, and as such are crucial for the making of hope. They enable

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<sup>69</sup> Dussell, 299, 303.

<sup>70</sup> James Baldwin, *The Fire Next Time*. 1962 (New York: Modern Library, 1995), 23

<sup>71</sup> Pierre Bourdieu, *The Logic of Practice* (Stanford: Stanford University Press, 1990), 74.

<sup>72</sup> On the “Parchman Blues,” see Caleb Smith, *The Prison and the American Imagination*. Yale University Press, 2009, 166-77.

<sup>73</sup> For a brilliant analysis of Palestinian imaginative, artful – indeed “magical” – political force of “steadfastness” in the Israeli torture cell, and as a condensation of the colonial encounter between Israel and Palestine, see Lena Meari, “Carceral Politics in Palestine and Beyond, Gender Vulnerability and Prison,” public lecture, Columbia University, April 14, 2012 <http://www.youtube.com/watch?v=QO8c4T3O2yQ&feature=relmfu>.

repressed and excluded peoples to become spectral threats, creatively subversive, amid a mass incarceration system that will not easily or quickly be dislodged.

Third, and again simultaneous and co-constitutive with the other two impulses, CMRs' impulses include a *fomenting of resistant and organizing practices*. This "fomenting" builds off the first impulse, the *owning of agonistic being*, which, as an "owning," is an acceptance, an acknowledgement, one made perhaps reluctantly but with a sense of resolve, a resolution to see one's being as what it is, in struggle, labile, tense, in readiness for tasks, but first known simply as a being-so-poised in (dis)tress. Fomenting practices, though, also build from the *artful expression*. While fomenting is, as dictionary definitions remind, a stirring up, an instigating of revolutionary tumult, maybe of strife, it is helpful to recall its etymological roots as "poultice, lotion" (Latin, *fomentum*). So here, the fomenting liberating practices are not just insurrections facing mass incarceration, but also restorative. Prison hunger strikes (ongoing in 2013 California),<sup>74</sup> and creative use of self-crucifixion by imprisoned Ecuadorans,<sup>75</sup> are insurrectionary, but also efforts to rebuild new structures. "Fomenting," then, for all its turbulence, is a living into practices that bring a salve, a "mass that soothes" the inflammation of tense, labile pain of oppressed, agonistic being.

I can sum up all these traits adhering in CMRs by referring to a remarkable passage in Judith Butler's work. There, she refers to the power of those engaged at the U.S. base in Guantánamo, who with their poetic skills - published only after strenuous efforts by lawyers and publishers - found a way to connect and foment change. Butler writes,

The Guantánamo poems are full of longing; they sound the incarcerated body as it makes its appeal. Its breathing is impeded, and yet it continues to breathe. The poems communicate another sense of solidarity, of interconnected lives that carry on each others' words, suffer each others' tears, and form networks that pose an incendiary risk not only to national security, but to the form of global sovereignty championed by the U.S.<sup>76</sup>

The passage powerfully reminds that communities of critical resistance are not all agony and art. They are that, but also, as forming networks whose practices have transformative effect, they even pose an "incendiary risk" to structures of global U.S. sovereignty. This is to strike right at the heart of the carceral practices of colonizing and imperial power. Here, antagonistic sensibility and artistic expression constitute forces of resistance and subversion to exploitative power. Organized and organizing practices give a certain forceful "hardness" to lament

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<sup>74</sup> "California Prisons, Hunger Strikers Clash Over Inmate's Death," *Reuters*, July 28, 2013. <http://www.reuters.com/article/2013/07/28/us-usa-prisons-california-idUSBRE96R01O20130728> . On prisoners demands, <http://prisonerhungerstrikesolidarity.wordpress.com/the-prisoners-demands-2/> .

<sup>75</sup> Chris Garces, "The Cross Politics of Ecuador's Penal State," *Cultural Anthropology* 25. Issue 3 (2010): 459-96.

