Carceral Subjectivity and the Exercise of Freedom in Israel-Palestine

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Abstract

What do 20th century attempts of Israelis, Palestinians, and Humanitarians to affect subject formation in Israeli prisons reveal about the relation between domination and freedom? Literatures of carceral subject formation regard prisons as sites where subjectivity is either irrelevant (Wallace 2015, Guenther 2013), liberatory (Nashif 2008, Bargu 2014, Dilts 2014), or manipulated (Daka 2011). The resulting analyses of these approaches regard Israeli incarceration of Palestinians as a site of "neutral and objective" humanitarian work by the Red Cross, purely liberatory political action by Palestinian prisoners, or an all-catching Israeli top-down apparatus that is able to harness every attempt of Palestinian political action to its own benefit. To offer a competing approach, my dissertation builds on newly exposed archival materials from Israeli, Palestinian, and Red Cross archives on Israeli prisons between the arrest of the first self-proclaimed Palestinian political prisoner in 1965 and 2019. With and against contemporary political and social theorists such as Michel Foucault, Iris Young, and Walid Daka the dissertation traces how the Israeli Prison Service attempted to use the prisoners' actions—such as their leadership structures, hunger strikes, demands for improved material conditions, and inner-relations—to amplify Israeli interests. It further traces how the Red Cross's "neutral" humanitarian work participated in the constitution of the prisoners as individualized consumers and limited the prisoners' ability to act collectively. Last, it traces how the prisoners were nevertheless able to change their reality by cultivating alternative kinships, textures of collectivity, and senses of selves. The result is a differentiation between practices where the Palestinian prisoners were only able to act

according to definitions set by others and those rare moments when they were able to

participate in defining the structure of their participation.

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Chapter 1: Introduction

Tracing hints of counter-subjectivation in a play of subjectification with scenes of subjection

On August 31 1973 Omar elShalabi, a Palestinian political prisoner, trespassed into an Ashkelon Prison workshop to break prisoner-manufactured iron-sets.[1] Ashkelon's prison guards beat him and he would soon die on his hospital bed. In May 1980 prisoners Rasem Halaweh and Ali elJa'afari, having participated in a hunger strike for their dignity in the newly opened Nafha Prison, were sent to be force-fed in a hospital. The feeding tube went to the struggling prisoners' lungs instead of their stomach, and they suffocated to death.[2] These cases exemplify some of the interplays between prison conditions, prison administrator aspirations, and prisoners' actions.

The Israeli incarceration of Palestinian political prisoners from 1965 to the present included many such scenes. To use the language of literary scholar Saidiya Hartman, they are "scenes of subjection."[3] Yet they are not solely so. Scenes of subjection can be part of a play whose main storyline is different. Philosopher Michel Foucault understands modern prisons to operate under a logic of what he calls

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[1] While elsewhere I agree with the motivations of contemporary discussions of incarceration that avoid describing incarcerated people as "prisoners" which reduces a person's existence to the fact that they are or were imprisoned, here I follow the Palestinian reclaiming of the word "prisoner." From its side, the Israeli Prison Service considers these prisoners as "security prisoners." For a discussion of these categories see Maya Rosenfeld, "The Centrality of the Prisoners' Movement to the Palestinian Struggle against the Israeli Occupation: A Historical Perspective," in *Threat: Palestinian Political Prisoners in Israel*, ed. Abeer Baker and Anat Matar (London: Pluto press, 2011), 3–24.

[2] A third prisoner, Ishaq elMaragha, was injured while force-fed during the Nafha strike and died three and a half years later in Beer Sheva Prison on November 16, 1983.

[3] Saidiya Hartman, *Scenes of Subjection: Terror, Slavery, and Self-Making in Nineteenth-Century America* (Oxford: Oxford University Press, 1997).

"subjectification" (*assujettissement*) that is distinct from subjection (*sujétion*).[4]

Subjection, such as in most cases of slavery, is a modality of power where the subject's actions are severely limited. When thinking of how institutions try to shape behavior, situations of strict force are of little interest to Foucault. He says:[5]

> What does it mean to exercise power? It does not mean picking up this tape recorder and throwing it on the ground. I have the capacity to do so—materially, physically, sportively. But I would not be exercising power if I did that. However, if I take this tape recorder and throw it on the ground in order to make you mad, or so that you can't repeat what I've said, or to put pressure on you so that you'll behave in such and such a way, or to intimidate you—well, what I've done, by shaping your behavior through certain means, *that* is power.

As a modality based on force, subjection by itself is less relevant to cases of subject formation, Foucault's—and this study's—main interest. Subjectification, on the other hand, is a modality of power where the subjectivity of the person involved—her behavior, identity, and sense of self—is at the core. The technology of prisons, says Foucault, is meant to change who a person is. The violence at play in the killing of incarcerated people beaten and force-fed is an important part of the imaginary of Israeli prisons yet it is not the only part, or even the central part, of the practices at play within them. Prisoners' actions are in many cases a main interest not only of the prisoners' themselves but also of the surrounding structure.

Despite of the structures of domination at work both in prisons and the world outside of them, there are moments when one can resist in ways that reduce the chances

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[4] Michel Foucault, *Discipline and Punish: The Birth of the Prison*, trans. Alan Sheridan (London: Allen Lane, 1977).

[5] Michel Foucault, "Interview with Michel Foucault," in *About the Beginning of the Hermeneutics of the Self: Lectures at Dartmouth College, 1980*, ed. Henri-Paul Fruchaud and Danielle Lorenzini (Chicago: University of Chicago Press, 2016), 128–29. This translation by Michael Bess, the interviewer, from https://www.michaelbess.org/foucault-interview/

of the incorporation of this resistance into new modes of domination. Historian Howard Zinn regards the work of creative history in the terms of "disclosing those hidden episodes of the past when, even if in brief flashes, people showed their ability to resist." Likewise, this project theorizes the moments that are hints of an otherwise.[6] I look for those moments when, for incarcerated people, visibility is not only what the Foucault of *Discipline and Punish* calls "a trap" but also for those moments when people are able, again using Foucault's language, to "trap their own culture."[7]

Already at this early stage of the dissertation I would like to share the subject position that leads guides my research interest in the topics of subject formation and prisons.[8] My own experience of Zionism is that it is itself a trap. I served in the Israeli military during the Second Intifada and took part both in incarcerating Palestinian political prisoners and in evacuating Israeli settlers from their settlements in the Gaza Strip. Being of leftist leanings already in my adolescence, I considered refusing service on political grounds. Instead, I chose to continue a Marxist tradition of being where the people are. Once in the system, I thought serving in a prison for Palestinian political prisoners would enable me to take part in the heart of Israeli-Palestinian relations and to be a positive force of change "from within." It took a while to realize some structures do not easily shift by good intentions and that in such structures a "good cop" is a

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[6] Howard Zinn, *A Power Governments Cannot Suppress* (San Francisco: City Lights Books, 2007), 12.
[7] Foucault, *Discipline and Punish: The Birth of the Prison*, 200; Michel Foucault, "Piéger sa Propre Culture," in *Dits et Écrits I. 1954–1975*, ed. Daniel Defert and François Ewald (Paris: Gallimard, 1994), 1250.
[8] In so doing I take inspiration from Hagar Kotef. Hagar Kotef, *Movement and the Ordering of Freedom: On Liberal Governances of Mobility* (Durham: Duke University Press, 2015), 24. For the ethical stakes of Israeli studies of Israeli settler colonialism see Ariel Handel and Ruthie Ginsburg, "Israelis Studying the Occupation: An Introduction," *Critical Inquiry* 44, no. Winter (2018): 331.

contradiction in terms. My interest in prisons comes both from the curiosity aroused by meeting the people locked inside them who nevertheless managed to exercise what I felt to be quite a bit of freedom and on the other hand from the question of how others can learn from them. Specifically, although the dissertation does not pick up this question directly, I am interested in how Zionism operates as a trap and how even when faced with a trap people can "trap their own culture."[9] This subject position and these research interest guided the time I spent reading texts, or interviewing dozens of former Palestinian political prisoners, former Israeli Prison Service commissioners, and former Ministers of Police, or working in archives in Israel-Palestine, Switzerland, France, the U.S., and South Africa.

This study looks at the relations between Israeli prison administrations, Palestinian political prisoners, and workers of the International Committee of the Red Cross from 1965–2019 to examine how subject formation unfolds in a carceral context. As part of this process, Israeli Prison Service (IPS) administrators attempted to use the prisoners' actions to influence their behavior towards becoming more obedient, controllable, or, depending on the period, more amenable towards the Oslo Accords. In the face of this history it is tempting to say that what the prison needs is democratic practices. By laying stronger democratic practices we can imagine that prisons can become more ideal and respect human rights. However, the history of Israeli incarceration reveals that such democratic practices, which in a different power dynamic could have indeed enabled more freedom, were actually used for the purposes of

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[9] Foucault, "Piéger sa Propre Culture."

domination. While some scholarly analyses understand every form of prisoners' action as inherently liberatory, I stress that some prisoners' actions were utilized against them. The contrast to prisoners being beaten to death, then, is not prisoners' participation and inclusion or humanitarian action—all of these democratic concepts I discuss below— but rather prisoners' work on their own subjectivity. Prisoners were able to resist the logic of subjectification and to construct their subjectivity themselves, in a process I further explain in chapter two and call counter-subjectivation.

I argue that the history of Israeli incarceration of Palestinian political prisoners as a struggle over who they are produces a conceptual triad of subjection, subjectification, and counter-subjectivation. The amalgam of forces that tried to influence Palestinian political prisoners' subjectivity included the Israeli Prison Service (IPS), General Security Service (GSS/*Shabak*), Ministry of Police/Ministry of Internal Security, the Israeli military, and other government forces including the aforementioned Ministry of Foreign Affairs. I refer to all of these with a single name, the carceral dispositif.[10] The carceral dispositif shifted towards policies of subjectification and the prisoners' themselves in some cases successfully refused with tactics of self-transformation I refer to as counter-subjectivation and in other cases the carceral dispositif was indeed able to

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[10] I follow Foucault's use of "dispositif" rather than "apparatus." For Foucault, the use of dispositif is meant to resist the view of the state as *the* central player in power relations and expand the analysis to other sites as well such as culture, knowledge, or relations between people. In addition to expanding the analysis beyond the state, my use of "carceral dispositif" also challenges a simplistic view that prison policies are set solely within prisons. In the Israeli case, these policies are heavily influenced by the actions of the General Security Services (GSS, known as *Shabak*), and the Ministry of Internal Security (formerly, the Ministry of Police). Michel Foucault, *"Society Must Be Defended:" Lectures at the Collège de France, 1975–1976*, trans. David Macey (New York: Palgrave Macmillan, 2003); Louis Althusser, "Ideology and Ideological State Apparatuses (Notes towards an Investigation)," in *Lenin and Philosophy and Other Essays*, 1971, 121–76.

use the prisoners' actions against themselves. This argument is bound with a specific history and specific practices, and cannot be understood only within a rendering of philosophy into what Foucault and historian Arlette Farge call "an architecture of ideas."[11] The specifics of Jewish settler colonialism in the geographical area now known as Israel remind us that incarceration is not the worst way with which a person can be treated. In the background of imprisonment as "the gentle way in punishment" stand those other punishments it is defined against: execution and exile; punishments that by their nature aim at eliminating a threat rather than work on a person's subjectivity.[12] It is estimated that 750,000 Palestinian were exiled in the 1948 war, and the number of those killed is unaccounted for.[13]

The logic of subjectification, of using a person's actions to change who they are, only slowly emerged from more simple logics. One of the interviewees for this study shared a story of his father's captivity in 1948 that demonstrates the emerging shift from executions and exile towards imprisonment. The father bought a gun to take part in the fighting and after the Palestinians defending elLydda (within what would become 1948 Israel) were defeated, the father fled to the West Bank.[14] On his way back to his village, he stopped to rest and buried his rifle in the ground. He was captured by the Israeli military and taken to one of the Prisoner of War camps. According to the interviewee, had his father been caught with his weapon he would have been executed. Most of the

[11] Arlette Farge and Michel Foucault, *Disorderly Families: Infamous Letters from the Bastille Archives*, ed. Nancy Luxon (Minneapolis: University of Minnesota Press, 2017).
[12] Foucault, *Discipline and Punish: The Birth of the Prison*.
[13] Benny Morris, *The Birth of the Palestinian Refugee Problem, 1947-1949* (Cambridge: Cambridge University Press, 1989).
[14] Interview with formerly incarcerated person, April 30, 2012.

Palestinians taken to Prisoner of War camps were later deported but this person's mother was one of the few who stayed in Lydda and so her son was allowed to stay.[15] Even though the organizing logic of a Prisoner of War camp is different from that of a prison (I discuss the distinction in the next chapter), these camps where people were held because of their identity (and age/gender) are the beginning of the story. Even while the mechanisms of exile and annihilation were never fully abandoned and are widely exercised even in the twenty-first century, already in these early camps we can begin to decipher a fledgling move towards subject formation.

One document from this period demonstrates the slow shift toward carceral subject formation and its history in Israel-Palestine. The first mention of obtaining prisoners by Zionist forces in Palestine under the British Mandate is a Hagana (the Israeli military's predecessor) order from January 1948 that states that captives should be obtained in order to collect information.[16] The document further states that "freeing or eliminating the captive requires the authorization of the brigade command with Shin Yud (the GSS/*Shabak*'s predecessor) consultation."[17] Aaron Klein mentions that after Israel's establishment in May 1948, the order was to "arrest any man in fighting age." The first POW camp, Iglil, opened in May 26, 1948.[18] It's telling name was "Captives Camp no. 1." While Iglil was the first official camp and in its height had two thousand captives, in earlier stages of the fighting Palestinians were held in make-shift sites (Yusif Seigh

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[15] Salman Abu Sitta and Terry Rempel, "The ICRC and the Detention of Palestinian Civilians in Israel's 1948 POW/Labor Camps," *Journal of Palestine Studies* 43, no. 4 (2014): 11–38.
[16] Document from January 11, 1948. IDF Archive, 2315/50/35 Cited in Aaron Klein, "The Arab Prisoners in the War of Independence," in *Israel's War of Independence 1948-1949: A Reappraisal*, ed. Alon Kadish (Tel Aviv: Ministry of Defence, 2004), 567. IDF is Israel Defense Forces, the Israeli military.
[17] GSS is the General Security Services, an equivalent to the FBI.
[18] Ibid., 569.

describes his arrest in Jerusalem in April 1948 and his time in such a site outside Jerusalem).[19] The reason for holding these captives instead of killing them or deporting them was a desire to obtain information and to incapacitate— keep fighting-age men in camps so that they would not be able to join the fighting while released whereas killing them would be against international law. Klein mentions that in early 1949, three percent of the captives were Palestinian "irregulars" who took part in fighting and eighty-two percent (4850 men) were civilians.[20] Even in this initial moment of Israel's holding Palestinians in prison for the tactical purpose of obtaining information or incapacitating potential fighters, already some government officials propose to perform "Hasbara" activities on the prisoners (and at this point the word "propaganda" is still used shamelessly).[21] In a "Hasbara and Propaganda for the Prisoners" seminar initiated by the Israeli Office of Foreign Affairs in January 1949, its representative told detention camps officers that the captives should be influenced in order to "tell the truth about our country."[22] The logic is that they are already in prison and the newly founded state of Israel can use the resource of time to explain to the prisoners why it is justly founded. Already at this early stage then, even before the war had ended, the logics of annihilation and exile began to be accompanied by a logic of subject formation.

For Michel Foucault, modern punishment aims to re-tie a prisoner to a truth put forth by society.[23] In Foucault's account, as Fabienne Brion and Bernard Harcourt

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[19] Yusif Sayigh, "Prisoner of War: Yusif Sayigh, 1948 to 1949," *Jerusalem Quarterly* 29 (2007): 13–32.

[20] Klein, "The Arab Prisoners in the War of Independence," 571.

[21] Aaron Klein, *The Arab Prisoners in the War of Independence: Life in the Prisoners' Camp [MA Thesis]* (Jerusalem: Hebrew University of Jerusalem, 2000), 56. My translation.

[22] Ibid.

[23] Michel Foucault, *Wrong-Doing, Truth-Telling: The Function of Avowal in Justice*, ed. Fabienne Brion and Bernard E. Harcourt, trans. Stephen W. Sawyer (Chicago: University of Chicago Press, 2014).

explain, this truth is mostly individual.[24] To tell the truth is to tell a truth about oneself: both who the person is in the sense of what led her to transgress and telling the truth about herself in the sense of exemplifying an understanding about society's good and evil. However, in the case of Iglil POW Camp there is a plural at work. The representative speaks both of "captives" in the plural and about "our country." In this moment during the 1948 war, already a government representative understands that prisons can be used for the work of truth. This Hasbara discussion takes place in January 1949, when the 1948 war was mostly won by Israel. Government action to encourage prisoners "to tell the truth about our country" is to attempt to tie them to a certain truth in the process of not only the State of Israel's establishment but also the establishment of this truth. We can imagine that the prisoners themselves resisted such attempts by clinging to their own truths. Nevertheless, the attempt itself to move from a logic of only annihilation and exile to one of attempting to influence prisoners in favor of certain beliefs is teaching. From the founding of Israel in 1948 and the establishment of the Israeli Prison Service (IPS) in 1949, it is estimated that 600,000 Palestinians have been arrested or imprisoned by it.[25] Therefore, such attempts of influencing subjectivity are anything but marginal.

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[24] Fabienne Brion and Bernard E. Harcourt, "The Louvain Lectures in Context," in *Wrong-Doing, Truth-Telling: The Function of Avowal in Justice* (Chicago: University of Chicago Press, 2014), 271–321.
[25] Hisham abdelRazek gives the number 700,000. Uri Savir, chief negotiator of the Oslo Accords from the Israeli side, states that a third of all Palestinian homes has or had a prisoner in it. Uri Savir, *The Process: Behind the Scenes of a Historic Decision* (Tel Aviv: Yedioth Ahronoth, 1998). AbdelRazek spoke in Van Leer Institute panel "Security or Political? On Palestinian Prisoners and their Role in Solving the Conflict" on May, 3, 2016. Ami Ayalon, former head of the GSS and a fellow panel participant, corroborates the figure that abdelRazek gives.

As should already be clear from the adjectives I used above, there are several names used to refer to the same group of people. After the deportations of 1948–1949, two categories were in use to refer to Palestinians and other Arabs in Israeli custody. Now that there were no more "captives" (*shvuim*), some prisoners were referred to as infiltrators (*mistanenim*) and others as spies (*meraglim*). Israel considered "spies" as those sent by neighboring countries for security purposes. After a 1958 jail break in Shata Prison, the Israeli Prison Service introduced a new internal category for people incarcerated for security related offences— "Security Prisoners" (*asirim bithoniim,* in Hebrew) the main category used by the Israeli government (alongside the more colloquial "*mehablim*"— sabotagers/terrorists). Palestinians use two terms— political prisoners or captives (*asira,* in Arabic).[26] The ICRC mostly uses the category of "protected persons" (*personnes protégées,* in French)— people who are protected under the fourth Geneva convention. The first self-proclaimed Palestinian political prisoner, Mahmoud Hijazi, was arrested in January 1965. Hijazi was part of the newly established Fatah movement (Palestinian National Liberation Movement, 1959). His release date in a prisoners' exchange deal in 1971 is commemorated to this day as the prisoners' day. Hijazi's imprisonment becomes a watershed moment in the history of incarceration in Israel-Palestine as the militancy of the Fatah movement leads more and more Fatah members behind bars. Thus, while imprisonment was political even before 1965, the nature of the relationship between prisoners to the IPS and the prisoners themselves is altered post-1965.

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[26] Walid Daka, "Security Prisoners or Political Prisoners?," *Adala* 24 (2006).

How did the 1967 war affect prisons? The 1967 war and the conquest of the Golan Heights, West Bank, Gaza Strip, and Sinai Peninsula dramatically increased the number of prisoners but the categories used by the carceral dispositif did not shift. Before 1967, the number of those classified as "security prisoners" rarely exceeded two hundred. For example, a special committee appointment to investigate the 1958 Shata uprising divided "security prisoners" to two categories: "infiltrators" and "spies." In 1959 there were one-hundred and five "infiltrators" and twenty five "spies."[27] This category of "infiltrators" is an important reminder to the main use of prisons between (roughly) 1948–1965: To punish Palestinians who attempt to return to their lands, conquered in the 1948 war, so that they do not attempt again to return to these lands. Many Palestinians were shot dead while returning to their lands (the numbers are unknown). The pain of imprisonment was another, more humane, method to keep these "infiltrators" out so that the lands can remain in Jewish hands and the Jewish majority will be strengthened. This was a more straight-forward use of prisons, as places that use pain towards deterrence. The occupation of the West Bank and Gaza Strip in 1967, along with the show of force that demonstrated Israel's strength and its determinacy to prevent Palestinian refugees from returning to their lands, brought forth a new period. The people who entered prison were now to remain under Israel's control in the West Bank, Gaza Strip, and the Golan after their release. Exile and executions still took place, but in smaller numbers whereas technologies of subject formation became more central.

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[27] Report of the Advising Committee for Establishing a Special Prison for Prisoners Who Pose a Security Threat, January 9 1959, Israeli State Archives, page 2.

Technologies of subject formation were developed by the prisoners themselves as well. The mass-arrests following 1967 also led to the prisoners' establishment of a political movement inside the prisons called "the prisoners' movement" (*harikat elasira*).[28] The prisoners regard the first decade after 1967 as "the lost period" where they slowly learned how to organize. From 1976, the date of a failed yet significant hunger strike at Ashkelon Prison, the prisoners' movement began to gain more and more hard-won achievements. The First Intifada (Palestinian uprising) of 1987 saw the prisoners' numbers grow to unprecedented numbers and to an elaborated structure of an internal-order (*nitham dahili*) of the different organizations (predominantly Fatah, Hamas, Islamic Jihad, People's Front for the Liberation of Palestine, the Democratic Front for the Liberation of Palestine).[29] The mass open-ended hunger strike that took place in 1992 is considered to be the heyday of this movement whereas the Oslo Accords years, from 1993, saw mass releases and the prisoners' movement's slow demise. The Second Intifada of 2000 brought along new mechanisms of control—alongside the previous mechanisms—that further changed carceral realities. In this long process, subjection was and is always part of the story and yet the historical details mentioned above and elaborated below show that more is at stake than only one-sided processes of limitation and isolation. These histories show how Israeli administrators allowed some processes to take place, prevented others, and built on prisoners' action. Nevertheless, prisoners were able to transform their subjectivity themselves by developing processes of leadership

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[28] Rosenfeld, "The Centrality of the Prisoners' Movement to the Palestinian Struggle against the Israeli Occupation: A Historical Perspective."
[29] Ibid.

cultivation, hunger strikes, and education processes that limited the carceral dispositif's attempts to co-opt them. Both prison administration and the prisoners themselves understood subject formation as a ground of political struggle.

Why subject formation in Israeli prisons?

The dissertation tells the story of the struggle over Palestinian prisoners' subjectivity in Israeli prisons between 1965 and 2019 to theorize subject formation. It asks: What do prisons as sites that limit freedom tell us about political action and how we make ourselves free? In other words, it understands carceral subject formation as one case of subject formation. Carceral subject formation has very unique characteristics but it is not totally distinct from subject formation in regimes of political governance outside of prisons. I take this last point to be the main contribution of Foucault's work with the Prisons Information Group, a group Foucault and others founded in 1971 to counter carceral and other realities in France. In the French context, Foucault asked to connect limitations on freedom inside prison walls to those that exist outside of them

Here, the category of "security prisoner" is a category that attempts to produce a certain subjectivity. Similar to how Walter Benjamin understands violence as constructing the law rather than punishing the breaching of the law, I understand the categories at play in prison—protected persons, security prisoners, captives, political prisoners, and the term with which I conclude, "**politicians of freedom"— as constituting a political reality through categories of subject formation.[30] The GIP, in

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[30] Walter Benjamin, "Critique of Violence," in *Reflections: Essays, Aphorisms, Autobiographical Writings* (New York: Schocken Books, 1986), 277–300.

Foucault's terminology were not "universal intellectuals" or even "specific intellectuals."[31] Rather, they were "friends of prisoners" (*amis de détenus*) in that their friendship asked to understand the unique circumstances of incarceration and prisons' relation to limitations on freedom outside of prisons so that both could be taken apart.[32] Similar to the GIP's endeavor, the different categories at play in Israeli prisons and the different attempts at subject formation teach us something about political governance outside of prison walls too.

The specific historical circumstances of the Israeli colonial project and Palestinian resistance posit Israeli prisons as unique sites for the study of subjectivity for the following reasons: First, alongside the mechanisms of killing and exile, imprisonment was and is a prominent mechanism due to external limitations on Israel and its commitment to a liberal project that minimizes the use of killing and exile. It is this historic inability to get rid of the Palestinian subject that leads Israeli politics towards the considerations of subjectivity. Interventions of other countries, international organizations or non-governmental organizations often occur in the contexts of killing or exile. Similarly, Israel's and the Zionist movement's self-image of "bringing light to the land" and being a "a rampart of Europe against Asia, an outpost of civilization as opposed to barbarism" operate as a self-constraining mechanism over using solely annihilation.[33]

[31] Michel Foucault, "Truth and Power," in *Power/Knowledge: Selected Interviews and Other Writings, 1972–1977*, ed. Colin Gordon (New York: Pantheon Books, 1980), 126.

[32] Ou en est l'action du GIP ?, File 1.30, Fonds GIP, IMEC; Michel Foucault, "Friendship as a Way of Life," in *Foucault Live: Collected Interviews, 1961-1984*, ed. Sylvère Lotringer (New York: Semiotext(e), 1996), 308–12.

[33] Moshe Shertok, Israel's second prime minister, used the metaphor of "bringing light to the land" in his lecture "Introduction to the Arab Question" (Jerusalem, 1940), The Central Zionist Archive, 25S, file

Second, the characteristics of the Palestinian political prisoners' society are also conducive for the study of subjectivity. First, prisoners developed elaborate mechanisms of democracy for conducting their affairs. These included a representative system, participatory arraignments, committees, and various educational practices such as classes, lectures, debates, and structured reading and writing obligations that centered on transforming the prison into a university. In addition, Palestinian internal-practices were focused on *sumud*, steadfastness and especially of the kind that requires a person to stay close to their land. As the mirror image to the punishment of exile that is not about subjectivity (as the subject is forced to leave), the internal practice of sumud, as a practice of staying, contradicts attempts to leave. Prisons attempt to change who a person is as an historical advancement from the practice of exile. In contrast, to stay in Palestine, even with the price of incarceration, gestures towards changing oneself. Returning to the land is an important trait of Palestinian resistance. The original figures of the Palestinian processes of subject formation within prisons demonstrate this principle. Mahmoud Hijazi, considered the first Palestinian political prisoner, entered Israel in 1965 from Jordan even while putting his life and his freedom in danger. Abu Ali Shahin, considered "the founding father" of the prisoners' movement entered Israel from Egypt. This initial political motivation to stay also leads to change the situation where one is, the central organizing logic of the prisoners' movement (elaborated below).

22201, pages 2-4, cited in Hillel Cohen, *Army of Shadows: Palestinian Collaboration with Zionism, 1917–1948* (Berkeley: University of California Press, 2008), 29; Theodor Herzl, *The Jewish State* (Leipzig: Breitenstein, 1896), 12.

Third, there is a substantial archive that enables scholars to study practices of subject formation in Israeli prisons. The large timespan of the conflict and the involvement of international actors (most significantly, the International Committee of the Red Cross) leaves a significant archive that enables to inquire within it. The duration of the ICRC's involvement in Israeli prisons far exceeds any other engagements. ICRC workers have been meeting with Israeli officials on a regular basis and visiting Israeli prisons since 1968. The resulting paper trail is unprecedented. The expansiveness of the ICRC archive makes an important contribution to the ability to understand the different vectors of directionally at work in Israeli prisons that aim at the Palestinian prisoners' subjectivity.

Literatures of carceral subject formation and social death

In 1972, right before the moment that current analyses of "mass-incarceration" in the US define as the leaping point of unproportionable rates of incarceration and the disproportional incarceration of multiply-marginalized people, the Prisons Information Group (GIP) described their work in terms that do not only seek to undo the problems of proportion and equality but the prison-form itself. "We do not dream of an ideal prison," they said, and pointed our attention to the fact that even if "the population was over incarcerated," the problem was not to establish an adequate rate of incarceration but to undo the logic of the prison.[34] In a nutshell, this logic is the separation of the very

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[34] GIP, *Intolérable 1, Les Prisons. Enquête Dans 20 Prisons* (Paris: Champ Libre, 1971), 48 [back cover]. GIP, *Groupe D'information Sur Les Prisons: Intolérable*, ed. Philippe Artières (Paris: Verticales, 2013), 16.

categories of "innocence" and "guilt" as objective categories where in fact they are constructed as instruments for the purpose of control. In other words, their purpose was to expose the punitive society's categories of innocence and guilt as serving a political purpose and to search beyond these categories. In this sense, the GIP opened up possibilities to think about incarceration not only on the terms of humanism (such as the critiques of mass-incarceration or racial-disproportionality) or limits (both physical limitations and limitations on action), but also in the sense of the required political work on the self that is needed to tackle the prison-form. To the GIP, humanizing prisons and making prisoners more active might in and of themselves be mechanisms of domination. In the GIP's words, what is needed is a process of becoming "intolerant towards prisons" alongside tacking the inhumane and limiting aspects of incarceration.[35]

It is not a coincidence that discussions of how humanism can make even prisoners less free are missing from the literatures on incarceration. Indeed, incarceration in the US is extreme in its proportion ("mass incarceration") as well as its racial inequalities ("disproportionate") and its treatment of prisoners along with the political consequences of incarceration ("civil and social death") are outrageous. An ever-searing number of recent studies have called attention to these traits. In the US, these studies consider the period from 1973 to the present as a period of "mass-incarceration." Albert Dzur argues that "the implications of hyper incarceration for understanding contemporary democracy have yet to be developed in political theory."[36] Elsewhere, in search of a "better penal

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[35] My translation, *Le Groupe d'information sur les prisons: archives d'une lutte 1970–1972*, 52.
[36] Albert W. Dzur, *Punishment, Participatory Democracy, and the Jury* (Oxford: Oxford University Press, 2012), 22.

politics," Dzur, along with Ian Loader and Richard Sparks, asks "what concepts and arguments are available to us at this moment of possibility, after more than a generation of 'normal' mass incarceration, to speak to its abnormality and to fix what is broken about a dysfunctional system that implicates all of us who have grown accustomed to it and in whose name it was assembled?"[37] Dzur's work is not unique in its interest in fixing the system by attending to the abnormality of mass incarceration. This commonplace language assumes that there is a proportional rate of incarceration, that there are ideal prisons (Switzerland is one oft-mentioned example), and that US policy makers should correct the abnormality of mass incarceration.

Another dominant characteristic in contemporary critiques of the prison is the question of racial inequality and disproportionality. Amy Lerman and Vesla Weaver, for example, raise the question of "arrested citizenship:" How some segments of the US body politic, specifically African-American men, suspend their citizenship as they are arrested and develop "custodial citizenship" that limits their interaction with government to an experience of "racial bias, stigma, and humiliation."[38] For Lerman and Weaver, "racial disproportionality in the criminal justice system" holds much of the responsibility.[39] The goal of criminal justice reform should therefore be to attenuate these disparities and to bring about a less unequal prison.[40] As with Dzur's search for a fair system of

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[37] Albert W. Dzur, Ian Loader, and Richard Sparks, "Punishment and Democratic Theory: Resources for a Better Penal Politics," in *Democratic Theory and Mass Incarceration*, eds. Albert W. Dzur, Ian Loader, and Richard Sparks (Oxford: Oxford University Press, 2016), 2.

[38] Amy E. Lerman and Vesla Mae Weaver, *Arresting Citizenship: The Democratic Consequences of American Crime Control* (Chicago: University of Chicago Press, 2014), 157.

[39] Ibid., 246.

[40] Ibid., 247. For a critique of the "disproportionality" framing see Robert Nichols, "The Colonialism of Incarceration," *Radical Philosophy Review* 17, no. 2 (2014): 435–55.

punishment, Lerman and Weaver's position is one of asking to make prisoners more active, for example with prisoners' councils.[41]

Even studies that have little desire to "fix a broken criminal justice system" or put forward "better penal politics" at times share the conceptual framework of the reformist literature to encourage prisoners' action. This tendency is most evident in repeated references to the frame of "civil and social death." Such uses, even if they still understand power as only repressive, are commonplace. Ruth Wilson Gilmore defines racism as "the state-sanctioned or extra-legal production and exploitation of group-differentiated vulnerability to premature death."[42] Rather than understand prisons as sites that also produce certain kinds of subjects, Gilmore's reading only treats prisoners' premature death. To be clear, the issue I take up with these literatures is not that death isn't a product of the prison system, or that actual death or repression are irrelevant to incarceration, but rather that they are only part of the story. Gilmore's analysis of prisoners as "carceral objects" thus misses the additional layer of analysis in regarding prisoners as subjects.[43]

Similarly to Gilmore, the use of the term "civil and social death" is common in current analyses of mass incarceration.[44] The reference point of the phrase "social death"

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[41] Amy E. Lerman and Vesla Mae Weaver, "A Trade-Off Between Safety and Democracy? An Empirical Investigation of Prison Violence," in *Democratic Theory and Mass Incarceration*, ed. Albert W Dzur, Ian Loader, and Richard Sparks (Oxford: Oxford University Press, 2016).

[42] Ruth Wilson Gilmore, *Golden Gulag: Prisons, Surplus, Crisis, and Opposition in Globalizing California* (Berkeley: University of California Press, 2007), 28.

[43] Ibid., 130.

[44] Lisa Guenther, *Solitary Confinement: Social Death and Its Afterlives* (Minneapolis: University of Minnesota Press, 2013); Brady Heiner, "Excavating the Sedimentations of Slavery: The Unfinished Project of American Abolition," in *Death and Other Penalties: Philosophy in a Time of Mass Incarceration*, ed. Geoffrey Adelsberg, Lisa Guenther, and Scott Zeman (New York: Fordham University Press, 2015), especially 38–40; Colin Dayan, *The Story of Cruel and Unusual* (MIT Press, 2007); Dylan Rodríguez,

is Orlando Patterson's comparative study of slavery between different periods and regions.[45] Such studies show extraordinary clarity in their discussion of the problems that accompany a comparison of the power relations of the present with those of a different configuration of the past (most notably in a critique of Michelle Alexander's *The New Jim Crow* as limiting our understanding of the twenty-first century's racialized incarceration). Yet, these studies rarely point the same critique towards the use of the concept of "civil and social death."[46] Colin Dayan, for example, theorizes prisons as sites of "civil death" where the political personality of the prisoner is cancelled due to her incarceration.[47] Likewise, Lisa Guenther focuses her insightful analysis of the prison on solitary confinement and thus regards the prison as a site of destruction more than production: "there are many ways to destroy a person, but one of the most simplest and most devastating is through prolonged solitary confinement."[48] The contradiction is even more evident in the work of Dylan Rodríguez, who argues that prison writing "is, essentially, a call to arms for categorical *nonsubjects* to displace and violate the *logic of dehumanization*, absent the guarantee of an ultimate, or decisive 'freedom;' this is to

Forced Passages: Imprisoned Radical Intellectuals and the U.S. Prison Regime (Minneapolis: University of Minnesota Press, 2006).

[45] Orlando Patterson, *Slavery and Social Death: A Comparative Study* (Cambridge: Harvard University Press, 1982). For example, see Che Gosset in Liat Ben-Moshe et al., "Critical Theory, Queer Resistance, and the Ends of Capture," in *Death and Other Penalties: Philosophy in a Time of Mass Incarceration*, ed. Geoffrey Adelsberg, Lisa Guenther, and Scott Zeman (New York: Fordham University Press, 2015), 288.

[46] For one rare exception, see Matt S. Whitt, "Sovereignty, Community, and the Incarceration of Immigrants," in *Death and Other Penalties: Philosophy in a Time of Mass Incarceration*, ed. Geoffrey Adelsberg, Lisa Guenther, and Scott Zeman (New York: Fordham University Press, 2015), 347 n40. Michelle Alexander, *The New Jim Crow: Mass Incarceration in the Age of Colorblindness* (New York: New Press, 2010).

[47] Dayan follows Kim Lane Scheppele's historical account of prisoners' legal rights in arguing that they are "dead" to the law since their rights for legal standing are almost non-existent, see Dayan, *The Story of Cruel and Unusual*, 48–49, 95–96.

[48] Guenther, *Solitary Confinement: Social Death and Its Afterlives*, xi.

articulate a radical subjectivity from within a condition of *civic and social death*, in close

proximity to biological and *premature death*."[49] As opposed to this approach's focus on

"nonsubjects," "logic of dehumanization," "civic and social death," and "premature

death," one can ask what happens if scholarly attention is expanded to include not only

the effects of deprivation but also the effects of construction. The focus thus shifts from

social death in prison to understanding social life or, to paraphrase Rodríguez, "logics of

humanization:" the amalgams of subjectivity that the prison-form takes part in producing.

Prisons certainly operate according to logics of deprivation, objectivation, and repression.

Yet, these are not the only logics at work. Scholarly focus on the repressive sides of

incarceration perpetuate reading the prison as site disconnected from society, whereas

punishment stands at the center of the social contract. The lens of "civil and social death"

distracts us from the ways in which some constructions of life are not entirely liberatory.

More importantly, shifting to the study of carceral social life enables scholars to question

the possible connections between prison-forms and their growing influence on our

quotidian existence.

Placing Israeli prisons in a global context

The dissertation focuses on carceral practices of subject formation in Israel-Palestine and

yet it has implication that exceed both Israel-Palestine and the prison. Political prisoners'

struggles have been studied not only in the context of Israel-Palestine, but also in

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[49] My emphasis. Rodríguez, *Forced Passages: Imprisoned Radical Intellectuals and the U.S. Prison Regime*, 159.

Apartheid South Africa and Northern Ireland, among other examples.[50]Allen Feldman's

study of the "Troubles" in Northern Ireland between 1969 and 1985 informs my project

in terms of the study of political imprisonment and yet I depart from its focus on

violence. Feldman examines the work of subjectivity in the carceral context while tracing

acts of agency of the Irish political prisoners within British prisons. He claims the

prisoners negotiate their political agency through acts of violence. While Israeli prisons

share many characteristics with the British prisons that Feldman discusses, my analysis

differs from his in that it does not focus on questions of the use of violence but on

question of power relations and the production of subjectivity. For Feldman, Irish

political prisoners on hunger strike turn their bodies into objects whereas this study is

interested only in the moments where prisoners are considered both by themselves and by

the incarcerating apparatus as subjects. Both prisons themselves and the Israeli

colonization of Palestine do not lack in violence and yet as opposed to Feldman's study

of the "formations of violence," my interests lie in the practices of productive power.

If Feldman's is the groundbreaking study of Irish political prisoners, Fran

Buntman's provides the Apartheid South African example. For Buntman, South African

prisoners from 1962–1991 managed to transform Apartheid's prisons to site of resistance.

She argues that "Robben Island was transformed by prisoners from a brutal 'hell-hole' to

a 'university.'"[51] If Feldman's focus on violence leads to an analysis of subjection,

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[50] Esmail Nashif, *Palestinian Political Prisoners: Identity and Community* (London: Routledge, 2008); Allen Feldman, *Formations of Violence : The Narrative of the Body and Political Terror in Northern Ireland* (Chicago: University of Chicago Press, 1991); Fran Buntman, *Robben Island and Prisoner Resistance to Apartheid* (Cambridge: Cambridge University Press, 2003).
[51] Ibid., 5.

Buntman's focus on education is one of subjectification. While her study contributes to our understanding of how prisoners can rework themselves in prison, her description lacks the ways in which subject formation can serve as a double-edged sword. My own study then does not add "a case" of political imprisonment to the literature but rather argues for a new understanding of the connection between prisons, prisoners, and the outside world that is focused on subject formation.

Foucault studied Bentham's panopticon not as a mechanism that is limited to prisons alone but rather as a characteristic mechanism of the modern western society. Bentham argued his mechanism would prove beneficial for surveillance in the cases of factory workers, school- children, hospital patients and soldiers in military barracks. In other words, Foucault's analysis of the panoptic project argued that it helps us understand relations of power in modern society. The prison is useful for Foucault's methodology as it makes clear what other institutions try to mask: "Prison," writes Foucault, "is the only place where power is manifested in its naked state, in its most excessive form, and where it is justified as moral force."[52] This "naked state" allows us to learn from the prison about relations of power elsewhere as well so long as we are also aware of the uniqueness of carceral hierarchies and power imbalances. As Lisa Guenther demonstrates, conditions of incarceration make a huge difference. A prisoner in solitary confinement undergoes an experience that is substantially different from a person locked up with another person.[53] Similarly, Banu Bargu discusses the huge difference between the former communal

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[52] Michel Foucault and Gilles Deleuze, "Intellectuals and Power," in *Language, Counter-Memory, Practice: Selected Essays and Interviews by Michel Foucault*, ed. Donald Bouchard (Ithaca: Cornell University Press, 1977), 205–17.
[53] Guenther, *Solitary Confinement: Social Death and Its Afterlives*.

wards of Turkish prisons where even one hundred people could be incarcerated together in one space and the relatively new F-type prisons with four-person cells.[54] In other words, even within prisons themselves, there are vast differences in the mechanisms of incarceration that produce very difference spaces and distinct modalities of subject formation.

At the same time, prisons as institutions do have a shared history and a specific logic of subject formation that underscores their infrastructure. Prisons were always meant to change people. In 1764, Cesare Beccaria added an important addition to modernity when he called to cease the cruelty and excess of the pre-modern forms of punishment and to start punishing more accurately, gently, and in a sophisticated manner.[55] In this regard then, Beccaria's work, as Foucault demonstrates, has contributed to a societal effect that reaches beyond prisons.[56] As scholars from Rusche and Kirchheimer to Foucault and Angela Davis have stressed, prisons have never ceased to fail at attaining their goals.[57] That is, while certain prison policies do indeed lead to less recidivism, prisons in general have never managed to rehabilitate incarcerated people. Instead of a "corrected" prisoner, these scholars argue that prisons rather participate in the production of societal structures such as race, class, and political control. Israeli prisons, thus both share some traits with other prisons and other cases of political

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[54] Banu Bargu, *Starve and Immolate: The Politics of Human Weapons* (New York: Columbia University Press, 2014).

[55] Cesare Beccaria, *On Crimes and Punishments* (Indianapolis: Hackett, 1986 [1764]).

[56] Foucault, *Discipline and Punish: The Birth of the Prison*; Bernard E. Harcourt, *The Illusion of Free Markets* (Cambridge: Harvard University Press, 2011), 56–57.

[57] Georg Rusche and Otto Kirchheimer, *Punishment and Social Structure* (London and New York: Routledge, 1939); Angela Y. Davis, *Are Prisons Obsolete?* (New York: Seven Stories Press, 2010); Foucault, *Discipline and Punish: The Birth of the Prison*.

imprisonment and yet at the same time they have their own history and their own distinct characteristics. This study's contribution lies not in an analysis that seeks to compare Israeli prisons with other forms of control such as looking at Gaza as "the world's largest open-air prison" or the Israeli checkpoint regime. Rather, the larger stakes move beyond specific surveilled parts of Israel-Palestine but to a global moment of attempting to affect people's subjectivity.[58] The implications are that looking at small scale attempts of changing people in closed prisons can inform us about the dangers of subject formation without representation.

Thinking carceral subjectivity: a conceptual triad

In response to these debates in the literature, this dissertation analyzes Israeli incarceration of Palestinian political prisoners to introduce a conceptual triad of subjection, subjectification, and counter-subjectivation. The following section will explain these different components as leaning on Foucault's work and yet moving beyond his analysis of the prison. Even in a site such as a prison, imagined as the most repressive there is, the modality of power is not only one of subjection (*sujétion*) that relies solely on force, but also—in Foucault's coinage—one of subjectification (*assujettissement*).[59] While subjection (*sujétion*) stresses the coercive, compelling, or violent, application of

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[58] Bernard E. Harcourt, *Exposed: Desire and Disobedience in the Digital Age* (Cambridge, MA: Harvard University Press, 2015).

[59] Foucault: "what I call subjectification [*l'assujettissement*], a word I know is difficult to translate to English, because it rests on a play of words, subjectification [*assujettissement*] in the sense of the constitution of the subject, and at the same time the way in which we impose on a subject relations of domination." Michel Foucault, Colin Gordon, and Paul Patton, "Considerations on Marxism, Phenomenology and Power. Interview with Michel Foucault; Recorded on April 3rd, 1978," *Foucault Studies*, no. 14 (2012): 110.

power, subjectification (*assujettissement*) notes the active element of the individual that, alongside force, is the basis of control, correction, rehabilitation, and molding. The very word suggests action. To the approach that seeks to move prisons away from subjection, Foucault's reading of the birth of the prison serves as a reminder that there are other dangers in the world, indeed, greater dangers.

Unfortunately, the English translation of *Discipline and Punish* translates *assujettissement* as "subjection" rather than "subjectification" and thus not only loses the active element of *assujettissement* but leads many anglophone readers to miss this important point.[60] The very act of constructing the modern prison was one of moving from processes of subjection, of only forcefully detaining people until their trial, to a process that did not depart from the use of force but now centered on constructing their subjectivity— Beccaria's reform was centered on the actions of the subject such as the calculation of the profit of punishment and the cost of crime.[61] The separation of subjection from subjectification is more than semantics. It allows a critical take on the constructions of subjectivity in processes of subjectification that, more than a focus on only processes of subjection (social death, dehumanization, cruel methods of punishment), has far-reaching implications. Namely, understanding models of

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[60] Samuel Chambers points to Nikolas Rose's *Powers of Freedom* (1999) as the first correct translation of *assujettissement* as subjectification. However, Kevin Paul Geiman's 1996 translation of "What is Critique?" that uses "subjectification" precedes Rose's 1999 book. Furthermore, Donald F. Bouchard and Sherry Simon correctly translate *désassujettissement* as "desubjectification" as early as 1977. Michel Foucault, "What Is Critique?," in *What Is Enlightenment? Eighteenth-Century Answers and Twentieth-Century Questions*, ed. James Schmidt (Berkeley: University of California Press, 1996), 382–98; Michel Foucault, "Revolutionary Action: 'Until Now,'" in *Language, Counter-Memory, Practice: Selected Essays and Interviews by Michel Foucault*, ed. Donald Bouchard (New York: Cornell University Press, 1977), 222. See Samuel Chambers, *The Lessons of Rancière* (Oxford: Oxford University Press, 2013), 98–101.
[61] Cesare Beccaria, *On Crimes and Punishments* (Indianapolis: Hackett, 1986 [1764]).

subjectification within Israeli prisons and their reliance on productive power and humanisms trains us to locate models of subjectification outside of prison wall too.

Docile sovereignty (*souveraineté soumise*) is a central and often overlooked concept for Foucault's understanding of subjectification.[62] According to Foucault, an important political moment takes place in the constitution of Roman law when western society begins to understand itself with this logic of docile sovereignty. Within this logic, in order to be free, the individual must give the rights of governing her to another (as with Hobbes' Leviathan). The logic of docile sovereignty is at work in another coinage Foucault develops: The prison-form. In short, the social form of the prison is a transaction between the irregularity of behavior and the time that one must spend in prison to pay for it.[63] Foucault takes the language of the prison-form from Marx's concept of the wage-form: For Marx, the wage-form mediates the question of labor and value by turning labor-time into value.[64] Foucault's use of the prison-form is that it mediates moral and political questions.[65] Foucault's use of the prison-form also gestures towards "docile sovereignty" in that it is a political form where people act within certain limits, yet are unable to affect the wider structure. The prison itself is something they cannot affect. To follow this logic, a carceral self is not only a subject put in prison but

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[62] Michel Foucault, *Dits et écrits I. 1954–1975*, ed. Daniel Defert and François Ewald (Paris: Gallimard, 1994), 1095. The English translation has "subjected sovereignty." Foucault, "Revolutionary Action: 'Until Now,'" 222.

[63] Frédéric Gros, "Foucault et 'La Société Punitive,'" *Pouvoirs* 4, no. 136 (2010): 5–14.

[64] Karl Marx, *Capital: A Critique of Political Economy* (Penguin Books, 1976); Karl Marx, *Value , Price and Profit* (New York: International Co., Inc, 1969).

[65] Michel Foucault, *The Punitive Society: Lectures at the Collège de France, 1972-1973*, ed. Bernard E. Harcourt (New York: Palgrave Macmillan, 2015), 71–72, 266–67, 225–27.

also a subjectivity constituted by norms it cannot change, allocating the limits imposed on a subject to forces outside of it.

According to Foucault, the birth of the prison-form occurred at the same time as that of the wage-form: "Just as wage rewards the time for which labor-power has been purchased from someone, the penalty corresponds to the infraction, not in terms of reparation or exact adjustment, but in terms of quantity of time of liberty."[66] For Bernard Harcourt, this is a crucial moment because these pages hold the moment where Foucault begins to put his genealogical methodology into practice.[67] Foucault argues that the prison-form holds meaning not only as a method of punishment but as an institution that symbolizes a certain societal relation. For Foucault, the prison-form is a modern manifestation of a political logic: "the penitentiary element, of which the prison is just one expression, is a feature of the whole of society."[68] The prison-form is a logic that puts one in place.

Undoing the prison-form requires placing pressure on what Nancy Luxon describes as switch-points which contain the possibility of reworking a relation of power.[69] Any kind of social transformation around questions of incarceration will need to rework the dynamics of the prison-form and the ways in which the prison-form organizes the dynamics of subjects in relation to one another. For Foucault, this entails identifying a mechanism for changing the circulation of power and the terms of any kind of political

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[66] Ibid., 70–71.
[67] Bernard E. Harcourt, "Course Context," in *The Punitive Society: Lectures at the Collège de France, 1972-1973*, ed. Bernard E. Harcourt (New York: Palgrave Macmillan, 2015), 265–310.
[68] Foucault, *The Punitive Society: Lectures at the Collège de France, 1972-1973*, 100.
[69] Nancy Luxon, "Gender, Agency, and Circulations of Power," in *Archives of Infamy: Foucault on State Power in the Lives of Ordinary Citizens*, ed. Nancy Luxon (Minneapolis: University of Minnesota Press, 2019), 318.

organization. Identifying the elements of the prison-form—a transformation of time spent in prison to morality, the inability to affect larger structures, and the use of collective organization—is the first step towards moving beyond the prison-form.

The abolition of the former cruel systems of punishment of the *Ancien Régime* was the historical process that put the modern prison-form in place. The attempt to move beyond this form—an undoing of the carceral logic that stands at the core of the separation of innocence and guilt—thus has to both recognize the danger of perpetuating a power relation under a more sophisticated form and elaborate the creative possibilities of changing not only the prison-form but our carceral selves. Within the prison-form, a subject who would like to challenge a form of government, can only appeal to the sovereign to ask for change. The backdrop of an individual that refuses to be defined by others best-explains Foucault's interest with counter-subjectivation. Foucault's thought experiment with the GIP attempted to rework the political relations that involve people submitting to norms they do not participate in setting. The distinction between practices of subjectification and counter-subjectivation, then, is that in subjectification the subject is active in changing herself according to norms they never chose whereas in counter-subjectivation the core is transforming oneself according to values that a person is involved, or at least could be involved, in choosing.

While *Discipline* is crucial for understanding this important difference between subjection and subjectification, it is not sufficient for grappling with the possibilities I've just discussed of collectively changing who we are. Foucault's hints of counter-subjectivation in the carceral context do not stem from *Discipline* but rather from those moments in his writing when subjects practice a self-definition that enables them to

rework relations of power. *Discipline* focuses on the use of the prisoner's action to constitute a docile subject and not on the possibility for an individual to actively change oneself.[70] Acting subjects are only mentioned in the book as vehicles of power in one of two forms: The form of the spectacle and the form of subjectification. Subjects' voices are heard when they are about to be executed in a public spectacle and, with the freedom that an impending death allows, express indignation towards their executioners.[71] Alternatively, subjects' voices are heard as a display of successful subjectification: In one of the rare moments when prisoners appear in *Discipline*—that of a boy at the penal colony of Mettray after its opening which Foucault discusses as the point of completion of the modern carceral system[72]—the colonist's action presents a complete subjectification.[73] Foucault's analysis of the boy's dying words, "to leave the colony so soon, what a shame!," shows that in *Discipline* prisoners' actions mostly serve as grounds for the mechanisms of subjectification to further their cause—to perform social orthopedics and create "docile subjects"—rather than what the later Foucault would call

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[70] Nancy Luxon, "Policing and Criminality in Disorderly Families," in *Archives of Infamy: Foucault on State Power in the Lives of Ordinary Citizens*, ed. Nancy Luxon (Minneapolis: University of Minnesota Press, 2019), 1–66.

[71] Foucault, *Discipline*, 63. There are also other accounts of last words where the speaking subject surrenders to power and avows her guilt. For example, Foucault mentions the execution of Marion Le Goff yet he is skeptical about the accuracy of the historical account of the witness, Armand Corre. Ibid., 66.

[72] Mettray is not, strictly speaking, a prison but rather a reformatory. However, Foucault's analysis in *Discipline* is precisely one that would object to such strict separations. Foucault argues that the logic of the prison is one that is well at work in other related institutions; not only reformatories, but also hospitals, asylums, factories, military barracks and other institutions of surveillance. See *Discipline*, 172. For an elaborate account on the remaining differences between Mettray as a colony and as a prison see Ann Laura Stoler, *Along the Archival Grain: Epistemic Anxieties and Colonial Common Sense* (Princeton: Princeton University Press, 2009).

[73] Foucault, *Discipline*, 293. Translation altered.

"technologies of the self" as the ability to transform oneself.[74] The actions that are

needed to perform counter-subjectivation, are not those actions surveyed in *Discipline*.

Even Foucault's later lectures where he discusses his *books'* shift in interests

away from only subjectification and closer to the ways in which subjects are also able to

participate in processes of self-constitution, Foucault leaves the prison outside of this

analysis: "In those institutions like hospitals, asylums, prisons […] certain subjects

became objects of knowledge and at the same time objects of domination. Now I wish to

study those forms of understanding which the subject creates about himself."[75] In

Foucault's books, the prison is always already a site where prisoners are considered as

"objects" of knowledge (when, of course, Foucault does not even consider the concept

"subject" as implying a free agent).

As Foucault states, *Discipline* is a text that mostly deals with domination *qua*

control. At Dartmouth in November 1980 Foucault mentioned that

> Since I have started this last type of project [that of the history of sexuality and
> technologies of the self—S.G.] I have been obliged to change my mind on several
> important points. Let me introduce a kind of *autocritique*…since my project was
> concerned with the knowledge of the subject, I thought that the techniques of
> domination were the most important. But, analyzing the experience of sexuality, I
> became more and more aware that there is in all societies…another type of
> techniques: techniques which permit individuals to affect, by their own means, a

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[74] If for the Foucault of *Discipline*, silence was a means to protect the prisoner from the apparatus that wishes to induce one to speak, to confess one's sins as a means to be constituted anew, the GIP texts stress the ways in which prisons attempt to silence prisoners. Therefore, these texts put forth possibilities of refusal to the silencing technologies of prisons. One GIP booklet presents these practices: "The tidy and clean prison, the silent prison. But because they distribute more Valium and if you refuse to take it, they give you a shot." GIP, *Intolérable, les Prisons. Enquête dans une prison modèle: Fleury-Mérogis 2* (Paris: Champ Libre, 1971), 7. My translation.