<sup>76</sup> Judith Butler, *Frames of War: When Is Life Grievable?* New York: Verso, 2009, 61-2.

and artistic expression. When struggle owns agony and anguish in creative artful expression catalyzing forceful movement, then, the people, we might say, “sing it hard.”

The three critical impulses, together, create a force of networking people, that “power of the people” much referenced in CMRs (“the people” as *el pueblo*, in Spanish, *Atlepetl* in Aztec, *sha'b* in Arabic, *Amaq'* in Maya, *Minjung* in Korean). In Enrique Dussel’s language, the people is “a bloc from below,” made up of many needs (of say, the imprisoned, immigrant populations, urban communities of color, indigenous people, women of color, men and women of all backgrounds in labor and industry) - all to rival the forces positioned in antagonism against them.<sup>77</sup> Such a bloc, this “people,” is continually in struggle to blend its impulses for constituting a liberating spectrality resisting/transforming the colonial carceral.

#### *Conclusion – Mothers on the Move in the Carceral State*

I close with an example from a group working in California against the Neoliberal state, not only involving people of faith, but also those of many backgrounds in critical movements of resistance. Christians were involved here, but this largely extra-Christian movement can exemplify for many what the liberating specter can look like within a decolonizing resistance to U.S. mass incarceration. There are similar examples throughout the neoliberal global order. One of the most dramatic I have already discussed by citing Professor Lena Meari’s analysis of Palestinian prisoners’ movements today.<sup>78</sup> But I want to close with this example from a group with consciousness of the global coloniality of power who have also been active in the U.S.

Mothers Reclaiming Our Children, or “Mothers ROC” (even more briefly, MROC) is the name of this group, and their story is narrated in a 60-page chapter by Ruth Wilson Gilmore in her book, *Golden Gulag*, about Neoliberalism’s penal state in California.<sup>79</sup> MROC “evolved from a self-help group that formed in response to a crisis – a police murder in South Central Los Angeles.”<sup>80</sup> In 1992, when first formed by Barbara Meredith and Francie Arbol, the crisis looming would only become worse with time, i.e. the crisis of “the state locking their children, of all ages, into the criminal justice system.”<sup>81</sup> MROC was certainly an adversarial group, mothers opposing what was done to their children and organizing “opposition to the state’s form and purpose, living in the “antagonism” (Gilmore) with which this situation is fraught.<sup>82</sup> MROC generated a host of practices, which shape women’s struggle today.<sup>83</sup> Founded first by

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<sup>77</sup> On his theorization of “the people,” see Dussel, *Twenty Theses on Politics*. Duke University Press, 2008. 73-7.

<sup>78</sup> See above, footnote 72.

<sup>79</sup> Gilmore, chapter 5, 181-240.

<sup>80</sup> 239

<sup>81</sup> 181.

<sup>82</sup> 247.

<sup>83</sup> *Global Women’s Strike/Huelga Mundial de Mujeres*, [http://globalwomenstrike.net/reclaim\\_our\\_children?page=3](http://globalwomenstrike.net/reclaim_our_children?page=3).

African American mothers, they attracted hundreds of mothers, and families of the incarcerated into their work. Soon, their campaigns “brought Chicanas, other Latinas, and white women to Mothers ROC for help. A few years into its existence, “the group had Black, Brown, Asian-American and white women and some men” as its working members.<sup>84</sup> As these many groups indicate, MROC reflected a decolonizing spirit of coalescing action, reaching back to the Third World spirit of Bandung where Asia, Africa and Latin American met in 1956 to find a counter-imperial way beyond U.S. imperial and Soviet systems. As historian Vijay Prashad narrates, this project eventually failed (was “assassinated”), and should not nostalgically be embraced by activists today.<sup>85</sup> But nor should we foreclose the power of that legacy to haunt and transform the devastated landscape of America that recycles repression of the poor “Third World.”<sup>86</sup> “MROC consciously identified with Third World activist mothers,” writes Gilmore, “the name deliberately invoking South African, Palestinian, and Central and South American women’s struggles.”<sup>87</sup> If it is true that today’s carceral state is, in part, a reactive move against the specter of liberating change posed by Third World non-alignment struggle and civil/human rights movements in the U.S. - “the era of 1968,”<sup>88</sup> - then the lesson from MROC is that global struggle can be “brought home” to resist the colonial carceral on U.S. soil.<sup>89</sup>