[75] Michel Foucault, *About the Beginning of the Hermeneutics of the Self: Lectures at Dartmouth College, 1980*, ed. Henri-Paul Fruchaud and Daniele Lorenzini, trans. Graham Burchell (Chicago: University of Chicago Press, 2016), 24.

certain number of operations on their own bodies, on their own souls, on their own conduct, and this in a manner so as to transform themselves.[76]

In a lecture given at Vermont University in October 1982, Foucault would make the following statement: "Perhaps I've insisted too much on the technology of domination and power. I am more and more interested in the interaction between oneself and others and in the technologies of individual domination, *the history of how an individual acts upon himself*, in the technology of self."[77] These then, are some hints from Foucault about where to look for counter-subjectivation. If in the Dartmouth lecture the word "domination" characterizes institutions that ask to know a subject, in the Vermont lecture Foucault provides us with an additional meaning for domination. Here, domination is also reflected in the possibility for an individual to act upon himself.[78]

In this with this alternative view of domination, Foucault's lectures (most importantly those at Berkeley and Dartmouth and his 1972 Collège de France lectures) and his GIP texts offer hints of counter-subjectivation. Foucault's involvement with the GIP includes an invitation to change our subjectivity away from subjectification. If subjectification (*assujettissement*) is a modality of power that structures a subject

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[76] Ibid., 24–25.

[77] My emphasis. Michel Foucault, "Technologies of the Self," in *Technologies of the Self: A Seminar with Michel Foucault*, ed. Luther Martin, Huck Gutman, and Patrick Hutton (Amherst: University of Massachusetts Press, 1988), 19. Foucault provides the following definitions: "(3) technologies of power, which determine the conduct of individuals and submit them to certain ends or domination, an objectivizing of the subject; (4) technologies of the self, which permit individuals to effect by their own means or with the help of others a certain number of operations on their own bodies and souls, thoughts, conduct, and way of being, so as to transform themselves in order to attain a certain state of happiness, purity, wisdom, perfection, or immorality." Ibid., 18.

[78] Importantly, this technology of the self is a form of self-transformation that distances us from a reading of Foucault an anarchist. For Foucault, as opposed to anarchist thought, there is neither a normative judgement of power as "evil" nor a possibility to "exit" relations of power altogether but only a possibility to rework these relations. Therefore, domination itself can also be wrested away from the view that sees it as always already "evil" or as something we can do away with.

according to norms the subject is not able to affect (for example, prisoner "correction" according to societal norms), then counter-subjectivation stresses the practices of freedom of subjects who transform themselves in contestation of a specific structure. Moreover, it is a transformative, creative, and innovative attempt to rework relations of power that enables one to define the processes to which she is held accountable. According to Foucault, the GIP was focused not only on improving imprisonment conditions, but on the following:

> The ultimate goal of [the GIP's] interventions was not to extend the visiting rights of prisoners to thirty minutes or to procure flush toilets for the cells, but to question the social and moral distinction between the innocent and guilty. And if this goal was to be more than a philosophical statement or a humanist desire, it had to be pursued at the level of gestures, practical actions, and in relation to specifics situations. Confronted by this penal system, the humanist would say: "The guilty are guilty and the innocent are innocent. Nevertheless, the convict is a man like any other and society must respect what is human in him [sic]: consequently, flush toilets!" Our action, on the contrary, isn't concerned with the soul or the man *behind* the convict, but it seeks to obliterate the deep division that lies between innocence and guilt.[79]

The GIP sought to intervene in an existing regime of truth that works both inside and outside prison, but due to the visibility of the prison holds it as a symbolic site. Foucault's succinct description of the goal of the GIP can help reorient our understanding of his prison studies "to question the social and moral distinction between the innocent and guilty" rather than only to recover a "man" or a "soul."[80]

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[79] Foucault, "Revolutionary Action: 'Until Now,'" 227. For an analysis of the political ceremony as a "gesture" see Cérémonie, théâtre et politique au XVIIe siècle. Stephen Davidson, "Michel Foucault: Cérémonie, Théâtre et Politique au XVIIe Siècle," in *Proceedings of the Fourth Annual Conference of XVII Century French Literature*, ed. Armand Renaud, 1972, 22–23.
[80] The following description of the birth of the soul helps explain why recovering the incarcerated people's soul is less of interest to Foucault, as this 'soul' is itself born alongside the birth of the prison:

The path of collectively changing who we are is best illustrated by Foucault in the (uncompleted) genealogy of sexuality and presents a possibility that, while never systematically developed by Foucault, is invaluable for the exploration of a related possibility in regard to our carceral selves. Foucault argues that an exposure of the historical constitution of the relations between subjectivity and truth with regard to sexuality can enable the subject to transform this relation between oneself and truth that constitutes the subject. Foucault refers to this potential as "the politics of ourselves (*nous-mêmes*)."[81] He does not mean "our" as those of an individual who refashions herself disconnected from societal relations but "our" as in the politics of the constitution of the modern western subject. The political stakes of the move are high: If a genealogy of the relation between the subject and truth in the field of sexuality reveals that the contemporary need to tie ourselves to a certain discourse of a sexual identity emerges in relation to Christian monastic practices, then the exposure of this genealogy in the present

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The history of this "micro-physics" of the punitive power would then be a genealogy or an element in *a genealogy of the modern "soul."* Rather than seeing this soul as the reactivated remnants of an ideology, one would see it as the present correlative of a certain technology of power over the body. It would be wrong to say that the soul is an illusion, or an ideological effect. On the contrary, it exists, it has a reality, it is produced permanently around, on, within the body by the functioning of power that is exercised on those punished—and in a more general way, on those one supervises, trains and corrects, over madmen, children at home and at school, the colonized, over those who are stuck at a machine and supervised for the rest of their lives. This is the historical reality of this soul, which unlike the soul represented by Christian theology, is not born in sin and subject to punishment, but is *born* rather out of methods of supervision and constraint. [my emphases]

Modern punishment, for Foucault, is a set of constraints that is meant to regulate a person's subjectivity, here referred to as his 'soul.' Subjectivity is the set of decisions a prisoner takes, his conduct, which stands at the heart of what the modern prison apparatus wants to alter by supervising and regulating this conduct. Foucault, *Discipline*, 29.

[81] Foucault, *About the Beginning of the Hermeneutics of the Self: Lectures at Dartmouth College, 1980*, 76.

can also be instructive as to future-looking practices of freedom. According to Foucault, we can attempt to change these historically constructed relations of our sexuality.[82]

The key to self-transformation is to shift the focus from the institution and its use of subjects' actions to the actions of prisoners and their friends that counter the institution.[83] It is hard to think about how to prompt people to undo a norm. We can get glimpses into this work when looking towards the GIP and the CAP—the Prisoners' Committee for Action, the prisoners' organization that replaced the GIP—and thinking about how they understood their projects. For example, Serge Livrozet, a member of the GIP and the later founder of the CAP demonstrates the possibilities of this alternative approach of analyzing the relation prison-prisoner from the point of view of those incarcerated in it: "The Prisoners' Committee for Action's slogan was to say 'Prisoners' chains are the same as any other people who have no influence on their own lives, they're just more visible.' It's an advantage! Because when you got chains on at least you can physically see them! But what about when you're chained up psychologically?"[84] These insights are useful in the articulation of prisons as possible sites of technologies of the self where society attempts to re-tie subjects to truths they never chose.

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[82] Ibid.

[83] Arendt reads the Nazi concentration camps as attempting to eliminate the moral and juridical person in man which analyzes the camp from the viewpoint of its Nazi architects. Alternatively, looking even at this extreme case from the point of view of its prisoners opens a different conversation. Hannah Arendt, *Origins of Totalitarianism* (New York: Harcourt Inc., 1948).

[84] Nicolas Drolc, *Sur les Toits* (France: Les Belles lettres et Arcadès, 2014).

Foucault, the Gay Liberation Movements, and the Iranian Revolution

Alongside the GIP texts, the main hints for political articulations of practices of self-transformation take place in Foucault's insights on the gay liberation movements in the 1970s U.S. and France and on the Iranian Revolution.[85] My search for what distinguishes Palestinian political prisoners' practices that are then co-opted and manipulated by the Israeli carceral dispositif from those practices that I call counter-subjectivation is best elaborated in these three cases (I return to Foucault's GIP texts in the next chapter). At first glance, the topics of the sexual liberation movements and the Iran Revolution might seem completely distinct. For Foucault, however, they are deeply connected. The value Foucault finds in both these historical moments, even if their result is disappointing, is that the uprising is articulated in terms of a revolt in subjectivity that rejects the previous categories of subjectivity.

As Didier Eribon argues, the view of Foucault's interviews about sexuality are different than the view usually ascribed to his *History of Sexuality Vol. 1* where the gay liberation movement is seen as an integral part of a Reichian understanding of desire.[86] In the Gay Science interview, gay liberation is discussed by Foucault as a possible moment for changing what one is: On the one hand this historical moment leads to essentialist questions of identity such as 'what am I?' and 'What is the secret of my desire?'[87] which can serve specific political goals but can also close down other forms of action. On the

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[85] Michel Foucault, "The Gay Science," *Critical Inquiry* 37 (2011): 385–403; Foucault, "Friendship as a Way of Life"; Michel Foucault, "Michel Foucault, an Interview: Sex, Power, and the Politics of Identity," *The Advocate*, no. 400 (1984): 26–30, 58; Janet Afary and Kevin B. Anderson, *Foucault and the Iranian Revolution: Gender and the Seductions of Islamism* (Chicago: University of Chicago Press, 2005).
[86] Didier Eribon, *Insult and the Making of the Gay Self* (Durham: Duke University Press, 2004), 302.
[87] Foucault, "Friendship as a Way of Life."

other hand, the gay liberation movements open up possibilities for what Foucault calls "desubjectification:" A continuous practice of resistance to a specific configuration of the relations between truth and self.[88] Sex saunas, for example, are a place in which one can attempt to work against arrays of subjectification, even if not completely escape them, and experiment in new forms of bodily pleasure. While one can debate whether there exists a pleasure that is detached from subjectivity or whether one can indeed be *sans identité* in a sex sauna, Foucault's argument is different. It is not the attempt to move beyond subjectification; rather it is the attempt to work against it, an attempt that corresponds to Foucault's definition of critique as "not to be governed like this."[89] At the

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[88] In the "The Gay Science" interview with Jean Le Bitoux (July 1978) Foucault uses both "désassujettir" and "désubjectiviser" to relate to the same process (FCL 2.05, Fonds Michel Foucault, IMEC). These verbs have been translated by Nicolae Morar and Daniel W. Smith as "desubjugate" and "desubjectivize" respectively (p. 399). However, as his writing progressed Foucault would move to differentiate between *assujettissement* and *subjectivation* (see footnote 32). Additionally, while Foucault was known to edit the transcripts of his interviews, he neither edited this interview nor gave his consent to its publication and so the possibility that one of the two verbs would have been chosen over the other had he edited the interview is feasible. By the end of 1978, in a different interview with Duccio Trombadori, Foucault uses only the word "desubjectivise" here in reference to the projects of Nietzsche, Blanchot, and Bataille. Thus, in the course of the seven months that have passed between the "What is Critique?" lecture that Foucault gave in May 27, 1978 to this interview, Foucault would move from using "*désassujettissement*" to using both "*désubjectiviser*" and "*désassujettir*" and end with using only "*désubjectivise.*" It might not be futile to mention that Foucault's two visits to Iran occurred in this period. I am not aware of other instances where Foucault uses the term "*désubjectivise.*" This might suggest that Foucault abandons it in favor of only using the positive term *subjectivation*, which in itself is a process of undoing an earlier subjectivity, a process of *désassujettissement.* The following archival evidence buttresses this analysis: In first reading the word "dé-subjectivation" in *Dits et écrits* (p. 862), I thought that since subjectivation is always a process of unmaking as well of making one's subjectivity, the prefix "dé" is redundant. Indeed, looking at the original Trombadori interview transcript held at IMEC reveals that Foucault never uses the term "dé-subjectivation." Where *Dits et écrits* has "C'est une entreprise de dé-subjectivation" the original transcript has "C'est une entreprise qui désubjectivise." The latter is in line with Foucault's use of "désubjectiviser" in the Gay Science transcript and denotes an undoing of subjectivity that is different than de-subjectivation in that it lacks the positive aspect that Foucault's use of "subjectivation" entails. In conclusion, a process of de-subjection might only be a process of subjectification, and therefore is not necessarily something to aspire towards. Rather, Foucault points us towards processes of de-subjectification or processes of subjectivation. Foucault, "The Gay Science." David M Halperin, "Michel Foucault, Jean Le Bitoux, and the Gay Science Lost and Found: An Introduction," *Critical Inquiry* 37, no. 3 (2011): 371–80. Michel Foucault, "Entretien avec Michel Foucault," in *Dits et écrits II. 1976–1984*, eds. Daniel Defert and François Ewald (Paris: Gallimard, 1994), 862. Trombadori, FCL D 227, Fonds Michel Foucault, IMEC.

[89] Michel Foucault, "What Is Critique?," in *The Politics of Truth*, ed. Sylvère Lotringer (Los Angeles: Semiotext(e), 2007).

same time, practices of askesis are involved: "Asceticism as the renunciation of pleasure has bad connotations. But the askesis is something else: it's the work that one performs on oneself in order to transform oneself or make the self appear that happily one never attains."[90] Counter-intuitively then, forming new pleasures, that do not rely on a stable body but on different possibilities to practice the body, is also an ascetic practice.

Foucault's understanding of the possibilities of the gay liberation movements is quite telling as to his understanding subject formation as not only limiting but as opening up possibilities for action. The gay liberation movements of the 1970s, "with their insistence on the necessity of speaking out and affirming oneself in the broad light of day" thus stand in a complicated relation to Foucault's thought.[91] In the two interviews with Jean Le Bitoux, his friend and the editor of the gay magazine *Le Gai Pied*, Foucault articulated the potential he saw in the gay liberation movements as well as the problems that these movements ought to consider. While indeed the gay liberation movement "has a number of dangers built into it"[92] it also opens up important possibilities:[93]

> I'm saying that it's important for there to be places like baths where, without being imprisoned or pinned in your own identity, in your own legal status, your past, your name, your face, and so on, you can meet the people who are there, and who are for you—as you are for them—nothing more than bodies, with whom the most unexpected combinations and fabrications of pleasure are possible.

Despite the participation of the gay subject in the discourse of sexuality, this new subject also opens up new possibilities for action. Action here manifests not only in a struggle for political rights but also in an alternative ethical way to be among others: "What we must

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[90] Foucault, "Friendship as a Way of Life," 309.
[91] Eribon, *Insult and the Making of the Gay Self.*
[92] Foucault, "The Gay Science," 387.
[93] Ibid., 399.

work on, it seems to me, is not so much to liberate our desires but to make ourselves infinitely more susceptible to pleasure [*plaisirs*]. We must escape and help others to escape the two readymade formulas of the pure sexual encounter and the lovers' fusion of identities."[94] A key aspect in differentiating between a too optimistic call for political action on the one hand, and the desired political action on the other, is to understand that there are dangers within this political action. For Foucault, the dangers of the gay liberation movements were in attempts to read it as a struggle to answer the questions "who am I?" or "what is the secret of my desire?" In contrast, Foucault suggests asking the following question: "What relations, through homosexuality, can be established, invented, multiplied and modulated?"[95] Thus, while *The History of Sexuality: Vol. 1* complicates any too easy articulations of resistance, the interviews Foucault gave make clear that he does not oppose the gay liberation movements themselves. Rather, Foucault both acknowledges the danger of the movements' acting in a field of power relations while at the same time pays heed to their promise in reworking these relations.[96]

Foucault's texts on the politics of the gay liberation movements present a different way to read his work on the history of sexuality, including the three published volumes, the *Collège de France* lectures of 1980-1984 and the *Wrong-Doing, Truth-Telling* lectures at the Université catholique de Louvain. Put together with the 1980 lectures at

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[94] Foucault, "Friendship as a Way of Life."
[95] Ibid., 308.
[96] See additionally Michel Foucault, "Sex, Power and the Politics of Identity," in *Foucault Live: Collected Interviews, 1961-1984*, ed. Sylvère Lotringer (New York: Semiotext(e), 1989), 382–90.

Berkeley and Dartmouth College, Foucault's gay liberation texts shed a different light on the possibility of undoing one's subjectivity. In Foucault's own words:[97]

> During the last two centuries the problem has been: what could be the positive foundation for the technologies of the self that we have been developing during centuries and centuries? But the moment, maybe, is coming for us to ask do we need, really, this hermeneutics of the self? Do we need a positive man who serves as the foundation of these hermeneutics of the self? Maybe the problem of the self is not to discover what it is in its positivity, maybe the problem is not to discover a positive self, or the positive foundation of the self. Maybe our problem is now to discover that the self is nothing else than the historical correlation of the technology built into our history. Maybe the problem is to change those technologies. And in this case, one of the main political problems would be nowadays, in the strict sense of the word, the politics of ourselves.

Here, then, "the politics of ourselves" denotes a specific interest of Foucault, one that his premature death prevented him from completing. Foucault opens up a path for transformation (as opposed to resistance) that is located in the deep structures of subjectivity. These transformations do not focus on gaining specific political achievements such as those of several strands within the gay liberation movements of the 1970s. Rather, they ask how one can alter, not only resist, specific relations between power and truth. The project is defined by Foucault as one of a "critical ontology of ourselves." This project is "to be conceived as an attitude, an ethos, a philosophical life in which the critique of what we are is at one and the same time the historical analysis of the limits that are imposed on us and an experiment with the possibility of going beyond them."[98] Thus, a genealogical investigation of our constitution would serve to move

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[97] Foucault, *About the Beginning of the Hermeneutics of the Self: Lectures at Dartmouth College, 1980*, 76.
[98] [*de leur franchissement possible*]. Michel Foucault, "What Is Enlightenment?," in *Essential Works of Foucault 1954–1984: Ethics*, ed. Paul Rabinow (New York: New Press, 1997), 303–19.

beyond this constitution, in a way that does not ensure a final overcoming but rather a continuous project.

While Foucault scholarship discusses his investigation of sexuality as his "trips to Greece," his two visits to Iran are also important to this his experiment in the possibility of going beyond the limits imposed on us. Even if Foucault was right to "already hear some Frenchmen laughing," and his work on the Iranian Revolution received scathing critique, his insistence on presenting his ideas on political spirituality open up a possibility to think of self-constitution and its political domains.[99] Foucault's understanding of a threshold of novelty in the events preceding the revolution opens up the possibility to think positively on self-constitution. On this point, Foucault's 1979 interview with Faris Sassine is worth quoting at length:[100]

> What I wanted to show is that there isn't power on the one hand and then the people to whom power is applied on the other, because with a hypothesis like that either you have to admit that power is all powerful or you have to admit that it is totally powerless. In fact, that's never true. Power isn't always all powerful or impotent. It's blind for the most part but it sees a certain number of things all the same. Quite simply because the question is how to make sense of the strategic relations between individuals who pursue objectives, stand together, partially limit the possibility of action of the partner even as the partner escapes from them, and from all of this a new tactic emerges, etc. It is this mobility that we have to try and make sense of. And just as there are moments where there really is, in sum, a subjectification, an acceptance of the mechanism of domination in a society, so too are there other moments where the consonance arises in the opposite direction, and where, on the contrary, at those moments, the entire network of power is upset.

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[99] Michel Foucault, "What Are the Iranians Dreaming about," in *Foucault and the Iranian Revolution: Gender and the Seductions of Islamism*, ed. Janet Afary and Kevin B. Anderson (Chicago: univresity of chicago press, 2005), 209.
[100] Michel Foucault and Farès Sassine, "There Can't Be Societies without Uprisings," in *Foucault and the Making of Subjects*, ed. Laura Cremonesi et al. (London: Rowman & Littlefield International, 2016), 38. Translation altered.

Here, Foucault exemplifies two modalities of power—subjectification and uprising—and says that the Iran Revolution teaches us about the later. Foucault's trips to Iran is a rare opportunity—along with the gay liberation movements and his work with the GIP— where he discusses a positive moment of strategically upsetting a network of power. In this interview with Farès Sassine Foucault mentions that what brought him to Iran was a book by Ernest Bloch, *The Principle of Hope*. Foucault wanted to see a twentieth-century moment that resembles what Bloch discusses in Europe of the Middle Ages where religious revolts played a political role and offered a new eschatology. Foucault comes back to Bloch's book four years later in a conversation at UC Berkeley where he says:[101]

> I don't think that to be suspicious means that you don't have any hope. Despair and hope is one thing, suspicion is another. If you are suspicious, it is of course because you have a certain hope. The problem is which kind of hope to have and which kind of hope is reasonable in order to avoid certain pessimisms. But a political circle which reintroduces in your hopes through your hopes the things you want to avoid by these hopes and I think that's the great disappointment, disillusion, of the revolutionary movement and of what Bloch calls the *Prinzip Hoffnung* that this hope in the European countries since the reformation or at least since the end of the eighteenth century have always reproduced the same dangers they wanted to avoid and my suspicion and my strategic suspicion is a suspicion which tries to limit its hope and to give to its hope such a form that it wouldn't reintroduce the dangers one wants to avoid.

For Foucault, and contra to Sartre, the key for avoiding to reintroduce through your hopes the thing you wanted to avoid by your hopes is in the field of subjectivity. Political change without work on the self might lead to a very similar power relation with different

[101] Michel Foucault, "Discussion of Politics with Robert Bellah, Hubert Dreyfus, Martin Jay, Leo Löwenthal, Paul Rabinow, and Charles Taylor. Phonotape 2222 C no.65, Audio Recordings, Bancroft Library, University of California at Berkeley," 1983.

masters. Despite its failure, he saw in Iran an attempt for a rebellion in subjectivity. He states:[102]

> Whatever the economic difficulties, we still have to explain why they were people who rose up and said: We're not having any more of this. In rising up, the Iranians said to themselves— and this perhaps is the soul of the uprising: "Of course, we have to change this regime and get rid of this man, we have to change this corrupt administration, we have to change the whole country, the political organization, the economic system, the foreign policy. But, above all, we have to change ourselves. Our way of being, our relationship with others, with things, with eternity, with God etc., must be completely changed, and there will only be a true revolution if this radical change in our experience takes place."

The work on subjectivity, counter-subjectivation, is a necessary part of profound political change. According to Behrooz Ghamari-Tabrizi, Foucault understood the Iranian Revolution in the context of Shi'i Islam. He writes: "The major distinction of Foucault's writings on the Iranian Revolution lies in the way he conceives the subject not as a product and producer of power but rather as the agent of resistance to it."[103] As for the link to politics, Ghamari-Tabrizi adds: "the ethical proposition of the care of the self and the spirituality it requires for its exercise are foundationally linked to Foucault's conception of politics, particularly with what he calls 'the governmentalization of the state.'"[104] These then are the main hints Foucault gives, even in an uncompleted trajectory, for counter-subjectivation as a political enterprise of the self.

The intention of this dissertation is to take Foucault on a trip to Israel-Palestine. If in his "trips to Greece" he learned how a subject can transform herself and in his trips to Iran learned how a people can change themselves collectively, Israel-Palestine has

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[102] Michel Foucault, "Iran: The Spirit of a World without Spririt," in *Foucault and the Iranian Revolution: Gender and the Seductions of Islamism* (Chicago: The University of Chicago Press, 2005), 255.
[103] Ghamari-Tabrizi Behrooz, *Foucault in Iran: Islamic Revolution after the Enlightenment* (Minneapolis: University of Minnesota Press, 2016), 72.
[104] Ibid., 63.

lessons to teach as well. First, it teaches the lessons of subjectification through active and collective means. To speak in Freudian terms, the psychosis can teach us something about the psyche. This dissertation argues that taking Foucault to Israel-Palestine does something to our understanding of freedom. In a nutshell, it exposes a triad: to get at how we get free we must look not only at situations of complete coercion but also at how our actions can be used against us. The dissertation looks at Israeli prisons through archives, interviews, and texts to understand precisely this.

Methodology

Two hundred years after the execution of Damiens the regicide depicted in the opening pages of Foucault's *Discipline and Punish*, Omar elShalabi died a silent death. Shalabi's death was silenced not only because he was Palestinian, a refugee, a prisoner, or that he died during the1973 October/Yom Kippur War where many thousands died in battle fields leaving prison-hospital deaths to the margins. Documents held at the ICRC Archive attest that he died from wounds inflicted by beatings of IPS guards. Why was Shalabi beaten? Amidst the countless documents on whether or not International Humanitarian Law obliges Israel to share the results of Shalabi's autopsy with the ICRC, the archive mentions only one sentence: "According to Ashkelon prisoners, Omar el Shalabi was unbendable [*un irréductible*] and wanted to do everything possible for sabotaging the industrial work (irons) that has taken place in prison for several months." [105]   The archive also contains the autopsy report of Shalabi's body produced by Israel. It does not contain

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[105] Omar Youssef Mohamed El Shalabi, by Luc Pont, December 8, 1973, B AG 219 102-046, ICRCA, Page 4 {30}.

Shalabi's own voice, the meaning he gave to his act, or the future he wished to unleash with it.

This study does not give Shalabi a voice. My own positionality as Jewish, holding Israeli citizenship, and a former prison officer for Palestinian political prisoners not only prohibits me from presenting such an account but has also informed me of the ways in which giving a voice itself can in some cases be a colonial endeavor of a dangerous epistemological kind. Yet, as opposed to the almost complete lack of prisoners' voices from Foucault's *Discipline and Punish*, Ann Stoler's suspicion of the Dutch colonial archive that leads her to read it "against the grain," and Saidiya Hartman's "critical fabulation" in response to the absence of slaves' voices from the archive, the Israeli prison is different. Palestinians can tell us what happened to Shalabi. One of the interviewees for this study, whose twenty-eight years behind Israeli bars make him more than an ordinary participant but a seasoned expert, shared the story. What the ICRC Archive does not tell us is that Shalabi locked himself in a prison workshop to destroy work equipment and iron-sets so that the Palestinian prisoners would not be exploited by Israel. He further shared that Shalabi was set up by a Palestinian collaborator. Israel wanted the prisoners to work first to exploit their labor and second to keep them busy. ICRC wanted the prisoners to work because of its humanitarian principles. The prisoners, and the then-fledgling prisoners' movement, had a different idea.

Shalabi's story, along with the broader story of Palestinian Political prisoners, contains several epistemologies: Those of the prisoners, the carceral dispositif, the ICRC. Each of these in turn has its own fractions, and its own histories. The uniqueness of this study is that it traces these different epistemologies to tell the story of subject formation

in the Israeli incarceration of Palestinian political prisoners. It does so to present a theory of subjectivity that takes into account how one's actions can be used against them in order to think freedom against such dangers. These aims are entwined and present a methodology that agrees with Farge and Foucault's phrasing: "The idea that history is dedicated to 'archival exactitude' and philosophy to the 'architecture of ideas' is, to us, nothing short of preposterous. This is not how we work."[106]

Alongside the exegesis of political theory and other academic text, this study builds on thirty interviews. These include fourteen former prisoners with a mean imprisonment period of twelve years, six interviews with former IPS Commissioners, four former Ministers of Police/Internal Security, and conversations with Israeli and Palestinian activists, academics, and lawyers. I anonymize the interviews with former prisoners, except for the two interviewees who have been ministers in the Palestinian Authority (PA), Kadurah Faris and Ashraf elAjrami. The last chapter builds on texts both published and unpublished by the currently incarcerated intellectual Walid Daka. Archival materials include documents from the ICRC Archive, the Israeli State Archives (ISA), the Israeli Defense Forces Archives, and the archives of the Public Committee Against Torture (PCATI). In the context of Foucault and the GIP, archival materials hail from the Institut Mémoires de l'édition contemporaine (IMEC), the Bibliothèque nationale de France (BnF), and La contemporaine (formerly Bibliothèque de

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[106] Arlette Farge and Michel Foucault, *Disorderly Families: Infamous Letters from the Bastille Archives*, 19. See also Nancy Luxon, "Editor's Introduction," in *Disorderly Families: Infamous Letters from the Bastille Archives*, ed. Nancy Luxon (Minneapolis: University of Minnesota Press, 2017), 1–16. Foucault co-writes *Disorderly Families* with Arlette Farge and yet one of Foucault's own archives, the newly acquired collection at the Bibliothèque nationale de France, reveals that it is Foucault who writes the introduction, and Farge edits and corrects it. See "Manuscrit autographe de MF + 2 ff. dactylographiés corrigés par MF. Texte de présentation," Box 68, NAF28730 Fonds Michel Foucault, BnF.

documentation internationale contemporaine— BDIC), and the Bancroft Library at the
University of California, Berkeley.

Organization of the dissertation

The dissertation identifies and analyzes three dimensions central to carceral subjectivity:
the shaping context of international norms and institutions; relations between prisoners
and guards; and the relations between prisoners themselves. Chapter two looks at
Foucault's involvement with the GIP to expand the grounds of subjectivity beyond only
prisons. It analyzes Foucault's depiction of the birth of the categories of innocence and
guilt in the French context and sets the stage for the possible undoings of the prison-form
that will emerge in the Israeli-Palestinian context.

Chapter three explores the humanitarian work of the International Committee of
the Red Cross (ICRC) in Israeli prisons. While narratives of prisoners' agency often
make the move of pushing beyond a resistance/power binary towards understanding
resistance and power as two sides of the same coin, this chapter broadens the scope to
that of a multi-directional structure. It does so by focusing on the most important
organization beyond the prisoners' movement and the IPS— The ICRC. It asks what
effects does the "neutral and impartial" work of humanitarian organizations such as the
ICRC advance in regard to prisoners' subjectivities? The chapter follows ICRC
representatives' recommendations—documented in the ICRC Archive—that the Israeli
authorities build new prisons, allow prisoners to work, and move prisoners to closed
compounds. These recommendations resulted in a carceral context that more subtly
disciplined prisoners: the IPS built new prisons with more sophisticated measures of

surveillance, made prisoners manufacture war-related equipment for the Israeli military, and reduced the self-management possibilities that prisoners enjoyed in the open compounds. The chapter argues that the ICRC's humanitarianism, with its fixed definitions of what it means to be human, worked against the prisoners' own political project.

Chapter four extends these arguments to the domestic level of policy-making and examines the Israeli Prison Service's work to orchestrate the field of possibilities in which the prisoners could act. Rather than viewing prisons as entirely outside of democratic society, I take them to be illustrative of the challenges for organizing a democratic collective action that doesn't simply smuggle hierarchy and norms back into political interactions. Democratic theorists often view political participation as automatically beneficial. Arguing both with and against political theorist Iris Marion Young, this chapter offers a counter-point. It draws from interview transcripts with former IPS Commissioners and former Ministers of Police to exemplify how Israeli prisons encouraged prisoners' participation in prison management as a mechanism of control. The implications of the Israeli-Palestinian case offer contemporary political theory grounds for suspicion of some participatory practices as well as criteria for insisting, even in troubled times and places, on democratic practices that might lead to greater freedom.

Out of this critique of participatory models, I return to Foucault to theorize the conditions necessary to exercise freedom. Building on interviews with Palestinian former political prisoners and archival materials, chapter five explores what it would mean to exercise freedom differently. It traces three instances where prisoners refused to limit

their resistance to the boundaries of existing carceral structures and political order. First, it analyzes prisoners' hunger strikes that challenge a perception of a natural human body that must give in to hunger. Second, it analyzes female prisoners' efforts to challenge Israeli and Palestinian gender norms. Third, it centers the movement's struggle on collective endeavors of self-education by prisoners within the prison. Through these examples, I offer a more radical critique of the very structure of democratic governance that turns to prisons and politics as a way of regulating that governance. I discern the strategies of collective action, self-cultivation, and educational projects that show how individuals come to form and organize themselves on terms of their own choosing.

The dissertation concludes by thinking about the nature and scope of agency that is possible under conditions of constraint. The final chapter before the conclusion explores published and unpublished texts of a currently incarcerated Palestinian intellectual, Walid Daka, to analyze a position that is different from that of the prisoners' movement. From his position within prison walls, Daka's writings allow me to differentiate between manipulated action—such as calls to improve carceral conditions—and those actions that promote prisoners' freedom such as the insistence on self-education and educating others. Rather than understand incarceration as entirely external to political order, Daka contends that prisons offer an opportunity to think about limitations on freedom everywhere.

Chapter 2

Friends of Prisoners: The GIP's Exercise of Counter-subjectivation

"They are building new prisons!" (Victor Hugo)

"We have to imagine and to build up what we could be" (Michel Foucault)

Introduction

"None of us is sure to escape prison."[107] Michel Foucault uttered these words outside the Parisian Saint-Bernard Chapel after the successful end of a hunger strike by Maoist activists. With this first sentence of the opening statement of the Prisons Information Group (*Groupe d'Information sur les Prisons*, hereafter GIP) in February 8, 1971, Foucault did not only mean to acknowledge that every citizen could potentially be imprisoned. While this fact was indeed felt by the Maoist activists when their political organization the *Gauche prolétarienne* (GP, Proletarian left) was outlawed in the aftermath of May 68', the next sentences of the statement show Foucault aimed elsewhere: "Today less than ever. Police control (*quadrillage*) over day-to-day life is tightening: in city streets and roads. over foreigners and young people; it is once more an offence to express opinions; anti-drug measures increase arbitrarily. We are kept under 'close observation.'…They tell us that prisons are over-populated. But what if it was the population that was being over-imprisoned?" Foucault, alongside GIP founding members Pierre Vidal-Nacquet, Jean-Marie Domenach and Daniel Defert, tells the audience

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[107] Stuart Elden, 'Manifesto of the Groupe d'Information sur les Prisons – a Full Translation', *Progressive Geographies Blog*, 2013 <https://progressivegeographies.com/2013/08/02/manifesto-of-the-groupe-dinformation-sur-les-prisons-a-full-translation/> [accessed June 10, 2016]. Elden's translation. An altered version of this translation is found in Stuart Elden, *Foucault: The Birth of Power* (Cambridge: Polity Press, 2017), 130. For the original text in French, see Michel Foucault, "(Manifeste Du G.I.P.)," in *Dits et écrits I. 1954–1975*, ed. Daniel Defert and François Ewald (Paris: Gallimard, 1994), 1042–43.

outside the chapel that the prison-form is a symbol for other forms of control that are growing more powerful and affect us all. Yet, possibly in a certain tension with the Maoists whose successful hunger strike had just improved imprisonment conditions (however, only for those considered as "political prisoners"), Foucault's framing of the GIP's activity rather raises a different question. What does it mean to live a life that resists not only the prison, but the prison-form?

This chapter follows Foucault's involvement with the GIP, alongside his Collège de France lectures and *Discipline and Punish* to unpack this question in three levels—moral, sociopolitical, and that of subjectivity. This theoretical rendering helps political theorists understand the stakes of Israeli prisons and their incarceration of Palestinian political prisoners. The GIP texts and Foucault's involvement with the GIP offer unusual clarity for the practical sides of Foucault's theoretical project. Alongside Foucault's endeavors with regard to the gay liberation movements and Iranian Revolution described above, his work with the GIP offers a unique contribution to the theoretical understanding of practices of self-transformation that I discuss as "counter-subjectivation."

The GIP texts—the group published five booklets and several texts in the French press before its self-dissolvent in December 1972 in favor of a prisoner-led organization—contain an important reminder.[108] Prisons are not only meant to *repress* through civil and social death, but rather to *produce* a certain living subject: disciplined,

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[108] Perry Zurn and Andrew Dilts, 'Introduction,' in *Active Intolerance: Michel Foucault, The Prisons Information Group, and the Future of Abolition*, eds. Perry Zurn and Andrew Dilts (New York: Foreign Affairs, 2015), pp. 1–19. Brigitte Robert, 'Les Luttes autour des Prisons 1971–1972: Le Groupe d'Information sur les Prisons et la Naissance du C.A.P', 1981. Daniel Defert, "L'émergence d'un nouveau front: les prisons," in *Le Groupe d'information sur les prisons: archives d'une lutte 1970–1972*, eds. Phillipe Artières, Laurent Quéro, and Michelle Zancarini-Fournel (Paris: Éditions de l'IMEC, 2003), 315–26.

obedient, civilized, straightened-up, and one that knows its place. Therefore, what I call here "the lively prison" might indeed have better possibilities for incarcerated people to be active, and yet it would nevertheless remain only a more sophisticated form of control.

According to another GIP member, Gilles Deleuze, for Foucault the GIP was "an experiment in thinking."[109] In light of Deleuze's framing, I propose that the question of the prison-form and the practices of self-transformation that will undo it was at the heart of the GIP experiment. According to Foucault, Sartre and the Maoists under his influence sought to take over institutions of justice such as courts (and thus to repurpose them from "class justice" to "popular justice"). Yet for Foucault from its inception the court-form was meant to serve as an instrument of power: it was precisely used by the bourgeoisie as a way to further their control in the aftermath of the French revolution and therefore could never be repurposed. The same could be said about the prison.[110] The GIP did not search for a "people's prison," an "equal prison," on, in sum, an "ideal prison." Rather, the goal of its interventions was "to question the social and moral distinction between the innocent and guilty."[111] If the creation of our subjectivities according to allegedly objective social and moral categories such as *innocent* and *guilty* is indeed an instrument of control, then undoing these subjectivities would enable us greater freedom. Reading

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[109] Gilles Deleuze, "Foucault and the Prison," *History of the Present* 2 (1986): 1.

[110] For a recent contribution that uses the GIP's resources to discuss why feminist approaches should avoid the carceral pitfall see Anna Terwiel, "What Is Carceral Feminism?," *Political Theory*, published online.

[111] Foucault, "Revolutionary Action: 'Until Now,'" 227. In the next sentences, Foucault acknowledges that this line of thought is directly influenced by the work of Jean Genet. Genet gave Defert a text in the summer of 1971 intended for the GIP's booklets, just before Foucault's conversation with high school students, which contains a refence to the question of innocence and guilt alongside other issues that Foucault's work would engage. See Jean Genet, "Un echantement - ou plutôt une sorcellerie," in *Le Groupe d'information sur les prisons: Archives d'une lutte 1970–1972*, ed. Phillipe Artières, Laurent Quéro, and Michelle Zancarini-Fournel (Paris: Éditions de l'IMEC, 2003), 207–12.

the GIP's prison interventions provides hints for a counter-subjectivation that contrasts with current studies' search for ideal prisons that replace "social death" with a lively afterlife. In addition, it challenges not only the tendency to describe Foucault's *oeuvre* as void of agency but also the tendency to describe only the later period in Foucault's writing as his "turn to ethics." Most importantly, this process, opens up possibilities to think alongside the GIP about the importance of the prison for a democratic politics that this dissertation explores.

Contemporary studies of the prison, even those that seek a path beyond it, search for a better way to enable prisoners to re-enter society. While this endeavor is important, the GIP proposed another possibility: that we listen to incarcerated people not so as to include them in society but rather to change social structures and ourselves. There is an ever-growing list of valuable studies that argue that American prisons, for example, are excessive ("mass incarceration") and disproportionate ("racial inequality"). There is also a considerable tendency even in more critical circles to discuss prisons as mostly sites of repression ("civil and social death"). The GIP's texts add to these literatures in that they both refused a search for a "proportionate" or "equal" prison and alert us to the productive, rather than only repressive, aspects of incarceration. Consider the attention to life in the quotes from the opening statement above— they consider both incarcerated people's conditions ("the prisons are over-populated") and societal patterns of control ("the population is over-imprisoned, police control over day-to-day life is tightening").

Rather than only caution us towards "death," the GIP also alert us to the life that incarcerated people live and to the life that we all live.[112]

In contrast to the contemporary literature in the American context that understands the central problem of the prison to be that of its proportion, the GIP sought to unsettle the structures of subjectification in our daily lives for which the prison is an important form. The epigraph from Victor Hugo ("they are building new prisons"), quoted in one of the GIP's booklets, references the building of the notorious Parisian prison La Santé in the 1860s (where a century later the hunger strikes of Algerian prisoners were part of the background to the GIP's founding).[113] The reference is a reminder that despite the common imagery of the prison as dark and repressive, it is actually a creation of the enlightenment. These new prisons are not only actual prisons but the various forms of subjectification: schools, factories, militaries, asylums, hospitals and other institutions of subject formation. To those who still seek the equal prison, the GIP texts and Foucault's serve as a reminder that this specific institution was not created to support this goal and can never serve it.

This chapter is not an attempt to tell the history of prison activism in France between 1971–73. Its goal is neither to reach a conclusive abolition theory nor a universal theory or substantive vision of freedom. Rather, the chapter aims to read the practices and theories of the GIP and Foucault with and against contemporary articulations of the

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[112]As an example for the tendency in critical prison studies to understand prisons as mostly sites of social death see Lisa Guenther's quote of Saidiya Hartman for which the notions of "to come back to life" or an "afterlife" is connected to "premature death." See Guenther, *Solitary Confinement: Social Death and Its Afterlives*, 254.

[113] GIP, *Groupe d'information sur les prisons: Intolérable*, ed. Phillipe Artières (Paris: Verticales, 2013), 94.

prison, be they reformist or abolitionist. In this light, the GIP's unique articulations remind us that the prison-form and our modern subjectivities are themselves results of abolition. The following section reads the GIP's project and Foucault's lectures alongside the stakes of Foucault's study of sexuality to propose that our carceral selves can be reworked. The third section briefly outlines the difference between counter-subjectivation, the concept I suggest for this process, and Foucault's use of counter-conduct and subjectivation. The fourth section reads the GIP texts as a practical endeavor for obliterating "the fine line that separates innocence and guilt" to move beyond our carceral selves. The conclusion ties this project to the broader Foucauldian project and the possibilities of reworking one's subjectivity.

The undoing of carceral subjectivity as a collective technology of the self

Scholarship tends to read *Discipline* as running parallel to Foucault's involvement with the GIP. Cecile Brich asked to show contradictions between Foucault's political practices and both Keith Gandal and Marcello Hoffman have asked to unpack the relationship between Foucault's involvement with the GIP as practice and *Discipline* as theory. In contrast, the analysis presented here takes a different route.[114] Rather than unpack a dialectic between theory and practice, it takes the GIP's texts as exposing a lacuna in *Discipline*; Rather than "teasing out affinities"[115] between the GIP texts and *Discipline*,

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[114] Cecile Brich, "The Groupe d'Information sur les Prisons: The Voice of Prisoners? Or Foucault's?," *Foucault Studies* 5 (2008): 26–47; Keith Gandal, "Michel Foucault: Intellectual Work and Politics," *Telos* 67, no. 121–134 (1986); Marcelo Hoffman, *Foucault and Power: The Influence of Political Engagement on Theories of Power* (New York: Bloomsbury, 2014).
[115] Ibid., 38.

or regarding *Discipline* as a "vibrant afterlife"[116] of the GIP, the focus here is on what the GIP texts offer for the different analyses of subjectivity and the subjects' potential for action that transforms their carceral selves.

These texts offer a different way to consider subjects' actions. Since active prisoners are mostly absent from *Discipline,* Foucault's research notes help us to better grasp the relation between different kinds of action—whether by prisoners, prison reformers, rebels, or execution-site rioters—in a way that illuminates the difference between *Discipline* and the GIP, and thus enables scholars to reassess the role of the acting subject in Foucault's *oeuvre*. The BnF materials, arranged in the order of Foucault's apartment, show that Foucault's research for *Discipline* focused on prison reformers: The files are arranged according to the names of different reformers—such as Cesare Beccaria, Jeremy Bentham, and Nikolaus Heinrich Julius—and other folders are named after different police inspectors— such as Siméon-Prosper Hardy who gives the account of Damiens' execution. As in the book, and with a soon-to-be-discussed exception, subjects' actions only appear when these subjects are about to be executed, or to demonstrate a successful process of subjectification. However, subjects in action—not necessarily prisoners—do appear in the BnF research notes in two instances: The first is different rebellions such as the va-nu-pieds rebellion,[117] only very briefly mentioned in *Discipline* yet elaborated upon in the 1972 lectures*,* and the second is a file on different

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[116] Zurn and Dilts, "Introduction." Elsewhere, Zurn and Dilts do discuss the difference between *Discipline* and the GIP texts in regard to the absence of prisoners' voices from *Discipline*. See Perry Zurn, Andrew Dilts, and Eugene Wolters, "Michel Foucault, Prisons and the Future of Abolition: An Interview," *Critical-Theory.com*, 2016, http://www.critical-theory.com/michel-foucault-prisons-and-the-future-of-abolition-an-interview/.
[117] "Les Nu pieds" and "Mouvements populaires XVIIᵉ siècle." File 7, Box 2, BnF.

revolts in prisons and against the police in times of executions or arrest.[118] Both these

instances fit what Foucault would later call "counter-conducts." Below, I discuss in detail

my critique of the secondary literature that reads Foucault's discussion of counter-

conduct in the 1978 *Security, Territory, Population* lectures as laying a Foucauldian

model of resistance. Here, I will briefly point out that Foucault regards the execution-site

revolts—in which witnesses would revolt against an especially cruel treatment of a

condemned person—as one of the motivations for the abolition of the pre-prison methods

of punishment and their replacement with the "gentle way in punishment" imagined by

the reformers. Hence, the counter-conduct itself is not necessarily always something to

aspire towards. Similarly, Foucault's discussion of the va-nu-pieds rebellion does not

focus on the liberatory aspects of the rebellion. This is not only because it was brutally

stifled, but also because of two—quite enormous—productive aspects of the rebellion: an

original manifestation of the modern state and the separation between innocence and guilt

that is central to how the state begins to conduct the conduct of its subjects.

      Foucault's writings clarify possibilities for change in carceral subjectivity and in

so doing they help us reach beyond analyses that only aim for a proportional or lively

prison. At the same time, they complicate the notion that Foucault only turned to ethics

and the possibility of self-fashioning in the early 1980's. In his lecture on January 1972,

Foucault would further unpack the philosophical meaning and historical context of what

he would refer to as the birth of this separation between innocence and guilt as

inseparable from the appearance of the body of the state apparatus. Foucault traces the

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[118] Foucault, *Discipline*, 84.

birth of the modern state not in the 1648 Treaty of Westphalia, but rather nine years

earlier, in the suppression of the rebellion of the va-nu-pieds, in Normandy in 1639–40.

The va-nu-pieds rebellion started for various reasons, including a rumor that the state was

about to take control over the economy of salt-making in Normandy thus hurting both the

interests of the poorer workers and of the Norman nobles and clergymen who owned the

lands that would sell wood to these industries.[119] Louis XIII and the Cardinal Richelieu

first sent the military under Gassion and then the Chancellor Séguier. Foucault argues

that this is a crucial event in the founding of the modern state: The visible body of the

State advances in the place of the absent king.[120] Meaning, the rebellion was the reason to

send Séguier as representing not the king, but, for the first time according to Foucault, the

state.

Yet the appearance of the modern state—this defining moment of who we are—is

tied to another important innovation: *the instrumentalization of moral categories for the*

purpose of control.[121] It is the reworking of this second innovation that I will later argue

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[119] More specifically, to move districts from the definition of *pays de quart-bouillon* that are taxed one-quarter of their salt to the control of the farm of the gabelle, where salt was a heavily taxed royal monopoly. Roland Mousnier, *Peasant Uprisings in Seventeenth-Century France, Russia, and China* (New York: Harper & Row, 1970), 96–97.

[120] Michel Foucault, *Penal Theories and Institutions: Lectures at the Collège de France, 1971-1972*, ed. Bernard E. Harcourt (New York: Palgrave Macmillan, 2019), 71.

[121] Foucault will develop this line of thought in *The Punitive Society* (see footnote 59 below) and Truth and Juridical Forms lectures. There, he explains that in the early nineteenth century the invention of the police was tied together with the need to protect new forms of capital: "So we can understand why the creator of the police in England, Patrick Colquhoun, was someone who began as a merchant and was then commissioned by a shipping company to organize a system for overseeing goods stored in the London docks." Bernard Harcourt explains this as a shift from landed wealth to moveable goods and supplies following the French Revolution. For the 1973 Foucault, the need to stress the opposition of innocence and guilt arises from a material shift. However, in what follows I stress that even in this moment, Foucault's thought contains important differences from various strands of Marxist thought. Foucault, *The Punitive Society: Lectures at the Collège de France, 1972-1973*; Michel Foucault, "Truth and Juridical Forms," in *Essential Works of Foucault 1954–1984: Power*, ed. James D. Faubion (New York: New Press, 2000), 15; Bernard E. Harcourt, *The Counterrevolution: How Our Government Went to War against Its Own Citizens* (New York: Basic Books, 2018), 224–25.

that the GIP experimented with and I will also propose that this "politics of ourselves" is connected to Foucault's later reading of the possibility to rework the relations between the subject and truth in the field of sexuality. Foucault's articulation of how moral distinctions serve as a mechanism of power is presented with the actions of Séguier. After Séguier entered the city of Rouen on January 2, 1640, he made clear to the rebels: "The innocent have nothing to fear; only those who have failed will feel the effects of the King's just anger and indignation."[122] Foucault also quotes a different source that names the categories of the separation as "good" and "evil"—*bons et méchants*—thus giving this distinction a more pronounced Nietzschean flavor. Séguier's distinction between "the innocent" and "those who have failed" is for Foucault an utmost important moment in the emergence of the modern state. It is not only a tool of external domination: The act of violent suppression was mostly over by the time Séguier enters Rouen.[123] The dreadful military commander Jean de Gassion, sent by Richelieu (who also gave Gassion the nickname "La Guerre"), had already forcefully stifled the rebellion by the time Séguier entered Rouen. The result: "Normans are massacred like enemies of the kingdom or traitors." Rather, Séguier's distinction of "innocent" and "guilty" is a modern mechanism of control. The distinction between "the innocent" and "those who have failed" works also on the level of subjectivity, not only force. According to Foucault, the expectation is that the statement will cause the people of Rouen to question themselves as to which category they currently belong to and how should they act in the future to ensure they

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[122] Foucault, *Penal Theories and Institutions: Lectures at the Collège de France, 1971-1972*, 49.
[123] Stephen Davidson, "Michel Foucualt: Cérémonie, Théâtre et Politique au XVIIe Siècle," in *Proceedings of the Fourth Annual Conference of XVII Century French Literature*, ed. Armand Renaud, 1972, 22–23.

Table 1: *Chancellor Séguier at the Entry of Louis XIV into Paris* (Charles Le Brun, circa 1660)[124]

"Thus, in Séguier, a new character appears in political ceremony, the visible body of the state"[125]

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[124] According to Daniel Defert, Foucault thought that Séguier's appearance in Le Brun's paining not only symbolized the shift to the modern state but also reflects the changes in sexual configuration that would follow. In other words, the state was not limited to an ideological apparatus, but it also had a body that affected subjectivities both in the context of innocence and guilt and, as is visible in Le Brun's rendering of sexual, gender, and power dynamics, in the context of sexual configurations (personal communication). Image from http://www.wga.hu/html_m/l/le_brun/seguier.html

[125] Foucault, *Penal Theories and Institutions: Lectures at the Collège de France, 1971-1972*, 238.

belong to the right group.[126] At the same time, the differentiation of the categories is also

a mechanism that enables the nobles, clergy, and clerks of the regions to separate

themselves from the lower strata, after the rebellion, encouraged by them at first, failed.

The construction of the category of "innocent" is that of the citizen who knows her place.

It is a citizen-subjectivity defined by laws the citizen did not take part in setting

and yet is expected to adhere to. When this citizen acts in a way that transgresses the

laws, they become guilty and should thus fear the consequences.

In this case, the creation of the categories of innocence and guilt as instruments of

power takes place not in a context of crime but rather in one of rebellion, or civil war.

Moreover, the distinction between the categories operates under a logic of *divide et*

impera.[127] Foucault wishes to complicate an Althusserian understanding of repressive

"Ideological State Apparatuses" with a notion of the production of carceral subjectivity

that goes beyond mere repression.[128] Rather, at the moment of the founding of the

modern state and our social relations, Foucault sees not only repression (Gassion), but

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[126] I thank François Ewald for clarifying the connection between Séguier's statement and the work of subjectivity.

[127] Foucault would add another layer to this argument a year later in the 1973 Collège de France lectures *The Punitive Society* where he describes the further coalescence of the punitive society after the French revolution when the bourgeoisie started to imprison the lower strata so as to further their own standing. To them—Foucault imagines— the lower strata said: "did we not violate the law, plunder wealth together?" and the bourgeoisie replied: "Previously, abuses of power were attacked; now, violating the law displays a lack of morality." In this case as well Foucault understands the question of the allegedly objective categories of innocence and guilt as entwined with questions of power. Foucault, *The Punitive Society: Lectures at the Collège de France, 1972–1973*, 156. For the broader context of the ways in which mechanisms of exclusion are related to the bourgeoisie's interest, see: Michel Foucault, *"Society Must Be Defended": Lectures at the Collège de France, 1975–1976* (New York: Picador, 2003), 32–33.

[128] For an analysis of *Penal Theories and Institutions* in relation to Althusser's work, see Étienne Balibar's comments at the Columbia Center for Contemporary Critical Thought: Étienne Balibar, "On the Trace of Althusser in Foucault's Penal Theories and Institutions (1971–1972) – Foucault 13/13," accessed April 3, 2017, http://blogs.law.columbia.edu/foucault1313/2015/09/22/foucault-213-etienne-balibar-on-the-trace-of-althusser-in-foucaults-penal-theories-and-institutions-1971-1972/. Additionally, see Balibar's note to editor Bernard E. Harcourt in Foucault, *Penal Theories and Institutions: Lectures at the Collège de France, 1971-1972*, 279–83.

production (Séguier) as well— the production of subjects according to the moral

distinction between the "innocent" and "guilty." Foucault here presents a specific

historical moment where the categories of innocence and guilt come to play an important

role in a relation of power.