As Gilmore treats MROC, though, what is crucial in terms of its participation in the specter of critical movements of resistance, is the way MROC’s owning of agonistic struggle in countering the Neoliberal carceral state, also features that middle, enlivening dimension of drama, creativity and imagination: artful expression. In the very beginning, MROC “convened its activism on the dispersed stages of the criminal justice system.” The very tools of the repressive state were reinhabited by the sufferer as a stage sending out an “unconditional invitation to all mothers and others struggling on behalf of their children.”<sup>90</sup> They “stole the show” from the carceral state. They also leafleted the streets and took to the media, these venues themselves already being theatrical. MROC made these sites *their* stage. Funerals of slain youth of color were fully that (with mourning, lamentation and group solidarity), but also were sites for announcing rallies against police violence.<sup>91</sup> What emerged was what Gilmore terms “oppositional political arts centered on creating an order different from the one built by the state out of more and bigger prisons.”<sup>92</sup>

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<sup>84</sup> 184.

<sup>85</sup> Vijay Prashad, “Bandung Is Done: Passages in AfroAsian Epistemology,” *AfroAsian Encounters: Culture, History, Politics*. Eds. Heike Raphael-Hernandez and Shannon Steen. (New York: New York University Press, 2006), xi-xxiii.

<sup>86</sup> See Chakravartty and Silva on Bandung as “anti-colonial utopian project”, 11-12.

<sup>87</sup> Gilmore, 184.

<sup>88</sup> Wacquant, *Punishing the Poor*, 287, and Ruth Wilson Gilmore, 24-5.

<sup>89</sup> Prashad, “Bandung Is Done,” xxi.

<sup>90</sup> Gilmore, 182.

<sup>91</sup> 202.

<sup>92</sup> 236.

Many of the members in MROC were Christians, alongside many of inter-faith communities, as well as peoples of conscience from humanist and other persuasions. The way prayer functioned at some MROC meetings is illustrative of the spectral power of critical movements of resistance. Gilmore notes that prayer-rites had a way of “framing,” setting MROC actions in a context full of deep significance. It involved bodies clasping hands, standing and sitting in circles, a listening among women gathered, especially to those with powers of the rhetorical art that churches would call “preaching.” Crucial in this, according to Gilmore, was a fostering of the sense of difficulty and urgency, a meditative pondering on power and powerlessness, also a play of mutual encouragement flowing between speakers and the gathered collective. Prayer-rites “helped span the visible and invisible social distances among people...”<sup>93</sup> In this space of meditation and resultant action, not only race, but also gender, sexuality and especially class, all under the powers of Neoliberal political economy, were brought to consciousness in varied and changing modalities.

Here, among these mothers on the move is an exemplar of the critical movements of resistance needed today: agonism, artful expression and the fomenting of organized movement practices - all woven to galvanize a countervailing and liberating specter. No wonder that Gilmore places at the start of her chapter on MROC a women’s political chant that was part of the anti-pass law movement in South Africa. That MROC would reach beyond the national frame of U.S. mass incarceration, to the international arena, displays a decolonial resistance: “Now that you have touched the women, you have struck a rock, you have dislodged a boulder, and you will be crushed.”<sup>94</sup> Here is the flesh that wears out chains, the song that “thunders down prisons.”

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Taylor Lewis, Mark. “Decolonizing Mass Incarceration: ‘Flesh Will Wear Out Chains,’” in *Journal for Cultural and Religious Theory* vol. 13 no. 1 (Winter 2014): 121-141.

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<sup>93</sup> 221-22.

<sup>94</sup> 181.