Balibar cautiously claims that Foucault's brushing shoulders with Maoists from

the *Gauche prolétarienne* in the GIP and his debates with other Maoists inform much of

his 1972 lectures. If we agree with Balibar, which I do, we can also venture to say that

the reading of prisons as sites of only "social death," while having only very limited

affinities with Althusser's Marxism, still shares the view of the state and its prisons as

repressive. An alternative approach would also seek to analyze the productive aspects of

prisons and the moral categorization upon which the prison-form hinges. In other words,

Gilmore is right to define racism in relation to "premature death" (and in *Society Must Be*

Defended Foucault does so himself), but we should also be cautious towards a racist

politics of life.[129] Furthermore, solitary confinement and other practices of social death—

analyzed by Guenther and others—are certainly intolerable, but will the abolition of the

cruelty of solitary confinement lead to greater freedom?[130] Despite the limitations of

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[129] "What in fact is racism? It is primarily a way of introducing a break into the domain of life that is under power's control: the break between what must live and what must die."…"If the power of normalization wished to exercise the old sovereign right to kill, it must become racist. And if, conversely, a power of sovereignty, or in other words, a power that has the right of life and death, wishes to work with the instruments, mechanisms, and technology of normalization, it too must become racist."…"When I say "killing," I obviously do not mean simply murder as such, but also every form of indirect murder: the fact of exposing someone to death, increasing the risk of death for some people, or, quite simply, political death…" Foucault, *"Society Must Be Defended:" Lectures at the Collège de France, 1975–1976*, 254–56.
[130] Guenther is well aware of this point: "It would also be a disservice to all prisoners…to focus on incidences of exceptional violence at the expense of the everyday forms of structural violence that support these exceptions and make them possible." However, Guenther's phenomenological approach leads her to a critique of solitary confinement that focuses on the *deprivation* of social relations. What I propose here is to expand our suspicion also towards specific configurations of a politics that does indeed enable social

Discipline's focus on the period of the birth of the prison, a period where the technologies of power were qualitatively different than our own, Foucault's analysis is helpful in that it presents how the enlightenment's prison-form itself was built on the abolition of a previous modality of punishment that became intolerable. For example, the aforementioned revolts that broke out at execution sites would threaten public order and would give further reasons to abolish the practice of public displays of justice and thus contribute to the transformation into the prison. According to Foucault, "very soon the public execution became intolerable."[131] Thus, Foucault reminds us that abolishing that which is intolerable is not in and of itself sufficient.[132] The word "intolerable" is so central to the GIP's project that it was chosen as the title of the GIP's publications, but for the GIP intolerance was a strategy of a different measure than the nineteenth-century intolerance to the public execution. Uncomfortably, *Discipline* reminds us that the prison itself was a project of intolerance. The modern prison was constituted in relation to the enlightenment's thinkers' intolerance toward the previous methods of cruel punishment, and that "one of their first cries was to demand their abolition."[133] *Discipline* reminds us that the genealogy of our current system (that for Foucault is composed of theories, institutions, and practices) of punishment is connected to processes of both intolerance to perceived wrongs and abolition. The GIP texts assist in differentiating between processes of intolerance that only replace a mechanism of subjection (be it cruel punishment, public

relations (for example, between those who are innocent and those who have failed). Guenther, *Solitary Confinement: Social Death and Its Afterlives*, 137.

[131] Foucault, *Discipline*, 73.
[132] Foucault, "Revolutionary Action: 'Until Now,'" 218, 224.
[133] Foucault, *Discipline*, 63.

executions, or social death) with a process of subjectification (the ideal prison) and other further reaching forms of intolerance: processes that aim at obliterating the deep division that lies between innocence and guilt. This more profound process hinges on relations of subjectivity. Following Foucault's concepts (both coined in 1978) of "counter-conduct" and "subjectivation," I refer to this process as "counter-subjectivation."

A schema of counter-subjectivation

They tell us that prisoners should re-enter society, yet the subject positions of incarcerated people and their experience of societal relations of power demonstrate that society should be changed rather than only entered. In other words, instead of only a re-entry, counter-subjectivation is a search for an exit that will re-work relations of power. It is neither a "best practices" search for a better prison or more efficient subjectification, nor a search for popular justice, revenge, militancy, or even counter-conduct. Most importantly, it is not a global scheme of transformation. *Counter-subjectivation* is the alternative term I use to describe the mode of thought that began to articulate itself in Foucault's analyses in the early 1970s, though Foucault never uses it himself. It connects Foucault's later concepts of counter-conduct (*contre-conduire*) and subjectivation (*subjectivation*), both of which were coined by Foucault in 1978. Counter-subjectivation is a transformative, creative, and innovative attempt to rework relations of power that enables one to define the processes to which they are held accountable.

The possibility for a subject or group of subjects to actively participate in the construction of their own subjectivity appears in Foucault's texts of the 1970s. At first, Foucault uses the term "desubjectification" (*désassujettissement*) to denote such

processes.[134] With his turn to study the history of sexuality (yet only after the 1976 publication of the first volume) Foucault uses the term subjectivation (*subjectivation*).[135] In the pivot year of 1978, Foucault experiments with the possibility of using the concept *counter-conduct* to describe a positive alternative to desubjectification: "Just as there have been forms of resistance to power as the exercise of political sovereignty, and just as there have been other, equally intentional forms of resistance or refusal that were directed at power in the form of economic exploitation, have there not been forms of resistance to power as conducting?"[136] Secondary literature that has sought to stress the significance of *counter-conduct* has not paid sufficient attention to Foucault's own skepticism about this concept and to the ways in which Foucault's examples for the counter-conduct that arise from political institutions are also forms of resistance that Foucault takes issue with.[137]

In *Security, Territory, Population* Foucault gives the examples of (1) desertion, (2) the PCF (the French Communist Party), and (3) alternative medical knowledges.

[134] Foucault first uses desubjectification (*désassujettissement*) in 1971 (Foucault, "Revolutionary Action: 'Until Now,'" 222). The French original version of this important conversation between Foucault and high school students was titled "Beyond Good and Evil," the same title of Nietzsche's book. Importantly, this is the same conversation where Foucault mentions that the goal of the GIP was to obliterate the fine line between innocence and guilt.

[135] Foucault first uses subjectivation (*subjectivation*) in 1978 to denote the possibility of the subject to construct their own subjectivity. Milchman and Rosenberg argue that "*subjectivation* pertains to the relation of the individual him/herself; to the multiple ways in which a self can be constructed on the basis of what one takes to be the truth." As Samuel Chambers points out, even attentive readers of Foucault such as Judith Butler have mistakenly translated *assujettissement* as subjectivation. Michel Foucault, *The Use of Pleasure: Volume 2 of the History of Sexuality*, trans. Robert Hurley (New York: Pantheon, 1985); Michel Foucault, *The Care of the Self: Volume 3 of the History of Sexuality*, trans. Robert Hurley (New York: Pantheon, 1986); Chambers, *The Lessons of Rancière*, 98–101; Alan Milchman and Alan Rosenberg, "The Aesthetic and Ascetic Dimensions of an Ethics of Self-Fashioning: Nietzsche and Foucault," *Parrhesia* 2 (2007): 55.

[136] Michel Foucault, *Security, Territory, Population: Lectures at the Collège de France, 1977–1978*, ed. Michel Senellart, trans. Graham Burchell (New York: Palgrave Macmillan, 2007), 194.

[137] Arnold Davidson, "In Praise of Counter-Conduct," *History of the Human Sciences* 24, no. 4 (2011): 25–41; Daniele Lorenzini, "From Counter-Conduct to Critical Attitude: Michel Foucault and the Art of Not Being Governed Quite So Much," *Foucault Studies*, no. 21 (June 28, 2016): 7–21.

These examples fall short of the model of resistance Foucault's later work searches for because they are built on a transcendental.[138] All three base their resistance to power, their counter-conduct, on the following transcendentals: (1) a morality, (2) a new man and social order, or (3) a form of knowledge.[139] In addition, as Foucault intentionally limits his discussion to points of resistance "*within* the field of the pastorate," the five forms of *counter-conduct* he discusses (asceticism, communities, mysticism, Scripture, and eschatological beliefs) similarly are all based on transcendental religious grounding.[140] At the same time, the concept of *counter-conduct* enables what other concepts, such as dissidence, do not allow:

> I fear it may even be dangerous, for there is not much sense in saying, for
> example, that a mad person or a delinquent is a dissident. There is a process of
> sanctification or hero worship which does not seem to me of much sense. On the
> other hand, by using the word counter-conduct, and so without having to give a
> sacred status to this or that person as a dissident, we can no doubt analyze the
> components in the way in which someone actually acts in the very general field of
> politics or in the very general field of power relations; it makes it possible to pick
> out the *dimension or component* of counter-conduct that may well be found in fact
> in delinquents, mad people, and patients. So, an analysis of this immense family
> of what could be called counter-conducts.[141]

Foucault thus understands the contribution of the term *counter-conduct* to refer not only to specific behaviors—the revolts—but to their possible locations in sites such as prisons, asylums, and hospitals, which according to Foucault's analyses of these institutions are also sites for the construction of subjectivity.

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[138] Foucault's emphasis. Foucault, *Security, Territory, Population: Lectures at the Collège de France, 1977–1978*, 194.
[139] Ibid., 198–200.
[140] Ibid., 194, 204–14.
[141] My emphasis. Ibid., 202.

These are the sites of those excluded by humanism, those who feel the most the weight of the current societal arrangement and yet whose inclusion into humanism as it is structured through subjectification is not the desired outcome (more on humanist approaches in the next chapter that discusses the International Committee of the Red Cross in Israel-Palestine). *Counter-conduct* is supposed to challenge these constructions of subjectivity. However, as the examples that Foucault discusses include those that ask to replace a construction of subjectivity with another fixed subjectivity, the term *counter-conduct* falls short of describing, positively, a process of a continuous challenge to specific constructions of subjectivity. On the one hand, Foucault describes these movements of resistance and insubordination as seeking "to escape direction by others and to define the way for each to conduct himself [sic]."[142] Yet, this articulation entails a contradiction in terms.

If the escape from a current way of conducting oneself is only through a new fixed "self" that would only set different limits on one's ability to change oneself (such as the "new man" discovered by the PCF, the "healthy body" discovered by alternative medical knowledges), then it is not a sufficient practice of freedom. For this reason, the term *counter-conduct* is not adequate to describe the undoing of carceral subjectivity. The alternative approach that I seek to explore here would rather leave in the hands of the subject the possibility for the very act of defining. In Foucault's later writings on sexuality, it is precisely the possibility of the subject to define their own sexual practices

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[142] Ibid., 195.

that situate them as practices of freedom.[143] And indeed, Foucault never returns to use the concept "counter-conduct" after his 1978 experiments with it.[144]

The art of self-definition is at the core of counter-subjectivation, along with insistence that a current arrangement of power relations is what one defines oneself against. The context of the quote in the epigraph is the following: "Maybe the target nowadays is not to discover what we are but to refuse what we are. We have to imagine and to build up what we could be to get rid of this kind of political 'double bind,' which is the simultaneous individualization and totalization of modern power structures."[145] However, Foucault does not name the third mode of altering the relation between the subject and truth. Beyond subjection as a relation of force and subjectification as a relation in which the subject binds herself to the truth, the third mode suggests an undoing of a fixed relation to truth. As opposed to the transcendental modes of subjectivation, such as in the Christian theology, the unnamed third mode does not foreclose a permanent change. Hence Foucault's use of "de-subjectivize."[146]

The problem that the family of "de" concepts (de-subjectivize, desubjectification) poses is that it is not possible to differentiate the process they propose—of undoing a specific set of constructions—from an annihilating process such as the Nazi desubjectification of Jews (see Agamben's use of the same word Foucault uses—

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[143] Foucault, "Sex, Power and the Politics of Identity."
[144] Lorenzini, "From Counter-Conduct to Critical Attitude: Michel Foucault and the Art of Not Being Governed Quite So Much."
[145] Michel Foucault, "The Subject and Power," in *Michel Foucault: Beyond Structuralism and Hermeneutics*, ed. Hubert L. Dreyfus and Paul Rabinow (Chicago: The University of Chicago Press, 1982).
[146] Foucault, "The Gay Science."

désassujettissement).[147] Moreover, Foucault does not propose a concept that would differentiate a transcendental subjectivation from a non-transcendental subjectivation. To both these issues, the concept of "counter-subjectivation" offers a solution as a process of refusal where we "imagine and to build up what we could be."

The attempts of Palestinian political prisoners to imagine and build up what they could be is at the heart of this dissertation. I argue that precisely because prisons are sites that at their core imagine people otherwise (as "rehabilitated"/"reformed"/"corrected etc.), they become useful sites for political theorists to look at attempts by prisoners themselves to define who they are with and despite these attempts. The next three chapters look at different attempts to use prisoners' actions to influence their subjectivity by way of the ICRC's humanitarian action, the carceral dispositif's democratic reforms, and the prisoners' movement attempts at resistance. What the GIP texts offer us is an understanding that the "ideal prison" would still attempt to change people according to pattern they never chose and thus, "friends of prisoners" should look for modes of action that resist such co-optation. [148] Even if the GIP's "experiment in thinking" took place

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[147] Giorgio Agamben, *Remnants of Auschwitz: The Witness and the Archive* (Brooklyn: Zone Books, 1999), 129.

[148] The language of "friends of prisoners" is from: Ou en est l'action du GIP?, File 1.30, Fonds GIP, IMEC. The document (possibly from April 1971) gives a different definition of the members of the GIP from the statement Foucault reads in February 1971. In this definition, Foucault and the other intellectuals are only included under the category "friends of prisoners." The problem that this inclusion helps counter is that these intellectuals are not "specific intellectuals," such as the social worker Jaqueline Rose whose experience of working in prison positions her with regard to the prison. The relation between the academics, such as Foucault, to the prison is not one of universal intellectuals (i.e. Sartre) who expresses his view on any problem as a philosopher. Rather, the category of "friends of prisoners" enables a different relation to take place. This time, it is a relation of friendship. As opposed to the universal intellectual, the friend attempt to reach a different relationship that while it cannot undo the structures of power that position the friend in a different context of social strata, race, religion, or mental health, nevertheless attempts to bridge such differences and work against the prison and the punitive society. The language of "friends" reminds me of Nietzsche: "Not the neighbor do I teach you, but the friend." It also is relevant to what Foucault says in "friendship as a way of life." The document has the following: "Le groupe

under different conditions than those of Israel-Palestine and with alleged "common-law" prisoners, their texts reveal that the logic of the prison is not lost in translation and that prisons' subjectification practices are political, not "common-law," at their core. The GIP texts thus offer valuable hints of counter-subjectivation as a process of self-transformation.

Counter-subjectivation in the Prisons Information Group

If the BnF research notes and the Collège de France lectures lay open the possibility of self-fashioning even in regard to the carceral logics that shape modern subjectivity, the texts that Foucault wrote as part of his involvement with the GIP, as well as other GIP texts, paint a clearer picture about the active role that one can play in pursuing such processes of counter-subjectivation. By carceral logics I mean governmental control (not only of a state apparatus but of theories, institutions, practices) achieved through subjectification tied to a transcendental: constituting obedient and civilized subjects who know their place. The different handwritten drafts of the GIP texts enable us, despite the GIP's attempt to challenge regimes of the seeable and say-able by using collective voice, to attribute an author to most of the GIP texts.[149] More important, the GIP collection also exposes us to the changes between the different drafts of the GIP texts and to the thought process that guided the GIP's work. These texts hint towards counter-subjectivation that is the active possibility of the subjects to exercise freedom in resisting various forms of

d'information sur les prisons est un groupement d'ancien détenus, de femmes, familles, amis de détenus, d'actuels détenus, d'avocats et de certains personnels de la pénitentiaire révoltes par leur travail."
[149] Nancy Luxon, "The Disordering of Discourse: Voice and Authority in the GIP," in *Active Intolerance: Michel Foucault, the Prisons Information Group, and the Future of Abolition*, eds. Perry Zurn and Andrew Dilts (New York: Palgrave Macmillan, 2016), 203–21.

limitations: being rendered as non-agents, treated as slaves, expected to trade freedom for one's sense of self in parole processes, being assigned books in disciplining educational processes, or, in sum, tolerating prisons.

First, the GIP texts invite us to look beyond the question of prison proportion and mass incarceration and remind us that the work of counter-subjectivation begins with an acting subject. The first step of moving beyond the western subjectivity in place since Roman law is to challenge the perception of a subject who is sovereign when denying herself the exercise of power.[150] The changes in one GIP pamphlet stress this point. Jean-Marie Domenach, one of the founders of the GIP and the editor of the leftist-Catholic review *Espirit*, wrote the first draft of this pamphlet that accompanied the questionnaire that the GIP members would hand out in front of the prisons doors to gather information.[151] The first draft included the following sentences: "The situation inside the prisons is intolerable. They treat the prisoners like dogs. What few rights they have are not respected. We want to bring this scandal to the light of day."[152] However, Foucault's second draft of this pamphlet replaces the sentence "they treat the prisoners like dogs" with "they render the prisoner's life a life unworthy of a human being."[153] Why did Foucault replace the comparison to dogs? Could the reason be that in this context a dog has no ability to exercise power or act politically and can neither express nor change its

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[150] Foucault, "Revolutionary Action: 'Until Now,'" 221.
[151] The GIP members most responsible for the distribution of the questionnaires were Christine Martineau, Danielle Rancière, and Daniel Defert.
[152] "*La situation dans les prisons est intolérable. On traite les détenus comme des chiens. Le peu de droits qu'ils ont n'est pas respecté. Nous voulons porter ce scandale en plein jour.*" In La Situation dans les prisons est intolérable, File 2.22, Fonds GIP, IMEC.
[153] "On fait aux détenus une vie indigné d'un être humain." GIP, *Le Groupe d'information sur les prisons: archives d'une lutte 1970–1972*, 50.

subjectivity?[154] Whereas a dog is not able to do so, human beings are and should be able to change their realities and themselves.[155] Dogs might be over-incarcerated, dogs might be treated with cruelty, but the figure of the dog is not one we would associate with political action that changes reality.[156] As Foucault would later argue: "The problem, you see, is one for the subject who acts—the subject of action through which the real is transformed."[157] The question of subjectivity is not only one of numbers—"we are human beings, not numbers"—and the question of mass incarceration is not the only one we should be asking about the prison.

Second, the GIP texts remind us that there are more worthwhile political goals than equality to achieve in regard to the prison: counter-subjectivation that is a refusal of both subjection and subjectification. George Jackson—one of the leaders and symbols of the Black Panther Party (BPP) in the US—and his assassination were the subject of the GIP's third booklet.[158] In the preface to this booklet, Jean Genet—a former prisoner at

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[154] Major General Geoffrey Miller, Commander of Guantánamo Bay in 2004, has been said to provide a more contemporary example of comparing prisoners to dogs: "They are like dogs and if you allow them to believe at any point that they are more than a dog then you've lost control of them." In: "Iraq Abuse Ordered from the Top: The U.S. Commander at the Centre of the Iraqi Prisoner Scandal was Told That She Needed to Treat Prisoners Like Dogs," BBC News, June 15, 2004, http://news.bbc.co.uk/2/hi/americas/3806713.stm. Cited in Falguni A. Sheth, "Unruliness without Rioting: Hunger Strikes in Contemporary Politics," in *Active Intolerance: Michel Foucault, The Prisons Information Group, and the Future of Abolition*, eds. Perry Zurn and Andrew Dilts (New York: Fordham University Press, 2015), 141.

[155] For similar examples see: "we are human beings, not dogs" … "we are human beings, not numbers" in: Première victoire : plus d'étables mais des parloirs, File 2.20, Fonds GIP, IMEC, and "we are not beasts, we are human beings" in: GIP. *Intolérable, les Prisons. Enquête dans une prison modèle: Fleury-Mérogis 2* (Paris: Champ Libre, 1971), 34.

[156] Red Lake Ojibwe historian Brenda Child provides a contrary example in a children's book. She discusses an 1847 description by Julia Warren Spears of Ojibwe dancers who use the phrase "we are like dogs" as exemplifying an animal-human relationality that performs an alternative approach to extractive capitalism that sees such rituals as a "Begging Dance." Brenda Child, *Bowwow Powwow* (St. Paul: Minnesota Historical Society Press, 2018).

[157] Michel Foucault, "Questions of Method," in *Essential Works of Foucault 1954–1984: Power*, ed. James D. Faubion (New York: New Press, 2000), 236.

[158] GIP. *Intolérable 3: L'assassinat de George Jackson* (Paris: Gallimard, 1972).

the aforementioned *Mettray* reformatory, playwright, and member of the GIP—draws the

readers' attention to the prison's attempt to influence Jackson's behavior.[159] For the

crime of stealing sixty-two dollars, Jackson was imprisoned for "either a year in prison or

life."[160] It was up to the parole board to decide whether Jackson has been rehabilitated

and could be released. According to Genet, Jackson refused to accept the prison's attempt

to "correct" him and influence his subjectivity.[161] Every year of the eleven years he spent

in prison for this crime of stealing sixty-two dollars he would meet with the parole board

and every year they decided that he was not sufficiently rehabilitated. This then is a brief

example of the consequentialist logic of incarceration which operates on the prisoner's

subjectivity in order to put forth a transformation from a dangerous individual to a

contributing member of society.[162] If Guenther points our attention to the "afterlives" of

slavery in social death, Genet's analysis of Jackson's imprisonment reminds us that

prisons do not only inflict death. Rather, they try to constitute subjects. As Jackson's

experience proves, death is a central part of the story of the utilization of the prison-form

as a mechanism of power. Yet, it is not the only part. Other prisoners who accepted the

parole board's conditions for freedom *qua* release from prison are not known to us, yet

Jackson's refusal to accept this subjectification alerts us to its existence; an existence that

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[159] For the broader connections between the BPP and the GIP, and especially its members Catherine von Bülow and Jean Genet, see Brady Heiner, 'Foucault and the Black Panthers', *City*, 11.3 (2007), 313–56.
[160] Jean Genet, "Préface," in *Intolérable 3: L'assassinat de George Jackson* (Paris: Gallimard, 1972), 3–11.
[161] Of course, not every aspect of prisons' attempts to affect one's subjectivity can be refused. Jackson's prison letters have numerous examples of this yet the following is appealing also because of its relation to the previous paragraph's discussion of dogs: "I know that they will not be satisfied until they push me out of this existence altogether. I've been the victim of so many racist attacks that I could never relax again. My reflexes will never be normal again. I'm like a dog that has gone through the K-9 process." George Jackson, *Soledad Brother: The Prison Letters of George Jackson* (New York: Coward-McCann, 1970), 28.
[162] Michael Tonry, "Introduction," in *Why Punish? How Much? A Reader on Punishment*, ed. Michael Tonry (Oxford: Oxford University Press, 2011), 3–28.

Jackson describes as more dangerous than death.[163] Modern prisons' basic principle of operation, attempts to affect subjectivity, are not mere theoretical principles. They have important manifestations in action that Jackson felt on his body. His own attempt to affect subjectivity, counter-subjectivation, was a reaction to the prison-form. To the systems, theories, and practices that attempted to change who he was, Jackson reacted by a political self-transformation.

Counter-subjectivation requires a refusal of subjectification, as Jackson's example demonstrates. Jackson did more than refuse to change in a manner that would please the prison's administration, he deliberately sought to transform himself against such logics. The process that Jackson initiates is counter-subjectivation: "I, I hope, have completely killed the slave in me."[164] Genet quotes Jackson's prison letters: "I was a thug all my life. It was my years in prison that gave me the time and the opportunity for self-reflection and incited me to transform my character."[165] Alongside Jackson's self-reported refusal of subjectification, the GIP booklet also describes a process that is specifically different from the process that Foucault would later label as "counter-conduct" that depended on a transcendental. The main difference is that Jackson's actions are specifically discussed as distinct from both Christian and orthodox Marxist transcendentalisms: "[Jackson] no longer refers to the Old Testament. He cites neither the Prophets nor the Apostles."

Deleuze defines this approach as a double "unhooking" or "differentiation" [*décrochage*]: when the "exercises that enabled one to govern oneself" *become detached*

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[163] George Jackson, *Blood in My Eye* (Baltimore: Black Classic Press, 1972).
[164] Jean Genet, "Préface," in *Intolérable 3: L'assassinat de George Jackson* (Paris: Gallimard, 1972), 6.
[165] Ibid., 5.

both from power as a relation between forces and from knowledge as a stratified form, or "code" of virtue.[166] This process of "unhooking" is not a practice on the self that is done in isolation but a political and collective practice. The role of the act of writing is important in the political regard and I return to it in the last chapter of this dissertation that discusses the texts of the currently incarcerated Palestinian intellectual Walid Daka. Jackson's unhooking is similar to the Black Panthers Party's relational practices outside prison walls: self-help, self-arming, and consciousness-raising as practices of education. Prison education show the continuum of possibilities between different modalities of power. Foucault reads the prisoners as refusing education as undemocratic politics that is hinted at with the etymological source of the "duc"—education—that is the same of a "duke" that governs without consulting those who are governed. On the other hand, as the chapter on Palestinian prisoners' practices of self-education will discuss, education is an important practice of freedom in post-colonial literatures. Genet's analysis of Jackson's transformation exemplifies the possibilities for action even in the most extreme circumstances. While Jackson was held in prison because he refused the parole board's model of rehabilitation, the practices of self-transformation that he undertook open up theoretical possibilities for action.

Foucault reads the prisoners' burning of the library of the Centrale Ney prison at Toul as an event of refusing our inheritance of Roman law that asks the subject to know her place and that defines the individual as a submitted sovereign. Describing the prison takeover of December 9, 1971, he writes: "They burned the library, and with it all the

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[166] Gilles Deleuze, *Foucault* (Minneapolis: University of Minnesota Press, 1988), 100.

hypocrisy of prison education, moral correction, vocational training."[167] The library is both symbolic of knowledge and of education. A reader might squinch from thinking of a library going up in flames. Yet, Foucault's analysis is meant to shed light on a specific kind of education process. This process is one where prisoners are expected to be active—read by themselves, take out books— but the kind of rehabilitated subject that is expected of this educational process is not up to them to choose. It is not a matter of the variety of books to choose from but something more profound. The problem with the hypocrisy of prison education is that a rehabilitated subjectivity is not a result of the prisoners' choosing.

Burning the library, according to Foucault, wasn't a call for "flush toilets." It was neither the same call as the Maoist hunger strikers of the *Gauche prolétarienne*, who in their solidarity with the "common law" incarcerated people said "In our eyes, [the "common-law" prisoners] are the victims of a social system that, after having produced them, refuses to re-educate them and is content with debasing and casting them aside."[168] Rather, Foucault reads the incarcerated people's actions as a fight against the apparatuses that attempt to re-educate incarcerated people, that is, to reconstitute their subjectivities. As opposed to "the hypocrisy of prison education, moral correction, vocational training," Foucault understood incarcerated people's action as an attempt to counter the corpus of knowledge that was imposed on them but which never served them and that they had no capacity to affect. In other GIP texts, the hypocrisy of prison education is meant to

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[167] My translation. Phillipe Artières, Laurent Quéro, and Michelle Zancarini-Fournel, eds., *Le Groupe d'information sur les prisons: Archives d'une lutte 1970–1972* (Paris: Éditions de l'IMEC, 2003), 153–154.
[168] My translation. Secours Rouge, *Le Combat des Détenus Politiques* (Paris: François Maspero, 1970).

signify the false promises of a criminal justice system which on the one hand pretends to

re-educate prisoners and to return them to society but on the other hand continuously

marks them as criminals and thus adds further difficulties for former prisoners to find

employment. Without doubt, Foucault's Nietzschean analysis was not the one that the

incarcerated people themselves articulated. In fact, an eye-witness report provides a

specific reason for the burning of the library:

> arsonists also set to work and burned the library because they found two-hundred
> pairs of shoes while we had been told that we now had to buy them for twenty-
> eight Francs (subsidies are seventy Francs per month in general; the amount
> increases with tenure) because subsidies were no longer sufficient or I do not
> know what other lie.[169]

Foucault's analysis of the burning of the prison library thus suggests that the prisoners

did not ask to perfect a practice of subjectification, but rather work against such practices.

The studies that utilize the term "social death" too often build on the assumption that

prisons should indeed enable prisoners to participate in public life or have better

imprisonment conditions. And yet Foucault's analysis of these prisoners in revolt reminds

us that the prison-form is more than inhumane, it is an instrument of control. In refusing

their passive role, the Toul prisoners on the rooftop were thus also defying a society that

asked to attach them to predetermined roles and predetermined truths.

Third, the GIP proposed not only individual acts of self-transformation within

prisons, but also further-reaching collective ones both inside and outside of prison walls.

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[169] My translation. Un ancien détenu de Toul raconte la révolte du 9 décembre. Dossier nº 10, June 26, 1972, APL Lyon, file 3.37, Fonds GIP, IMEC. This is a testimony by a twenty-two-year-old formerly incarcerated person who participated in the Toul take-over and was released in March 1972. Foucault wrote his analysis for a GIP event on January 5, 1972. Thus, neither he nor other GIP members were exposed at the time to the incarcerated people's version of the events of the Toul take-over including the burning of the prison library. Interestingly, the hand-written version of the text shows that Foucault first used the same word that this prisoner used, lie/*mensonage*, but then replaced it with "hypocrisy."

Foucault reads the incarcerated people's movements as offering both a continuity and a change.[170] The continuity is their learning from previous movements, primarily the Algerian resistance movements such as the FLN in French prisons (most notably, the Parisian prison La Santé), and the 1960s hunger strikes of these movements. The change is that for the first time the incarcerated people's prison take-overs were centered around a call to public opinion. The incarcerated people at Toul were the first: they went on the roof of the Centrale Ney and attempted various forms to communicate their conditions to those outside. Foucault analyzes this moment not by concentrating on the content of the appeal but at the level of gestures— horizontal communication and the turn to political action to change the situation. These gestures work against the subject formation inherited from Roman law that would have the citizen appeal to the governor. Instead, the incarcerated people on the roof practice counter-subjectivation in changing these learned modalities of subjectivity. The GIP asked to spread this public appeal by reading incarcerated people's demands (for example, in the Place Vendôme demonstration), by publishing a booklet on incarcerated people's demands, and writing in the press.[171]

The GIP's proposition for self-transformation was directed towards those outside prisons as well. "Let us become intolerant of prisons,"[172] they invited their readers. In its

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[170] Michel Foucault, "À propos de l'enfermement pénitentiaire (interview with A. Krywin and F. Ringelheim)," in *Dits et écrits I. 1954–1975*, ed. Daniel Defert and François Ewald (Paris: Gallimard, 1994), 1311.

[171] On January 17, 1972 GIP members stormed the ministry of justice. Once inside, Foucault read a statement by people incarcerated at Melun Prison. It was the principle of "donner la parole," giving the floor to prisoners themselves by utilizing the position of the intellectuals (as De Gaulle said of Sartre: "One does not arrest Voltaire"). For an analysis of this important GIP demonstration see: Philippe Artières, "Archives of a Collective Action," in *Michel Foucault: Une Journée Particulière* (Lyon: Ædelsa Éditions, 2004), 44–51.

[172] [Devenons intolérants à propos des prisons], *Le Groupe d'information sur les prisons: archives d'une lutte 1970–1972*, 52.

refusal of practices of individualization, the GIP proposed a plural "becoming intolerant" as an act of collective transformation. The intolerance the GIP proposed was not only to sub-standard imprisonment conditions or to humiliating treatment but to carceral subjectivities as well—this same pamphlet suggested becoming intolerant not only towards prisons but towards "the hospital system, psychiatric practices, military service, etc." Remember, Foucault would also later use the word "intolerance" to describe the public rage manifested towards cruel or unjust public executions— the same intolerance that would contribute to the appearance of the modern prison-form. Here, arguably, the aspired intolerance is a different one, a further-reaching one. It is not an intolerance towards the excessive practices of punishment. Such an intolerance might only lead to more sophisticated mechanisms of control that replace the excessive violence which might provoke a reaction with masked forms of control. Rather, the GIP's intolerance is towards exclusionary and inclusionary practices of subjectification, not just to violence. It is an intolerance that can be practiced not only within prison walls in opposing the attempts to constitute an obedient, civilized subject that knows her place but also outside of prisons where, to paraphrase Serge Livrozet, the chains are less visible. This becoming intolerant is the crux of the GIP political significance. It suggests a democratic vision for the politics of ourselves— to take control over the theories, institutions, and practices that define us.

From the GIP's first public appearance and the opening statement of "none of us is sure to escape prison," the GIP stressed the relevance of the struggle against the prison-form to broader sets of concerns that are not only relevant to incarcerated people. The struggle to become intolerant is a struggle to alter subjectivity: to question fixed

categories that advance control, such as "innocence" and "guilt." In an unpublished and undated interview with Sylvie Marion, Foucault was uncharacteristically optimistic in regard to a topic that history has since proven that no optimism was in order. He called the late twentieth century the age of the shopping mall and said that it holds a promise for new forms of resistance. Foucault says that until his generation, it was customary for French children to steal from grocery stores whereas nowadays children feel surveilled in the "grand magasin" already when growing up. This optimist Foucault, in hindsight we might even say naïve, says that the experience of being afraid to shoplift politicizes the individual. The fear of surveillance is no longer limited to prisoners alone and so alongside the justified fear of the spread of mechanisms of surveillance, their wide spread use also brings with it possibilities of democratic change.[173]

To achieve the goal of unsettling the carceral logics of a punitive society, the GIP turned to those most affected by it. Yet, the turn to the prisoners "themselves" (*eux-mêmes*) was not separated from the "ourselves" (*nous-mêmes*). A press conference given by Foucault and Sartre after the aforementioned GIP demonstration at Place Vendôme provides an important example. After the tumultuous demonstration, Foucault and Sartre gave a press conference at the rue Dussoubs offices of the *Agence de presse Libération* (created by GIP companion Maurice Clavel). The silent posters on the walls behind them remind us of the different contexts drawn in the post-68' era: white supremacy, patriarchy, capitalism, Zionism, xenophobia, and homophobia are among the issues that are present. Countering the prison is related to a broader spectrum of issues both beyond

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[173] Les Vols dans les grandes surfaces (Bruay-en-Artois), entretien avec Sylvie Marion (non daté). FCL 32 c40, Audio Recordings Collection of the Centre Michel Foucault, IMEC.

the scope of Marxism, and as Foucault would argue, that have to do with changing the subjects' relation to truth.[174] In an exchange with Deleuze, Foucault mentioned that the struggles of "women, prisoners, conscripted soldiers, hospital patients, and homosexuals [are] radical, uncompromising, and nonereformist, and refuse any attempt of arriving at a new disposition of the same power with, at best, a change of masters."[175] It is this refusal that separates the GIP's argument from the analyses that view freedom solely through the lens of liberation. In other words, the figures of women, prisoners, soldiers, patients, and homosexuals are not natural configurations but rather exist as part of a specific political configuration. As prisoners are a modern construct of the fine line that separates innocence and guilt that arises from a post-enlightenment need to control, they demonstrate the possibilities of freedom that emerge from questioning such categories. Understanding that the constructs of innocence and guilt are put in place to put in place (that is, to dominate, qualify, limit, and teach a good that is beyond one's reach) is a needed step en route to the undoing of a carceral subjectivity.

The processes of counter-subjectivation in the GIP's work were posed in juxtaposition to other leftist projects. In line with Foucault's debate with the Maoists in February 1972, they showed that taking over institutions such as the court cannot serve as practices of freedom because the court itself, along with the distinction between innocence and guilt, was put in place to work against a popular revolt: "My hypothesis is

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[174] For example, one poster cites Angela Davis: "The real criminals in this society are not all the people who populate the prisons across the state but those people who have stolen the wealth of the world from the people." Other posters show calls for protest by African-Americans, Feminists, Palestinians, workers, among others.
[175] Foucault and Deleuze, "Intellectuals and Power," 216.

not so much that the court is the natural expression of popular justice, but rather that its historical function is to ensnare it, to control it, and to strangle it."[176] Foucault asks: "Is not the setting up of a neutral institution standing between the people and its enemies, capable of establishing the dividing line between the true and the false, the guilty and the innocent, the just and the unjust, is this not a way of resisting popular justice?"[177] As opposed to Sartre's people's court at Lens, put in place in December 1970 as a mock-trial to judge those responsible for a mining disaster, the GIP's actions were not based on taking over an existing institution while keeping the institution itself in place (I return later to discuss these people's courts in the contexts of the Palestinian political prisoners' self-organized courts).[178] For example, the GIP did not ask to incarcerate the Minister of Justice René Pleven, even though they considered him highly implicated in the situation in the prisons. At the same time, the GIP did not advocate, as opposed to some Paris-based Maoist publications following the April 1972 Bruay-en-Artois affair, for vengeance as the proper system for replacing the prison and reversing or inverting power relations.[179] Not a vengeful "reversal," not an ideal prison, not the people's prison, the

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[176] Michel Foucault, Benny Lévy, and André Glucksmann, "On Popular Justice: A Discussion with Maoists," in *Power/Knowledge: Selected Interviews and Other Writings, 1972–1977*, ed. Colin Gordon (New York: Pantheon Books, 1980), 1.

[177] Ibid., 2.

[178] Jean-Paul Sartre, "Justice Populaire: Entretien Avec J-P Sartre," *Pro Justitia: Revue Politique de Droit* 2, no. 1 (1973): 24.

[179] The murder and rape of a lower-class sixteen-year-old by the name of Brigitte Dewèvre at the town of Bruay-en-Artois (today, Bruay-la-Buissière) on April 6, 1972. After the suspect Pierre Leroy, an upper-class lawyer, was released, some Maoist publications called for vengeance by the people. A Maoist publication suggested that lynching the lawyer is justified: "It is the people's way of inverting [*renverser*] the world and its roles" (my translation). *La Cause du People J'accuse*, nº 24 of May 17, 1972, page 12. Behrent says that for Foucault "Bruay reveals, in short, the essential reversibility of power relations." I disagree. The language of "renverser" is rather the Maoist language that Foucault opposes. What Bruay showed is not the "reversibility of power relations" but the opposite: that justice has a directionality. It works for those in power. See Michael Behrent, "Accidents Happen: François Ewald, the 'Antirevolutionary' Foucault, and the Intellectual Politics of the French Welfare State," *The Journal of*

GIP's call to "obliterate the deep division that lies between innocence and guilt" was built on the understanding that a collective work of unlearning is needed for moving beyond our carceral subjectivities.

Conclusion

Foucault's involvement with the GIP allows us to begin to differentiate subjectification and the process of self-transformation I discuss as "counter-subjectivation." In the prison context, the process of subjectification asks to remold prisoners into corrected individuals that contribute to society. Even if the prison rarely succeeds in achieving this goal, the process is meant to be a permanent one. The prisoner who has been rehabilitated, in penologists' aspirations at least, is expected to never breach the rules of society again. In *Discipline,* Foucault invokes this process using the term *tableaux vivants*.[180] Foucault does not mean the usual meaning of *tableaux vivants* as a silent, motionless arrangement of people. Rather, *tableaux* here means "tables" as in a periodic table or botanical or zoological taxonomies. In the imagination of the prison reformers, the living material within the prison cell was supposed to be molded by the cell, shaped into a certain mode of behavior that was intended to last after the prisoner's release: "In the eighteenth century, the table was both a technique of power and a procedure of knowledge."[181]

Modern History 82 (2010): 593. Richard Wolin, *The Wind from the East: French Intellectuals, the Cultural Revolution, and the Legacy of the 1960's* (Princeton: Princeton University Press, 2010).François Ewald and Johannes Boehme, "'What Do You Want Me to Regret?': An Interview with François Ewald - Los Angeles Review of Books," accessed December 10, 2017, https://lareviewofbooks.org/article/what-do-you-want-me-to-regret-an-interview-with-francois-ewald/#!
[180] Foucault, *Discipline*, 148.
[181] Ibid.

Processes of counter-subjectivation take another possible meaning of the term *tableaux vivants*, whereas *tableaux* means "paintings"— the painting as an object that "comes to life." Rather than a subject permanently shaped by a confining structure, counter-subjectivation is an artful project of continuous self-fashioning. This second meaning of *tableaux vivants* comes from Charles Baudelaire and his engagement with the Eastern-warfront paintings of Constantin Guys ("they are *tableaux vivants* of an astonishing vitality, traced from life itself") as well as from dandyism as form of challenging social norms.[182] Without mentioning the origin, Foucault quotes this later aspect in a 1982 interview:

> You see, that's why I really work like a dog and I worked like a dog all my life. I am not interested in the academic status of what I am doing because my problem is my own transformation. That's the reason why, when people say, "Well, you thought this a few years ago and now you say something else," my answer is, [laughter] "*Well, do you think I have worked like that all those years to say the same thing and not be changed?*" This transformation of one's self by one's own knowledge is, I think, something rather close to the aesthetic experience. Why should a painter work if he is not transformed by his own painting?[183]

The *tableaux vivants* here signify the ability to change oneself as a form of art in a language that reminds us that the structures that define us can be reworked. The distinction between the two kinds of *tableaux vivants* is important to stress in light of the literatures that call for a lively prison. Modern prisons are built on the logic of the first kind of *tableaux vivants*— even if in most cases they fail to do so ("to correct," "to rehabilitate"), they are nevertheless premised on life that can be shaped by others. To those who would contest rather than improve the prison-form, Foucault's political study

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[182] Charles Baudelaire, "The Painter of Modern Life," in *The Painter of Modern Life and Other Essays* (New York: Phaidon, 1964), 18.
[183] Michel Foucault, "The Minimalist Self," in *Michel Foucault: Politics, Philosophy, Culture: Interviews and Other Writings 1977-1984*, ed. Lawrence Kritzman (New York: Routledge, 1988), 14.

of aesthetics, combined with his practical endeavors with the GIP, push us to not settle for any life even if it is better than "social and civil death" since such life might only lead to better subjectification. Rather, Foucault and the GIP propose an analysis that accepts that we can never escape power relations altogether and yet reaches beyond the prison to insist that we define our lives ourselves.

In conclusion, the GIP archive and the other archives discussed in this chapter allow us to reassess the scholarship that argues that there is no agency in Foucault's thought and offer us an analysis that goes beyond the ideal prison and thus counters the predominant ways of looking at our carceral moment. In contrast to the current literatures that in face of abhorrent racial inequalities seek a more equal prison, the GIP texts stress that the prison-form cannot be repurposed. It was put in place as a form of control against those that threaten the social contract and it will always be put to use against those at the margins. In contrast to the literatures that seek a more proportionate prison, the GIP texts remind us that incarceration remains a problem even when it is not "mass." Even more provocatively, and beyond the scope of this chapter, the GIP's approach also counters the new progressive attempts of the twenty-first century to shift to electronic monitoring instead of the prison. In other words, it reminds us that masked incarceration is not the proper solution either. To those who ask to move away from the "social and civil death" of the prison-form, the GIP tells us that re-education is a form of control and that better subjectification that seeks to discipline, civilize, and make one learn one's place will only enhance our carceral subjectivities.

Foucault's BnF notes teach us that our carceral subjectivities are not transcendental but rather have been formed historically and that the constitution of the

categories of "innocent" and "guilty" can also be historicized. Rather than attempt to attack the prison-form because of the innocent people who are hurt by it, we can rather focus on its effects not only to all who come through prison gates but also to those of us who are currently outside of those gates. Foucault's analysis of Séguier's action reminds us that it is not enough to discuss Gassion. Rather, Séguier's categories of "innocent" and "guilty" were meant to ensure control and to make each and every citizen of an occupied city to question her own relation to this truth set by others. But there is a possible exit for Foucault, an exit that is a reworking of power relations. As the GIP texts demonstrate, we can indeed become intolerant of prisons but to do is also to work on ourselves. The politics of our carceral selves requires a recognition that the categories of innocence and guilt are historically constructed instruments of control, a recognition that can be accompanied by creative, innovative, and collective attempts to undo these categories, and to therefore change ourselves.

Chapter 3

Protected Persons: ICRC's Humanitarian Action

"For let the nature of this human being well-pleasing to God be thought as human, inasmuch as he is afflicted by just the same needs and hence also the same sufferings, by just the same natural inclinations and hence also the same temptations to transgression." (Immanuel Kant)[184]

"Man himself is a form of imprisonment for man" (Gilles Deleuze, paraphrasing Nietzsche)[185]

"Maurice Clavel: 'In the name of whom do you do what you do? Don't tell me: Man?' Michel Foucault: 'In the name of those excluded and imprisoned by humanism, so, for a humanism that is further-reaching, comprehensive, and finally human!'" (Maurice Clavel and Michel Foucault)[186]

"How does one rewrite the chronicle of a death foretold and anticipated, as a collective biography of dead subjects, as a counter-history of the human, as the practice of freedom?" (Saidiya Hartman)[187]

"Dear Children,
It is always nice for a Red Cross delegate to receive letters from young people interested in his organization. It gives him hope that the future will be better than the present time and that the humanitarian principles ruling the Red Cross will be well present in your minds." (Red Cross delegate, 11/14/1973)

Introduction

Counterintuitively, Foucault's argument that "freedom is the ontological condition of

ethics"[188] extends to the prison: If one does not have some ability to choose one's actions

then one cannot manifest the logic of the modern prison that asked not only to subjugate

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[184] Immanuel Kant, *Religion within the Boundaries of Mere Reason and Other Writings*, ed. Allen Wood and George di Giovanni (Cambridge: Cambridge University Press, 1998), 82.
[185] Deleuze, *Foucault*, 92.
[186] My translation. Maurice Clavel, *Ce que Je Crois* (Paris: Grasset, 1975), 140.
[187] Saidiya Hartman, "Venus in Two Acts," *Small Axe* 12, no. 2 (2008): 3.
[188] Michel Foucault, "The Ethics of the Concern for Self as a Practice of Freedom," in *Essential Works of Foucault 1954–1984: Ethics*, ed. Paul Rabinow (New York: New Press, 1997), 284.

but to produce a "corrected," "rehabilitated," "transformed" individual. Following Foucault (yet also contesting his *Discipline and Punish*), I regard the Israeli incarceration of Palestinians as also a site of production, not only repression.[189] This chapter traces IPS's killing (mentioned in the Introduction) of Shalabi, Halaweh, and elJa'afari to analyze the modalities of lives produced in the contexts that led to their actions and to one often ignored yet essential component of the Israeli incarceration of Palestinians—the humanitarian work of the International Committee of the Red Cross (hereafter, ICRC). The ICRC's work to ease prison overpopulation and promote prisoners' work is the basis for the theoretical question that guides this chapter: What effects did the "neutral and impartial" humanitarian work of the International Committee of the Red Cross (ICRC) in Israeli prisons between the mid-sixties through the 1970s advance in regard to prisoners' subjectivities?

While other worthy candidates for a start date for this inquiry include 1967 where—following the Israeli occupation of the West Bank, Gaza Strip, and Golan Heights—the number of prisoners doubled itself, 1948 with the founding of the state of Israel and therefore also its incarceration of Palestinians, or even the early 1910s when rumors of a Zionist prison being built in newly founded Tel Aviv caused tensions in the Ottoman controlled area, I choose to begin the analysis offered here in 1965, with the arrest of the first self-proclaimed Palestinian political prisoner, Mahmoud Hijazi. I end

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[189] Foucault, *Discipline and Punish: The Birth of the Prison*.

the analysis in 1975 where—apart from a few documents—the ICRC archives are closed.[190]

Recent critical examinations of humanitarianism have shown how carceral humanitarianism functions,[191] how humanitarianism is never neutral and is always political,[192] and how human rights can be utilized as a means of domination.[193] The ICRC archive both contributes a new vantage point for studying such processes and, more importantly, points us towards possible new theorizations of how subjects are formed. It hints at an understanding of how prisons in particular and carceral subject formation more broadly do not only rely on violence, death, and subjugation but also encourage specific behaviors, lives, and subjectifications. Because the archive is so expansive (this is in average the largest ICRC mission in the world and the longest active one), it reveals how humanitarian efforts are alarmingly entangled in such endeavors of producing altered subjects while pointing towards a new way to think of the carceral politics of subject formation. The ICRC's at times reluctant and at times active involvement in the constitution of the new prison, the working prisoner, and the ~~well-fed~~ purchasing prisoner point us to the modern use of more sophisticated forms of power. This modality of power overcomes "gently,"[194] produces subjects rather than only subjugates, and supports a

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[190] The International Committee of the Red Cross Archive (hereafter, ICRCA) in Geneva made its records of the delegations to Israel and the Occupied Territories prior to 1976 accessible in 2016.

[191] Kelly Oliver, *Carceral Humanitarianism: Logics of Refugee Detention* (Minneapolis: University of Minnesota Press, 2017).

[192] Michael Barnett, *The Empire of Humanity: A History of Humanitarianism* (Ithaca: Cornell University Press, 2011).

[193] Nicola Perugini and Neve Gordon, *The Human Right to Dominate* (Oxford: Oxford University Press, 2015).

[194] "We have the means to overcome them gently." English in original. Interview transcript between ICRC delegate Michel Convers and Israeli General Shafir, March 20, 1973, B AG 219 102-050, ICRCA, page 2 {P1040500}.

certain "becoming subject" over only annihilation. In short, humanitarianism has disciplining effects.

To lay out my argument about the expansion of our analysis to also include processes of subjectification, I turn to three main examples from Israel-Palestine. The first is the ICRC's encouragement of solving the problem of overcrowding. Years later, these efforts resulted not only with more prisons but with more sophisticated prisons. The second is ICRC's insistence that the newly opened Nahel Camp be closed. The third is the ICRC's campaign to give Palestinian prisoners the possibility to work, while disregarding the political aspects of forming the "working subject." The corollary of the working prisoner is the purchasing prisoner, who can use funds to buy food at the prison's cantina. In so doing, the ICRC's humanitarian practices show us how enlightened subject formation can form subjects in ways over which these subjects themselves had little influence.

The ICRC's regular visits to Palestinian prisoners, starting in 1968, and its regular meetings with high-level Israeli decision makers situate its archive as an invaluable resource for analyzing incarceration in Israel-Palestine. On average, the ICRC mission to Israel-Palestine has been the largest mission in terms of personnel and the longest serving active mission. The ICRC archive offers a unique opportunity to look at sites usually hidden away from public view. The archive contains many thousands of documents from the daily activities of the ICRC's missions. These include reports from regular visits to the prisons, meetings with prisoners, transcripts of regular meetings with Israeli decision makers, including the Prime Minister, President, Minister of Police, IPS Commissioner, and others. However, very rarely does the ICRC archive contain voices of Palestinian

prisoners. These would usually only be conveyed through the mediation of the ICRC delegates. To assist the effort of reading the ICRC archive against its colonial grain,[195] I turn to interviews I conducted with Palestinian former prisoners and Israeli former Ministers of Police and IPS Commissioners. In contrast to studying theoretical aspects of political incarceration with a main reliance on interviews (as in the path-breaking work of Banu Bargu), the long period that the ICRC archive covers allows a glimpse into histories that are not only those "from below." The *arche* in archive is another important aspect to study in carceral subject formation for it gives a vantage point that interviews alone cannot provide.

With and against Foucault

Methodologically, then, this study takes seriously Foucault's analysis of power as functioning in a net-like fashion:[196] Rather than study carceral subject formation only from below (the prisoners), only from above (the IPS), or only from the side (ICRC), I regard all these directions as worthy of scholarly attention. Elsewhere, I take issue with *Discipline and Punish*'s understanding of carceral subject formation as limiting and top-down precisely because it relies mostly on the texts of prison reformers to formulate its theory of carceral subject formation. In sum, I turn to the ICRC archive because it complicates the method of reading prisons either from below (Bargu) or from above

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[195] Stoler, *Along the Archival Grain: Epistemic Anxieties and Colonial Common Sense*.Yet, I situate my methodology also against Stoler because there is a limit to the ability to read an archive against the grain— we need more than a "flash existence" (Foucault) to better understand the workings of power. We need the "from below" alongside the "from above" and the "to the side." Michel Foucault, "About the Concept of the 'dangerous Individual' in Nineteenth-Century Legal Psychiatry," in *Essential Works of Foucault 1954– 1984: Power* (New York: New Press, 2000), 176–200. See also Hartman, "Venus in Two Acts," 2.

[196] Foucault, *"Society Must Be Defended:" Lectures at the Collège de France, 1975–1976*.

(Foucault). Alongside the complimentary resources of interviewing Palestinian prisoners, documents for the Israeli State Archives and interview transcripts with Israeli decision makers, the ICRC archive offers extremely valuable resources for studying a slowly-unfolding process of how carceral subjects are formed.

This chapter intends a modest contribution to the Foucauldian observation that we have not yet cut off the King's head in political theory while at the same time complicating Foucault's use of genealogy to include a multi-directional angle of analysis.[197] After the critical reception of *Discipline and Punish* in France and abroad,[198] continued in the discussion outlined in *L'Impossible Prison* and later reactions to it,[199] Foucault would once again make clear that his use of archives is not that of the historian: He does not stop with the specific clarification that "this is not a book of History"[200] but adds, along with Arlette Farge, a bolder claim: "The idea that history is dedicated to 'archival exactitude' and philosophy to the 'architecture of ideas' is, to us, nothing short

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[197] "In political thought and analysis, we still have not cut off the head of the king." "We need to cut off the king's head. In political theory that has still to be done." Michel Foucault, *The History of Sexuality. Vol. 1: An Introduction*, trans. Robert Hurley (New York: Random House, 1978), 88–89; Michel Foucault, "Truth and Power," in *Essential Works of Foucault 1954–1984: Power*, ed. James Fabion (New York: New Press, 2000), 122.

[198] See the texts by Leornard, as well as those by Droit, Gallo, Enthoven, Slama, Fernandez-Zoïla, Robert, Jacques Revel, Pinatel, Ewald, Roustang, Zysberg, and Roth, among others, in Philippe Artières et al., eds., *Surveiller et Punir de Michel Foucault: Regards Critiques 1975-1979* (Caen: Presses universitaires de Caen - IMEC, 2010). In the English-speaking world, Lawrence Stone's 1982–83 caustic exchange with Foucault summarizes the conversation with the following terms: "It is [Foucault's] recurrent emphasis on control, domination, and punishment as the only mediating qualities possible in personal and social relationships that I find one-sided." Lawrence Stone and Michel Foucault, "An Exchange with Michel Foucault," *New York Review of Books* 30, no. 5 (1983).

[199] Michelle Perrot, ed., *L'Impossible Prison* (Paris: Seuil, 1980); Maurice Duverger, "Le Pouvoir et la Prison," *Le Monde*, July 4, 1980.

[200] Michel Foucault, "Lives of Infamous Men," in *Essential Works of Foucault 1954–1984: Power*, ed. James D Faubion (New York: New Press, 2000), 157.

of preposterous. This is not how we work."[201] Foucault's method is genealogical as it attempts, with the use of archival documents, not to expose relations of power in a particular time and place ("digging down to a buried stratum of continuity") but rather to uncover processes of subject formation that over generations contribute to who we are today.[202] In so doing, Foucault refuses a separation of the disciplines of philosophy and history into mutually exclusive domains. With Foucault, this chapter builds on archival documents to trace a process of becoming human. The refusal of a separation between philosophy and history has also been taken up in political theory and yet it has also helped to broaden the role of subjects themselves in the archives. To mention but a few examples that are in the problem space of this current study: Andrew Dilts has followed historical processes of exclusion in the US state congresses to trace a genealogy of current exclusionary process with regard to felon disenfranchisement, Lisa Guenter has traced the Korean-war-era processes of the behaviorist influences on the use of confinement for the change of subjectivity, Michal Givoni has used different archives (of Doctors without Borders, of the Portnoff Holocaust Archive, or WWI descriptions) to trace the ethical role that witnessing has occupied in the twentieth century.

"Lives of Infamous Men" is the text that shows both Foucault's methodological innovation and possible additions to it.[203] The text was intended as an introduction to the

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[201] Arlette Farge and Michel Foucault, *Disorderly Families: Infamous Letters from the Bastille Archives*, 19. See also Luxon, "Editor's Introduction." Foucault co-writes *Disorderly Families* with Arlette Farge and yet one of Foucault's own archives, the newly acquired collection at the Bibliothèque nationale de France, reveals that it is Foucault who writes the introduction, and Farge edits and corrects it. See "Manuscrit autographe de MF + 2 ff. dactylographiés corrigés par MF. Texte de présentation," Box 68, NAF28730 Fonds Michel Foucault, BnF.
[202] Foucault, "Questions of Method," 226.
[203] Foucault, "Lives of Infamous Men."

cancelled project Parallel Lives which was replaced with the publication of Herculine

Barbin and Disorderly Families.[204] For the nineteenth-century texts of Barbin and the

eighteenth century Letters de cachets, Foucault would ventriloquize the critique his

analysis might face with historians: "I will be told: 'That's so like you, always with the

same inability to cross the line, to pass to the other side, to listen and convey the language

that comes from elsewhere or below; always the same choice, on the side of power, of

what it says or causes to be said. Why not go listen to these lives where they speak in

their own voice?"[205] Foucault here is once more reminding his readers that "in their own

voice" is not a solution precisely because power relations operate by asking people to

speak: "How light power would be, and easy to dismantle no doubt, if all it did was to

observe, spy, detect, prohibit, and punish; but it incites, provokes, produces. It is not

simply eye and ear: it makes people act and speak."[206] Moreover, this "from below"—a

direct reference to the Marxist-inspired Annales school of social history— is therefore

not necessarily liberating. Thus, while Foucault offers a convincing response to the

problems that remain even when discussing an archive from below, he does not

sufficiently answer the question of why he reads these voices not as within a power

relation but from the side of power. The subjects in question "met-up with power and

provoked its forces". They are "flash lives" in that we know them because the light of

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[204] Michel Foucault, *Herculine Barbin: Being the Recently Discovered Memoirs of a Nineteenth-Century French Hermaphrodite* (New York: Random House, 1980); Arlette Farge and Michel Foucault, *Disorderly Families: Infamous Letters from the Bastille Archives*.
[205] Foucault, "Lives of Infamous Men," 161.
[206] Ibid., 172.

power shined on them for a mil-second.[207] In other words, while Foucault's search for an understanding of power relations that will cut off the king's head and be alert to the net-like functioning of power is inspiring, his method would nevertheless benefit from even greater awareness to the multiple directions of the flow of power.

Foucault's analysis of Herculine Barbin exemplifies these possibilities. Barbin, a nineteenth-century intersex person which Foucault refers to as hermaphrodite, interests Foucault because the case exemplifies how what was possible in Middle-Ages Europe, to live one's life as a person with no assigned biological sex, was no longer possible in the nineteenth century: "Here is a document drawn from that strange history of our 'true sex.' It is not unique, but it is rare enough. It is the journal or rather the memoirs that were left by one of those individuals whom medicine and law in the nineteenth century relentlessly questioned about their genuine sexual identity." Similarly to Foucault's interest in Pierre Rivière as a battleground for the emerging psy-disciplines of the early-nineteenth century, Foucault is mostly interested in Barbin because her memoirs show a new stage in the disciplines' hold of our bodies and their truths.[208] Barbin for Foucault was only an agent in her reaction to the force assignment of the male sex on her— she committed suicide— yet even this action is overshadowed by the juridical and medical assigning of a sex to her in her death certificate. Foucault's interest in these historical documents is under the following framework: "they are the action, in disorder, noise, and pain, of power on lives,

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[207] "But in order for some part of them to reach us, a beam of light had to illuminate them, for a moment at least. A light coming from elsewhere. What snatched them from the darkness in which they could, perhaps should, have remained was the encounter with power."

[208] Michel Foucault, *I, Pierre Rivière, Having Slaughtered My Mother, My Sister, and My Brother...: A Case of Parricide in the 19th Century* (Lincoln: University of Nebraska Press, 1982), 209–10.

and the discourse that comes of it." Yet if we are to take seriously his argument that power is a relation, we can view archival documents not as relics of agency from the side of power that works on bodies but rather as a multi-directional game. For example, even if— as I will describe below— the ICRC's interest in Omar elShalabi's death certificate can be linked to Barbin's death certificate which showed her body as a truth-game for "curious doctors,"[209] his actions before death (and their political nature as told by his comrades) can tell a story that counters the image of him in the ICRC archive. It is not only a matter of reading an archive against the grain, as Stoler would encourage us, but also of paying heed to the multi-directional flow of power.[210] The analysis that follows brings together the important contributions that listening to those voices "from below," those "top-down" workings of the state which include the intentions both to silence and to give voice in a specific way, and those forces "from the side", as the ICRC, can bring.

Critical readings of humanitarian action

Critical literatures on humanitarianisms and Human Rights have made incredible advances in the past decade in marking the difference between the two, examining their histories, and analyzing their dangers. Most importantly, studies by Michael Barnett, Nicola Perugini and Neve Gordon, Michal Givoni, and Didier Fassin challenge earlier literature to be aware of the workings of power even in alleged non-political arenas such as those of humanitarian work and human rights organization. In analyzing the competing

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[209] Foucault, *Herculine Barbin: Being the Recently Discovered Memoirs of a Nineteenth-Century French Hermaphrodite*, xvi.
[210] Ann Laura Stoler, "Colonial Archives and the Arts of Governance," *Archival Science* 2 (2002): 87–109.

historiographies of these organizations, Barnett differentiates between humanitarian work of organizations such as ICRC (along with Doctors Without Borders [MsF]) that articulates itself based on "basic needs" and Human Rights work of organizations that ask to promote freedom.[211] MsF, the common analysis goes, was founded in a post-68 spirit when a group of doctors deployed in Biafra were frustrated by the old-school policies of the ICRC, above all its pledge to secrecy that was meant to assure its access to conflict zones, founded a competing organization. Yet MsF also asked to keep away from politics: "Humanitarianism…concerned the impartial, neutral, and independent relief to victims of conflict and natural disasters."[212] Barnett challenges the notions of paternalism[213] in the work of humanitarian organizations and criticizes the faux spirit of participation that would guide the human rights organizations: "local voices mattered only to the extent that they helped to implement these existing plans, not in deciding what the good life was or how to get there."[214] Barnett is correct in his analysis of how the organizations' values were imposed on the receivers and yet he dates this to the 1990s process of human rights organizations', such as Amnesty International, embrace of a more outspokenly political lens. My analyses of ICRC in Israel-Palestine suggest that the very notion of the human can have political effects and thus moves us from an analysis of intentions to an analysis of practices. In other words, one doesn't have to avow one's actions as political for the actions to have political effects.

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[211] For a complementary analysis of ICRC's inception and particularly the role that Calvinistic practices played in its early years see Shai M. Dromi, "Soldiers of the Cross," *Sociological Theory* 34, no. 3 (2016): 196–219.

[212] Barnett, *The Empire of Humanity: A History of Humanitarianism*, 211.

[213] Barnett defines paternalism as "the act of interfering in the lives of others, often without their permission, on the grounds that such interventions are for their own good." Ibid., 233.

[214] Ibid., 212.

Nicola Perugini and Neve Gordon offer a refreshing, even if alarming, analysis of

the possibility of structures of domination to make use of the language and practices put

forward by a human rights discourse.[215] Among Perugini and Gordon's examples are

Amnesty International's notorious campaign to convince NATO to stay in Afghanistan to

protect women's rights. The analysis presented here builds on such insights into the

possible use of the figure of the human for purposes of domination and yet I depart from

Perugini and Gordon's analysis in stressing the role that subjectivity plays in contexts of

conflict. Domination here is seen not only through the lens of conquest but rather, in

addition, through that of subject formation. Michal Givoni offers a brilliant analysis of

the work of subject formation in Humanitarian work. Givoni analyzes the changing role

that the logic of witnessing plays in the ethical constitution of subjects. Yet, Givoni

focuses her study on the humanitarian workers, e.g. those of MsF, and leaves out of the

equation the subjectivity of those who are humanized. In other words, if Perugini and

Gordon mostly leave the question of subjectivity outside of an analysis of domination,

Givoni mostly leaves the question of domination outside of the analysis of subjectivity.

Similarly to Givoni, Didier Fassin offers a poignant analysis to the work of

subjectification in the context of humanitarian work in Israel-Palestine in the broader

context of the effects of the humanitarian focus on suffering instead of political questions.

Yet for Fassin's analysis the agents remain western: either the humanitarian worker or the

audience in the metropole. Building on these analyses, this chapter will attempt to bridge

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[215] Perugini and Gordon, *The Human Right to Dominate*.

this gap by focusing on the work of subject-formation advanced by the work of the ICRC for Palestinian prisoners.

"The means to overcome them gently:"
From the overcrowded to the humanitarian prison

The ICRC persisted in efforts to alter the inhumane realities of overcrowding yet paid little attention to the possible consequences of humanizing the living space of prisoners. As soon as ICRC delegates begin to visit Israeli prisons, they raise the issue of the inhumane conditions in them and above all the problem of overcrowding in meetings with Israeli officials. Specifically, ICRC delegates mention the actual numbers of prisoners in comparison to the prisons' capacities as not only the biggest problem to be corrected but also as a cause for other minor problems. For example, in the first series of visits that ICRC undertakes in the West Bank from March 6 to August 8, 1968, the ICRC delegate mentions that "another consequence of overpopulation is that it is not always possible to prevent mixing common law prisoners with people apprehended for hurting the security of the state."[216] According to the ICRC delegates in these meetings, Israel must build more prisons for the purpose of "normalizing the situation (*normaliser la situation*)."[217] ICRC does not stop at raising the demands for new prisons, more guards, or increasing the IPS's budget with the Minister of Police or the IPS Commissioner. Rather, its delegates repeatedly raise the issue in meetings with representatives from the

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[216] Letter to Israeli Foreign Minister Abba Eben by ICRC Vice-President Jacques Freymond, B AG 219 102-010, ICRCA, page 3{P1040766}.
[217] Interview transcript between ICRC Delegate Deluz, Israeli Minister of Police Shlomo Hillel, and IPS Commissioner Arie Nir, October 13 1971, B AG 210 102-012, ICRCA, pages 2–3 {P1030203/4}.

Foreign Ministry, the Foreign Minister himself, and with the Finance Minister.[218] The

ICRC delegates consider this advocacy as an important mission of theirs: "As money will

be the heart of this struggle, an important part of our work is 'lobbying' [in English in the

original— S.G.] for the necessary funds be accorded the ministry [of police]."[219] The

ICRC thus continues to demand that the Israeli government supply the IPS with the

financial "means of [the Israeli government's] humanitarian policies (*les moyens de sa*

politique humanitaire).[220]

       This is not the only time that the ICRC describes humanitarianism as not only its

own policy but as the Israeli government's policy as well: "What we must find together,

Israel and the ICRC, is the point of equilibrium where this exterior element gives the

government the means to achieve its <u>humanitarian</u> policy without endangering its <u>security</u>

policy."[221] The ICRC's humanitarianism is not only a strategy that is meant to improve

imprisonment conditions nor is it only a tactic of persuasion. In fact, the shared

humanitarian policy is a direct result of the ontological status of humanitarian principles

as truly transcendental and self-explanatory. After describing a visit to Hebron Prison

where the delegates "could see a prisoner with whom they didn't speak and whose name

was not given to them for he was under interrogation, but whose phallus was deeply

burned at its tip (the kind of burn that a cigarette could make). A bandage was covering

other wounds at the bottom of the prisoner's back." This led the ICRC delegate to say:

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[218] The ICRC delegation in Israel's activities in favor of civil detainees April–August 1969, Annex C, B AG 219 102-010, ICRCA, page 6 {P1040753}.
[219] General activity report, page 4, July 1970, Jacques Moreillon, B AG 219 102-004, ICRCA {p. 132}.
[220] The ICRC delegation in Israel's activities in favor of civil detainees April–August 1969, B AG 219 102-010, ICRCA, page 8 {P1040718}.
[221] English in original. Emphasis in original.

"Notwithstanding the very regrettable facts described in this note, nevertheless wish to express my conviction that this is typically one more situation where we can collaborate usefully towards our common humanitarian aims."[222] My point is not the age-old (and valid) critique that belligerents attempt to use the ICRC in their conflicts and therefore Israel can profit from the ICRC's help in preserving its international legitimacy through reducing the number of torture cases. Rather, the point is that this is not only a tactical trick by the ICRC to create a language of shared goals for the purpose of persuading Israeli decision-makers to better supervise investigations but rather that the ICRC truly believes that humanitarianism is a self-explanatory principle that everyone should follow and if a state does not follow (and lets its representatives commit torture) then it can only be a mistake that better supervision can correct. In other words, for the ICRC humanitarianism is a transcendental which exists above politics and prior to any political consideration. The ICRC does not object to the very idea of incarceration but rather asks to ensure that it is done in a humanitarian fashion— without torture and with sufficient space per prisoner. Is the prisoner who is thus produced as one whose humanity is recognized also expected to respect the prison itself? The ICRC is deeply involved in these processes attempting to "humanize" the prisons (*les humaniser*) which on the other hand "carceralize" the human— that is, contribute to the constitution of the prisoners as people who know their place.

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[222] Letter to Israeli ambassador to the UN in Geneva and advisor to the Foreign Minister Michael Comay by head of the ICRC delegation in Israel Jacques Moreillon, B AG 219 102-010, ICRCA, pages 2–3 {P1040755–56}.

The ICRC delegates do not only request that new prisons be built but suggest other means for solving the overcrowding problem. In a meeting with IPS Commissioner Arie Nir, the ICRC delegate gives concrete suggestion for moving prisoners and building new wards in existing prisons to help solve the overpopulation issue. In other words, the ICRC delegates are actively participating in prison management and suggest that the Israeli authorities "repair an old Jordanian prison near Tubas," "construct a new prison," and so forth. Eventually, the pressures of the ICRC, along with other forces, succeed. In June 1970, Nir shares with the head of the ICRC delegation in Israel, Jacques Moreillon, that additional 1100 places in total will be added to the prisons of Beer Sheva, Jenin, Hebron, and Kfar Yona. In February 1971 the Minister of Police Shlomo Hillel tells the ICRC delegate Laurent Marti that, in addition, the new temporary Nahel Camp will be built in the Sinai desert (I briefly discuss Nahel Camp in the following section of this chapter).[223] The ICRC is satisfied with these developments and yet raises its concerns that even with these additions, unless more prisons be built, the problem of overcrowding might resume not long after the new prisons are opened.[224] It therefore continues its pressure on "the highest level (Police Minister and Finance Minister)."[225] In a few years the Ministry of Police and the IPS will begin a new project of expanding the prison system, they begin building Nafha Prison.

Nafha Prison is not exactly what the ICRC had in mind when it demanded the construction of a new prison. As it was constructed, it became clear that the

[223] Interview with Mr. Shlomo Hillel, Minister of Police, February 16, 1971, ICRCA.
[224] First Report of the Prisons Commission, July 23–24, 1971, B AG 219 102-004, ICRCA, page 4.
[225] Report of the Prisons sector for January–June 1970, July 22, 1970, B AG 219 102-004, ICRCA, page 2 {106}.

characteristics of this new prison might ameliorate some of the overcrowding concerns

and yet that it creates other problems for the prisoners. Nafha was built to isolate the

coalescing leadership of the prisoners: In cells of two prisoners, rather than the larger

cells in other prisons, and in the middle of the Negev Desert, the prison was indeed new

but also more advanced in its abilities to "gently," and also not so gently, counter the

rising prisoners' resistance. As hunger strikes became more and more common, the IPS

needed to separate the prisoners' leadership to work against their resistance. In an

interview I conducted with former Minister of Police Shlomo Hillel, he recounts that in a

conversation with then commissioner Arie Nir on building the new prison he jokingly

suggested that they name it after Nir and the Hebrew word for "Gardens" (*Nir Ganim*)

the two words combined create in Hebrew the word *nirganim* which means "the

malcontents."[226] Hillel thus references the goal of this new prison— to deal with the

recalcitrant leadership of the emerging Palestinian National Movement inside the

prison:[227]

> We realized that we both need something extra [in terms of capacity] and
> something more advanced and modern. With Nafha I remember that we had a
> problem we called "the complaining prisoners," the trouble-makers. There was a
> theory that we need to separate the more amenable prisoners and the more
> recalcitrant. "If you want to stir a riot, so you won't get to be in Ramle [a prison
> considered more 'comfortable'— S.G.]." There was also a new theory that we
> should separate prisoners according to how they behave… I once jokingly said
> that we would call this new place "Nir Ganim" in honor of both Arie Nir and the
> malcontents [*nirganim*].

In this new more "advanced and modern" prison, the IPS intended to hold the prisoners'

leadership in harsh conditions and in isolation both from other prisoners and from public

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[226] Interview with Shlomo Hillel, February 6, 2013.
[227] Ibid.

opinion. Yet Hillel clarified that this was not a planned scheme to recruit funds for a new

prison with the pre-conceived goal of using it to isolate the prisoners' leadership: "It

didn't happen that we decided to build a new prison only because of the malcontents,

that's not how it happened, it was during the process that the idea came up… we needed a

new more modern prison that looks a bit more humane and is less crowded and it was

during this process that we said 'listen, you know, Nafha? So, we'll take those ["the

malcontents"].'" Indeed, the prison's opening rather led to the opposite result: creating a

society of "malcontents" also means that the most strong-willed of the prisoners are now

held together in one prison. They started the most well-known of hunger strikes, in which

two prisoners died of force feeding (as mentioned earlier, a third prisoner, Ishaq

elMaragha, would die three and a half years later from injuries he suffered during the

hunger strike) and public opinion turned towards the prisoners' struggle, even when it

takes place in the middle of the desert.

Table 2: 1980 Hunger Strike of Palestinian Prisoners in the Newly Opened Nafha Prison. Photograph by Joseph Algazi. Notice the ICRC emblems.

Yet even if the IPS's intentions regarding Nafha backfired (at least in the short term),

what matters is that the very goal of "humanizing" the carceral situation in Israel-

Palestine according to an allegedly transcendental humanitarian ideal was utilized by the IPS against the prisoners' movement. In short, even if humanitarian action was meant to help the prisoners with the advantages of the ICRC's neutrality and transcendence beyond political affairs, in effect its a-political policies had specific political consequences. It is not the death of the prisoners that concerns me here, or even the actual harsh conditions within Nafha, but rather the carceral reality that well-intended humanitarian efforts enabled.

Carceral humanitarianism shows that we have more to pay attention to than only death. While it is true that three prisoners died from force feedings, their brutal death is a story of life too— afraid of the consequence of prisoners able to choose their own death, by force-feeding the prisoners the IPS chose to force life on them. And yet there is a broader story here, of what Laleh Khalili's analysis of counter-insurgency theory cites as "creating moderate missiles of the mind."[228] Specifically, in the quote above Hillel mentions that building Nafha and having more prison capacity meant that the IPS could attempt to implement the idea of separating prisoners according to their "amenability." Taking the harshest prisoners and putting them together was supposed not only to isolate them but to also enable the IPS to concentrate on the amenability of other prisoners. This "correction" theory maintains that prisoners are influenced by each other and therefore the prospects of modifying a prisoner's behavior are far improved when the prisoner is placed with others who share the prisoner's location on the imagined continuum between

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[228] James B. Brown, Erik W. Goepner, and James M. Clark, "Detention Operations, Behavior Modification, and Counterinsurgency," *Military Review*, no. June (2009): 46; Laleh Khalili, *Times in the Shadows: Confinement in Counterinsurgencies* (Stanford: Stanford University Press, 2013).

someone who is "amenable" and someone who is "malcontent." In other words, the ICRC thus unknowingly took part in the IPS's plan both to isolate the recalcitrant leadership and to affect the subjectivity of the other prisoners.[229]

Nahel Camp: life or liberty?

The stakes of the ICRC's humanist priorities become even clearer in the example of Nahel Camp. This example shows that the danger to prisoners' practices of freedom does not stem only from an appropriation of a humanist discourse by a conflicting party (as in the example of the Israeli utilization of the ICRC humanist discourse of overcrowding to build Nafha Prison). While the Nafha Prison example is in line with the argument of Perugini and Gordon who alert us to the ways in which human rights discourses might be put to use for the purpose of domination, the following brief discussion of Nahel Camp goes one step further in that it shows how even without the intervention of the conflicting parties, humanitarian interventions can place limitations on prisoners. ICRC delegates' comments on Nahel Camp show how the ICRC's attachment to a stable figure of the human, similar to Kant's figure of the human in the epigraph, would place further limitations on the prisoners. Put differently, the ICRC's attachment to a fixed humanity would attach others to a figure they never chose.

Located in the middle of the Sinai Peninsula and 220 kilometers (140 miles) from Gaza, Nahel was a small prison for around 120 to 170 prisoners. It was opened in January 1971 when Israeli military operations in the Gaza Strip led to more prisoners than Gaza

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[229] Relatedly, From Hillel's words we can understand that there is something about better imprisonment conditions that make one more "amenable."

Prison could hold.[230] Nahel's isolation in the middle of the desert made escaping from it a very difficult task and thus enabled the prisoners a greater degree of freedom in comparison to other prisons.[231] The visiting ICRC delegates, however, had a different approach towards the facility. In a meeting with General Gazit, delegates Marti and Delapraz acknowledge that the policies of Nahel allow the prisoners "an infinitely larger degree of freedom" and the delegates appreciate that the prisoners are able to sleep outside and have various possible activities at their disposal.[232] Yet the delegates mention a previous assignment in Greece (possibly in the post-WWII civil war?) where prisoner housing in a lifeless site without vegetation or wildlife resulted in "characteristic psychosomatic problems." The delegates' conclusion is that prisoners prefer limited freedom in a "lively" site (*un site vivant*) than greater freedom in a desert.

Nahel's example shows yet another case where ICRC's humanist priorities both considered the effects of imprisonment on subjectivity and imposed a certain humanist subjectivity over the prisoners' priorities. Marti and Delapraz's conversation with Gazit is remarkable in that they encourage the Israeli authorities to consider not only the implications of incarceration over prisoners' bodies but also on their minds. At the same time the delegates have a specific understanding of a prisoner's mind. Their assumption is that a prisoner is better off with sensory stimulation and connection with other forms of (non-human) life than with the greater freedom that Camp Nahel allowed. Most

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[230] Report of the visit to the prisoners' camp at Nahel, March 14, 1971, B AG 219 102-102, page 1 [33].
[231] Interview with General Gazit by ICRC delegates Maunoir, Marti, and Deluz, January 25, 1971, D MO ISRA2 02-003, ICRCA, page 2 [46].
[232] Interview with General Gazit by ICRC delegates Marti and Delapraz, February 28, 1971, B AG 219 102-050, ICRCA, page 2 [part two, 117].

importantly, the delegates disregard the possibilities of collective interaction that an open site allows. As opposed to closed prison where prisoners are much more limited in their ability to communicate with each other, a more open site such as Nahel where the gates between the different sections were open between 6am to 6pm would allow the prisoners more possibilities of internal communication. The ICRC delegates are right to express concern that the camp's relative solitude in the middle of the desert might create a sensation of abandonment.[233] Yet the delegates' inattention to the possibilities of congregation in such an installation is astounding.

Manufacturing working subjects

The Israeli Prison Service is not the first nor the last to attempt to produce "amenable" prisoners by controlling living conditions and yet the ICRC's role in such processes, the place that subjectivity inhabits in them, and the questionable role of progress have not been sufficiently explored. Banu Bargu offers an important contribution for this line of inquiry.[234] In Bargu's analysis of Marxist prisoners' (and their supporters') death fasts, self-immolations, and hunger strikes in twenty-first-century Turkey, the prisoners describe their resistance to the new F-type prison structure as anything but a struggle against specific material constructs. Rather, they viewed their struggle as a resistance to a certain mode of life. In the Turkish example, the prisoners describe their resistance to the new F-type prisons as resistance to the IM(F) type prison, merging the 'F' in the F-type

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[233] Report of the visit to the prisoners' camp at Nahel, March 14, 1971, B AG 219 102-102, ICRCA, page 8 [40].
[234] Bargu, *Starve and Immolate: The Politics of Human Weapons*.

prison with the International Monetary Fund (IMF).[235] The prisoners argued that "the

security interests of the state and the class interests of capital now formed a unified

'historic bloc.'"[236] The prisoners did not view the change of prison structure as an

isolated event focused on the security of the state apparatuses but rather as a symbol of

deeper international processes. As one former prisoner mentioned "this attack, the F-type

prison, with the IM(F)- type life that it forces upon workers and laborers, is a very

comprehensive attack."[237] In line with the critique of the humanitarian advocation for

new prisons I offered in the previous section, Bargu's analysis of the F-type prisons

shows how alleged "progress" can be a tactic of control which Bargu calls

"cellularization." On the one hand the Turkish prison administrators present a very

convincing liberal argument: The new prisons with their smaller cells are much more

hygienic than the collective ward and their individualization can present many alleged

advantages: "Each prisoner would have a private 'room' that would liberate him/her from

those communal pressures that had previously encouraged crime and inhibited

rehabilitation."[238] On the other hand, hygiene and individualization are meant to enable

the prison authorities to better control the prisoners. Developing vocational skills,

working in ateliers and enjoying cultural and sport activities were different names for

reworking the prisoners' subjectivity into one that is less threatening for the current

political order.[239] As the former Prime Minister Bülent Ecevit put it, "the structuring and

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[235] Ibid., 287.
[236] Ibid.
[237] Ibid.
[238] Ibid., 130.
[239] Ibid., 131.

arrangements of the most civilized and democratic countries will be valid in our country, too."[240] There is a liberal narrative of progress at work here, the alleged advantages of which Bargu's analysis enables us to question in a different institution located, like the IMF, on Geneva's Avenue de la Paix.[241] Arguably, the post-WWII neoliberal peace not only works through cellularization, but also through constructing relations. Paying attention not only to the ways carceral structures move to imprison people in smaller segments (in the Turkish case from cells of roughly one-hundred people to cells of four), but also to the kinds of relations structured within these smaller cells is vital. This shift in attention sheds light on the reformed subjectivities that contemporary carceral formations aspire towards.

In July 1969, four years before Shalabi's action, ICRC Vice-President Jacques Freymond writes to the Israeli Foreign Minister: "We deem it imperative that the IPS be given the means to seriously face the situation, particularly at Ashkelon and Gaza where the prisoners have absolutely nothing constructive to do all day."[242] In August 1969, the head of the ICRC delegation in Israel, Jacques Moreillon, writes the following to Israeli ambassador to the UN in Geneva and advisor to the Foreign Minister, Michael Comay: "Working facilities have been in various project forms for over six months but in some prisons (particularly Ashkelon where you know that we deem the general atmosphere to be unnecessarily tense) many detainees are still inactive throughout the day."[243] After IPS

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[240] Ibid., 134.
[241] For a recent articulation of various Geneva-based organizations' role in the structuring of neo-liberal subjectivity in the post-WWII moment see Quinn Slobodian, *Globalists: The End of Empire and the Birth of Neoliberalism* (Cambridge, MA: Harvard University Press, 2018).
[242] Letter by Freymond, July 25, 1969, B AG 219 102-010, ICRCA, page 3 {P1040766}.
[243] Letter by Moreillon, August 24, 1969, B AG 219 102-010, ICRCA, page 1.

Commissioner Arie Nir informs ICRC representative Deluz that IPS does not have the

funds to build workshops, Deluz suggests to check whether the ICRC can arrange funds

for this purpose.[244] In January 1972, ICRC representative goes as far as to state that "the

ICRC would probably be able to fund the building of workshops, in particular book-

binding workshops."[245] And indeed, six months later Nir informs ICRC representative

Deluz that after erecting a building for prison officers' offices, the former offices will be

turned into workshops.[246] These are the workshops and offices where Shalabi will be

beaten a year later.[247] At the same opportunity, Nir tells Deluz that IPS "opposes giving

prisoners the possibility of choosing whether to work or not."[248]

      The ICRC has its own humanitarian ethic to promote and it is less important for it

if the prisoners have political reasons to oppose this ethic. The ICRC considers work as

an important part of a person's moral composition: "If [prisoners condemned to long

sentences] are not occupied by regular work, they suffer morally [*ils en souffrent

moralement*]." In these years, the ICRC assumes that prisoners would prefer to work. In a

previous chapter I have discussed the question of prisoners' work with the term

"qualification:" Penology considers work as a central technology for altering the

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[244] Interview transcript between Deluz and Nir, September 12, 1971, B AG 219 102-050, ICRCA, page 4 {300, P1040578}.

[245] ICRC wants, in their representative's words, "to kill two birds with one stone:" to create workshops and to have a way to introduce books to the prison. Yet even if books are bound inside a prison, the IPS can still prohibit certain books. Thus, exactly one month after the prison takeover at Toul discussed in the previous chapter where prisoners, according to Foucault, burned the prison library to protest the "hypocritical prison education, moral reformation," the ICRC attempts to advance its ideas of IPS-controlled prisons libraries as well as book-binding workshops where prisoners themselves would be bound to a humanitarian work ethic. Yet Omar Shalabi did not want to be bound neither by the IPS nor by humanitarians. Interview transcript between Deluz and Nir, January 12, 1972, B AG 219 102-050, ICRCA, page 2 {286}.

[246] Interview transcript between Deluz and Nir, July 5, 1972, B AG 219 102-010, ICRCA, page 2.

[247] Omar Youssef Mohamed El Shalabi, by Luc Pont, December 8, 1973, B AG 219 102-046, ICRCA, page 3 {29}.

[248] Interview transcript between Deluz and Nir, July 5, 1972, B AG 219 102-010, ICRCA, page 2.

prisoner's subjectivity by giving them capacities. Yet these capacities are qualified—they are meant to enable a prisoner to change but only to certain limits—from "criminal" to "worker." ICRC asks to amend the situation where "many detainees are inactive" by using action in their interests. It is clear, however, that producing prisoners as workers is a means of discipline if the prisoners cannot define the nature of their work. In these early years of the prisoners' movement the prisoners could do no such thing. While in later years the prisoners, through hunger strikes, were able to win achievement and to distinguish between two categories— Manufacturing Work (such as working in factories, which they refused) and Service Work (such as cooking their own food, or cleaning their prison wings, which they continued), in these years the only recourse was violence.

On August 31, 1973 Omar elShalabi entered the iron sets manufacturing workshop of Ashkelon Prison, where the Palestinian prisoners began producing iron sets (for clothes pressing) a few months earlier, locked the door behind him, and destroyed the iron sets by throwing them on the floor and towards the bars. Shalabi was a Palestinian born in 1948 who lived in the refugee camp Neyrab near Aleppo and was a Syrian citizen. At the time of his arrest in 1970 he was a member of the People's Front for the Liberation of Palestine— General Command, a faction of the PFLP headed by Ahmed Jibril. Prison officers used tear gas to force Shalabi to exit, took him to a nearby office, and beat him. He remained unconscious until his death on October 16, 1973. The ICRC Archive does not shed much light on Shalabi's reasons for entering the workshop. Yet, as opposed to Saidiya Hartman's turn to fiction to establish a counter-history or Stoler's strategy of reading the colonial archive against its grain, in the Palestinian case the subjects still speak. A former prisoner shared the following: The reasons Shalabi

destroyed the machines are related to the Prisoners' movement's struggle as well as to a deliberate trap set up by the prison authorities.[249] From the early 1970s, the prisoners' emerging leadership asked to differentiate between different kinds of prison-work. On the one hand, the leadership asked to be able to work in what they called "serving-work" that includes any task that would improve their own living situations such as cleaning their living areas, cooking their food, et cetera. On the other hand, the prisoners began a campaign to refuse what they called "productive-work" such as different external manufacturing work.[250] One of the influential factors for starting this campaign was a press interview given by an IPS prison warden who took pride in having prisoners who attempted to hurt Israel's security on the outside carry out work that advances Israel's security, such as manufacturing tank-camouflage nets, on the inside. The following photograph was circulated in the Israeli media in 1970 to present this achievement:

Table 3: Fatah Members Are Put to Work in Producing Camouflage Nets in Prison [251]

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[249] Interview with a formerly incarcerated person, July 8, 2012.
[250] For a recent description of the parallel process for women prisoners see: Rula Abu Duhou, "The Struggle of Female Palestinian Prisoners," *Perspectives*, no. 12 (2017): 64.
[251] "Fatah Members Are Put to Work in Producing Camouflage Nets in Prison," Ma'ariv Newspaper, February 4, 1970.

Thus, Shalabi's actions were part of this broader struggle to halt the manipulation of prisoners for work that does not serve them as well as the utilization of photographs such as this one against the prisoners. The same interviewee shared a more complicated narrative of Shalabi's death. According to this articulation of the events, Shalabi prevented the warden of Ashkelon from taking pictures of a basketball game between a group of prisoners and a group of prison officers so that it too would not be used against the prisoners.[252] Shalabi had broken the warden's camera. In retaliation, the warden sent a prisoner-collaborator to Shalabi to persuade him to break into the iron sets workshop so that the prison administration would have reason to retaliate for Shalabi's recalcitrance.

One would hope the ICRC archive, the vastest and most expansive archive on Israeli prisons besides the mostly inaccessible Israeli State Archive, would shed light on the reasons for Shalabi's actions. Yet, the many documents on Shalabi only contain one sentence about Shalabi's possible motivation: "According to Ashkelon prisoners, Omar el Shalabi was unbendable [*un irréductible*] and wanted to do everything possible for sabotaging the industrial work (irons) that has taken place in prison for several months."[253] The ICRC has different questions to ask. The ICRC's interest in the case of Shalabi's death unfolds according to the Fourth Geneva Convention's statement that any death of a "protected person" shall be investigated and the report of this investigation be given to the "protecting power or its substitute" (possibly, although Israel never formally

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[252] A more recent example of the use of footage against the prisoners' movement struggle was in the hunger strike of 2017 where the highly influential prisoner, named as a possible future Palestinian leader, Marwan Barghouti, was filmed eating in his cell during the hunger strikes. In secretly filming Barghouti, the IPS aimed to both show the world the hunger strike is fake and to hurt the hunger strike by showing to the participators that their leaders are breaking the strike.
[253] Omar Youssef Mohamed El Shalabi, by Luc Pont, December 8, 1973, B AG 219 102-046, ICRCA, Page 4 {30}.

accepts this, the ICRC). Here, as in all other matters pertaining to Palestinians, Israel maintains that the Fourth Geneva Convention does not apply (they would argue that Shalabi is not eligible for the fourth convention's protection because he was a member of a terrorist organization that does not itself follow the laws of war, and does not have a recognized leadership hierarchy, a uniform, and an embalm). Yet, Shalabi's death nevertheless gets much more attention in the ICRC archive than any other death of a Palestinian in custody during that same period.[254] The reason for the ICRC's interest in Shalabi's case is directly related to Shalabi's citizenship status. Because Shalabi was a Palestinian refugee in Syria, the ICRC eventually manages to convince Israeli officials to give it a *de facto* role of a "Protecting Power" in his case which would thus be granted a report of an official enquiry of his death by the "Detaining Power." In contrast, Palestinians from the Occupied Territories do not have a similar status and even if they die in "unclear circumstances" the ICRC will not receive reports regarding the reason for their death.[255] The ICRC thus demands a copy of the report of Shalabi's death and Shalabi's autopsy, which after numerous requests it finally receives. The autopsy report, received on January 3, 1974, states that Shalabi died of pneumonia contracted while he was in coma.

Had the ICRC showed more interest not only to the question of obtaining the report regarding Shalabi's death but in the reasons for his actions, ICRC might have realized that Shalabi's political goals were in direct tensions with their humanizing

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[254] Twenty-one other prisoners died in custody (excluding those who died from prison-related health issues or who were killed during their arrest) from 1967 to 1975.

[255] See, for example, "Interview between Vardi and Payot," October 10, 1974, B AG 219 102-046, ICRCA, page 8.

efforts. In fact, the reasons for the introduction of the workshops to Ashkelon Prison specifically was partially due to ICRC's efforts. Shalabi manifests a different kind of action. In opposition to qualifying action, the kind of action that gives one capacities yet limits one's possibility to determine the goal of their action, Shalabi's action is the kind that asks to determine the content of their own action. Notice that the one sentence the ICRC delegate Luc Pont's report dedicated to the reasons for Shalabi's actions describes Shalabi as "unbendable" (*un irréductible*). Shalabi did not accept the humanitarian concept that work will set one free and refused to be shaped in light of this ideal.

The context of work in Israeli prisons reminds us that, counter-intuitively, studying prisons only through the humanitarian lens might miss out on important processes. Namely, humanitarian work itself, especially when it uses its own ethical standards rather than those of the people it claims to represent, might work against these prisoners. Furthermore, this context hints at what is lost when we disregard the role that subjectivity plays in incarceration. Remember, modern prisons were built precisely on the premises that one's subjectivity can and should be changed with a process of "correction." Yet it is this correction according to standards the prisoner could not set themselves that Shalabi sought to dismantle. Thus, we have here two kinds of action. The first is the action advanced by the ICRC which is of the order of qualification in which one is active and yet one does not get to determine the content of this action. The other form of action refuses to act according to ideals one is not able to affect (I will explore it in a different chapter where I discuss the prisoners' internal organization in the fields of internal education and committees).

The ICRC imagines its action as relief for prisoners for the temporary period where they are held in captivity. It works under a model of war, where prisoners are held as objects, "ware-housed" for later exchanges and "incapacitated" so that they cannot continue fighting in the war. Yet the long-standing prisons in Israel-Palestine show that other logics are at play. While no "moral reformation" is part of the prisons' direct goal (as opposed to the alleged goal of incarceration of common-law prisoners) nevertheless the ICRC's interest in expanding prison work advances their own ethical standards and cannot but advance their humanist subject formation.

ICRC's humanitarian ideals serve to advance control over Palestinian prisoners: individualized purchase in prison stores or "cantinas." According to Walid Daka, who is currently incarcerated, "the IPS enables the Palestinian prisoners to purchase food and even makes it necessary. It is as if they tell the Palestinian prisoner: eat, drink, stay busy with such needs, as long as you don't become a subject, who understands and interprets his reality and thinks of his own destiny as well as that of his comrades."[256] While this chapter holds that individualized purchases in the prisons' cantinas are more accurately described as advancing a specific kind of subjectivity rather than preventing prisoners from becoming subjects, Daka points our attention to how individualization is an important instrument of control. Put differently, the individualized prisoner is considered less threatening to the administration. Arguably, both the IPS and the ICRC first assume a possible homo calculus that exists in every individual, incarcerated or not, that asks to avoid pain and gain pleasure and then ask to breathe life into him. Appealing to this

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[256] Walid Daka, "Consciousness Molded or the Re-Identification of Torture," in *Threat: Palestinian Political Prisoners in Israel*, ed. Abeer Baker and Anat Matar (London: Pluto Press, 2011), 234–54.

homo calculus means on the one hand that the prison will be more humane as there will

be more purchasing options for the prisoners in the cantina. On the other hand, this

understanding of the prisoners as sharing a similar human essence also means that their

collective structures, when they stand in contrast to the assumptions regarding the homo

calculus, are dissolved.[257] IPS Commissioner Rafi Swisa, who introduced vast changes to

the prisoners' access to cantina products in the late 1980s, is worth quoting at length:[258]

> I saw in those men, that sooner or later there will come a day that we will have to live with them and talk to them or to meet them again in the battle field. I prefer not to. Not because I'm a coward but in order to put an end to this. It has no end. A battle today and another battle tomorrow, it will not end. And I have good signs to justify myself— leaders who developed there or gained power, today are senior officials in the Palestinian Authority. For example, Jibril Rajuob— a man that when I came to the prisons, I would invite for a cup of coffee, a sharp man who believes in himself. He did not have blood on his hands but he believed in himself, or Sufian Abu Zeida— he talks better Hebrew on television than some Israelis. And there are a lot more that I met and saw. To say that they got spoiled? Not that much, but I did what I could without ruining it. For example, the cantina was very poor, not rich. You could buy very few things. I came and said "why? Why won't it be richer?" They loved za'atar, for instance. Really loved it. Like a Moroccan likes cuscus. "Give them za'atar! Television," I said, "you want to buy a television? You're welcome!" That brought along two things: in order to purchase you need money and to have money you need to work and for them one of the missions is not to work, not to "serve the Zionists" and for them to work in the prison is like to "serve" me. That was their perception. Now, "you want a new bed sheet, you want special kinds of food? Please, work!" Now if someone wanted to work, he worked, if he didn't want to work, the Palestinian Authority [should be the PLO— S.G.] sent money for him. Once we caught a communication that they wrote: "there is a new commissioner who we like, we respect, and he respects us but he is dangerous." I'm dangerous? I came innocently to work in a humane manner and nothing more. Why dangerous? "He does not beat us, he does not curse us, he says 'if you want something, buy it.' Where will we buy it from?" They spend money. The family outside or whoever is responsible for them go and collect money and bring it in. All of a sudden, they bring money into the prison and they were not used to it before that. So, I want to

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[257] For a recent analysis of the political stakes of the neoliberal Homo Œconomicus, see Samuel Chambers, "Undoing Neoliberalism: Homo Œconomicus, Homo Politicus, and the Zōon Politikon," *Critical Inquiry* 44, no. 4 (June 13, 2018): 706–32.
[258] Interview with Rafi Swisa, October 4, 2011.

tell you that they called me "the stick and the carrot," I behaved according to their behavior. If they were alright, I said "you're welcome," if they behaved badly, they lost the right to purchase.

What for the IPS commissioners—not in all periods—is a declared policy of control, of overcoming "gently,' the ICRC delegates understand as a humanitarian policy that improves living conditions. Unsurprisingly, starting from the late 1960s the ICRC asks the Israeli decision makers it meets to grant prisoners the ability to purchase products in the cantina and thus it too promotes the individualized subjectivity that twenty years later would be adopted by the IPS and that forty years later would be described by Walid Daka as a central contribution to the demise of the Palestinian national movement in the Israeli prisons.[259] Swisa briefly mentions that the cantina was considered "dangerous" by the prisoners' leadership because it encourages an individualized work ethic, and this ethic too has a long history of struggle where the ICRC plays an important role and which I will begin discussing using a different kind of action to that of work, the actions of Omar elShalabi, briefly alluded to in the introduction.

Conclusion

The years between 1968, when ICRC began to routinely visit Palestinian prisoners in Israeli prison and 1975, when these visits' reports are no longer available, saw hard-won gradual improvements in the imprisonment conditions of the prisoners. The main agents of these improvements are the prisoners themselves and yet the ICRC's role in bringing them about is significant. ICRC had unlimited access to top-level Israeli decision makers

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[259] See, for example, Interview transcript between Deluz, Hillel, and Nir, September 26, 1972, B AG 219 102-050, ICRCA, page 4 {P1040544}.

and in a slow process was able to influence some of the material conditions in prison. In the long term, some of these changes—even if they did achieve the ICRC's goal of humanizing the prisons—had dangerous repercussions. While the ICRC played a vital role in, for example, enhancing the prisoners' ability to communicate with their families and thus to uphold lines of resistance that worked against the carceral construction of their subjectivities, other humanitarian "advancements" actually worked to the detriment of the prisoners' movements' goals. Most prominent among these issues are building new prisons, work, and sensory stimulation.

The ICRC delegates considered over-crowding as the central problem of Israeli prisons which influenced other problems— such as hygiene or mixing 'common law' and political prisoners. ICRC phrased their requests in the language of humanism: There are standards for the keeping of prisoners and these standards are not met in Israeli prisons. Yet several problems arose from the ICRC's depoliticizing humanitarian discourse. First, as with the research lens of Wallace, the prisoner's humanity is reduced to a zōon that needs a big enough cage for one to walk around in so that the muscles do not lose their vitality. Second, it builds on an assumption that a need for space is shared among all human beings that erases other possible strategic uses of one's space (think, for example, of the protections that a group of prisoners can offer compared to the carceral goal of individualization). Moreover, the Israeli authorities were able to utilize the ICRC demands, and their positive help in terms of lobbying for the funds, for the purpose of indeed building new prisons and yet these new prisons, such as Nafha Prison, were designed to constitute prisoners of a specific kind— amenable. ICRC's essentialist humanism—read, humanitarianism— did not work in the path of the recent critiques on

humanitarianism that it enables an appropriation by the conflicting side but rather a more complicated story, decipherable because of the long duration of the Israeli incarceration of Palestinian prisoners, where domination took place through the construction of subjectivity according to a transcendental. It is not only that Israeli decision makers took advantage of ICRC's good intentions. Rather, what the ICRC archive reveals is that the very structure of humanitarian action itself, at the times when this action superimposes conditions on prisoners where these prisons have no say in the matter, is a mechanism of domination.

ICRC has similarly requested in this period that the Israeli authorities enable the Palestinian prisoners to work. Here too the results were of two levels— both the depoliticizing effects of ICRC demands themselves (of the order of productive power) and the Israeli use of these demands (that included the use of force). As with Banu Bargu's description of the dangers of what the Turkish Marxist prisoners called the "IM(F) type life," the Geneva-based ICRC overlooked the possible effects of its call to allow the prisoners to work. Moving from a collective sense of mutual responsibility to an individualized "homo calculus" society, the prisoners' movement disagreed with such purposes. Even before the IPS attempted to use prison labor for its own interests, the prisoners understood the dangers in this proposed transformation. The cantina, while enabling prisoners more freedom of choice, in fact undermined their collective ability to look after one another. Thus, ICRC's insistence on giving prisoners more nutrition possibilities were themselves, as Walid Daka points, dangers to the prisoners' well-being. Thus, if Perugini and Gordon alert us to the possible misuse of human rights as a tool for outright conquest or other forms of domination *qua* subjection, ICRC's efforts in Israel-

Palestine paint an even more complicated picture. Here, domination is not only understood through the lens of conquest, force, or violence, but also with the use of productive power manifested in the structuring of subjectivity. Similarly, if Givoni virtuously points our attention to the possible manifestations of subject formation with regard to the humanitarian organization workers, ICRC's discourse exemplifies how the subjectivity of the targets of humanitarianisms interact with this ethical project and with what price. In similar vein, if Fassin convincingly shows us how Palestinian subjects undergo processes of subjectification to a western audience (when they are produced as undergoing trauma), my analysis further complicated this relation by showing how processes of subjectification take place even when the western audience is taken out of the equation. The purpose of subject formation is that of domination.

The more minor example of Nahel Camp—that an ICRC delegate asked to close—shows how the application of the humanist construct can work against practices of collectivity even beyond the use of conflicting sides of the humanitarian discourse. The lack of sensory stimulation in a desert camp was enough for the ICRC to demand the closure of this camp even when its location also enabled a larger independence and interrelations between the prisoners. Combined, the spacious prison, the working prisoner, and the sensory stimulated prison show how the ICRC's humanism worked against the prisoners' goals. They show how an essentialist understanding of what counts as human existence can, counter-intuitively, become an obstacle for attaining specific goals. In contrast to such depictions of the human we can return to Foucault to stress that if we wish to invoke practices of freedom then an attempt to humanize incarceration is not sufficient if it "carceralizes" the human.

Ben Golder's recent study of the politics of human rights in Foucault is informative for the possibility to think beyond essentialist humanism and is worth quoting at length:

> Not only is humanism of the sort mentioned by Alessandrini, namely, an essentialist humanism that specifies the limits of the human being, not necessary for human rights—it is fatal for it. For Foucault, a humanism of this sort represents not the necessary ground upon which human rights can be built, but their terminal limit and the denial of their futurity. Such a conclusion may provoke surprise, but in truth were such a 'grounding' of human rights to be accepted there would be no more normative work for human rights to do—no contestation, no disagreement, no development…Rather, my (and Foucault's) claim is that such an ungrounded grounding at the very least prizes human rights open to multiple possibilities of the human.[260]

Indeed, Foucault would repeat that his desubjectification is not a search for a more liberating "re-subjectification" but rather a continuing search for practices of freedom. Foucault thus does not suggest to abandon humanism but rather, as in the conversation with Clavel in the epigraph, to work with those incarcerated to expose the power relations in humanism and to make it "further-reaching, comprehensive, and finally human." If Foucault's conversation with Clavel is in the context of the GIP, his studies on prisons give another practical example of how such goals could be sought. His response to Jacques Leonard, who criticized Foucault for *Discipline and Punish*'s unorthodox historical methodology, suggested a move beyond "an interdisciplinary encounter." Rather, Foucault suggests a common effort of those searching for a possible "de-disciplinization" of themselves.[261] Foucault here is of course not only playing on the double meaning of the word *discipline* in a conversation between the disciplines of

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[260] Ben Golder, *Foucault and the Politics of Rights* (Stanford: Stanford University Press, 2015), 81.
[261] Michel Foucault, "La Poussière et le Nuage," in *L'Impossible Prison: Recherches sur le Système Pénitentiaire au XIXe Siècle*, ed. Michelle Perrot (Paris: Seuil, 1980), 39.

philosophy and history on nineteenth-century disciplinary practices but is really speaking

to a possible community that will search for such possibilities. A strategic use of

humanity can be conducted along these lines. Instead of abandoning the advantages of the

discourse of humanity it would make a strategic use of them while remembering the

dangers of an essentialist humanism. Rather than structure a finite human, it would seek

to use the always changing construct of the human for the purpose of exercising more

freedom. As I argue in the next chapter, doing so requires first to recognize the dangers

that some articulations of the human entail, even when such articulations take place

within democratic theories of inclusion.

Chapter 4

Security Prisoners: Democratic Inclusion as Political Subjectification

Introduction

How does the Israeli carceral dispositif's inclusion of Palestinian political prisoners'

democratic decision-making processes into prison-management challenge a democratic

theory of inclusion? The understanding that democracy is never separated from

domination is not new to democratic theory, and yet the connections between the two are

more commonly examined in terms of inclusion or exclusion.[262] The more a democratic

subject is included in decision-making processes, most democratic theory texts contend,

the freer she is. Indeed, analyses of the ways in which a demos dominates the excluded or

only partially included such as slaves,[263] metics,[264] women,[265] communities of color,[266]

or the various intersections between these positions, is vital to our understanding of

democracy. At the same time, this chapter argues that more attention should be paid

within political theory to the ways in which practices of democratic inclusion themselves

can be used as tools of domination. From 1976 onwards, the gradual shift in Israeli

prisons from direct control to prisoners' democratic practices of internal organization

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[262] Iris Marion Young, *Inclusion and Democracy* (Oxford: Oxford University Press, 2002).

[263] Judith Shklar, *American Citizenship: The Quest for Inclusion* (Cambridge, MA: Harvard University Press, 1991).

[264] Mary Dietz, "Between Polis and Empire: Aristotle's Politics," *American Political Science Review* 106, no. 2 (2012): 275–93.

[265] Holloway Sparks, "Dissident Citizenship: Democratic Theory, Political Courage, and Activist Women," *Hypatia* 12, no. 4 (1997): 74–110.

[266] Joel Olson, "Whiteness and the Participation-Inclusion Dilemma," *Political Theory* 30, no. 3 (2002): 384–409.

exemplifies what I call political subjectification: how political action can be used against the active subject. In so doing, they invite us to refine our understanding of inclusion.

As the most prominent theorist of inclusion, this chapter focuses on the texts of Iris Marion Young. Young's call for inclusionary practices such as insertion in decision-making practices and capacity building are meant to change larger power relations. Her basic assumption is that a move away from "objectification" where a person is viewed merely as an object and towards subjectivity will produce more just political outcomes. The key point for Young is that the practice of democracy changes one's subjectivity— the more a person is exposed to other opinions through inclusion of those hitherto excluded from public affairs, the more one's self is changed through the active exposure by means of deliberation and participation to different worldviews.[267]

Historico-sociological accounts usually depict the slow process of the emergence of Palestinian political prisoners' political action as a story of development from a passive state to celebrated subjectivity. While these texts do not build on Young for their analysis, they nevertheless share her over-glorification of subjectivity. Esmail Nashif, for example, argues that "while the Israeli prison system became a contested colonial site which generated […] processes of community building, the manner in which the community steered its development into fully formalized institutions seems to lie mainly in the collective agency of the political captives."[268] For Nashif, collective agency was a decisive factor in a community-building process and yet Nashif's focus on the (indeed

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[267] Young, *Inclusion and Democracy*; Iris Marion Young, *Justice and the Politics of Difference* (Princeton: Princeton University Press, 1990).
[268] Nashif, *Palestinian Political Prisoners: Identity and Community*, 9.

remarkable) achievements of organizing in difficult conditions overlooks the Israeli carceral dispositif's use of the prisoners' collective action for its own purposes. Focusing on women prisoners, Nahla Abdo claims the "women political detainees…turn their bodies and sexuality into a site of resistance."[269] Abdo, in a move similar to Young's analysis, turns to subjectivity in an attempt to argue against perceptions that deny women's agency and view them as objects controlled by others. For example, Abdo discusses Israeli academic and former member of parliament Anat Berko's racist view of Palestinian women prisoners as motivated not by politics but by some sexual shame that can only be hidden by an act of violence. However, Abdo's turn to the language of women as "active agents of change" as a remedy to agency-denying accounts such as Berko's is under-differentiated. It lacks degrees of variation between a binary of object/subject. The contexts in which Palestinian political prisoners' actions have been used against them make present that political action, even while some of its achievements are remarkable, is not a panacea for domination.

Instead of analyzing the history of subject-formation in Israeli prisons as a move from nonage to subjectivity, this chapter assumes a continuum of subjectivity. From an organizational perspective, the prisoners describe the first years after 1967 as the "lost years" where prisoners faced heavy limitations— for example, they only had one hour of yard time outside of their cells each day and even in that time they were completely prevented from talking with fellow prisoners. Prison management decided which specific prisoners would be their representatives for organizing the larger prisoner body. In

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[269] Nahla Abdo, *Captive Revolution: Palestinian Women's Anti-Colonial Struggle Within the Israeli Prison System* (London: Pluto Press, 2014), 15.

contrast, during the heyday of the prisoners' internal organization in the early 1990's both intra- and inter-organizationally, the prisoners possessed significant semi-authority to run their internal affairs. The prisoners' organizations ran committees in topics such as security, education, hygiene, order, dialog with the IPS, and others. Gradually from 1976 (depending on the organization and the prison), the prisoners began participating in elections every six to eight months to choose their representatives. The prisoners had a complex version of democratic checks-and-balances. The representatives chosen in the elections would choose some of their own to serve as leadership. Other prisoners would also serve in judicial roles which included an internal discipline system that meted out punishments.

The internal juridical system serves to exemplify the double-edged sword of prisoners' subjectification. In his 1972 discussion with Maoists Foucault explains why a court system, even if one initiated by a revolutionary force, can never be a revolutionary tool.[270] As I mentioned in chapter two above, Foucault is engaging Jean-Paul Sartre whose main disciple, Pierre Victor, is one the two Maoist participants.[271] Foucault is reacting to Sartre's 1972 initiative of starting a people's court in the city of Lens to deal with the death of miners. For Sartre, the people's court is a tool to bring about class justice. For Foucault, the form of the court includes a structure of justice that was brought

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[270] Foucault, Lévy, and Glucksmann, "On Popular Justice: A Discussion with Maoists."

[271] Benny Lévy, under the nom-de-guerre Pierre Victor, was one of the leaders of the May-68' Maoists. He became Sartre's personal assistant and published extensively with him until Sartre's death. Simone de Beauvoir would later accuse Lévy of "kidnapping an old man" because in these texts Sartre and Lévy express views that are sympathetic to eschatology. Lévy would later move to Jerusalem and take up Jewish Orthodox practices. The other participant is André Glucksmann. Rony Klein, *Letter, Body, Community* (Tel Aviv: Resling, 2014); Jean-Paul Sartre and Benny Lévy, *L'espoir Maintenant: Les Entretiens de 1980* (Paris: Verdier, 1996); Wolin, *The Wind from the East: French Intellectuals, the Cultural Revolution, and the Legacy of the 1960's*.

about after the French revolution precisely to develop new forms of domination.[272] Even if run by the people and not by the state, it could never overcome its own structure. Former critiques of the Palestinian political prisoners' internal court system focus on the harshness of the internal discipline.[273] Foucault suggests additional grounds for interrogating the internal discipline dispositif. Even if now in the hands of the prisoners, the mechanisms of courts are never sites of freedom. The court-form itself is meant to put an incarcerated person in her place. It takes one's ability to exercise power away from her and instead puts it in the hands of others.

The Palestinian political prisoners' remarkable political organization did not only work in their benefit— the use that the Israeli carceral dispositif made of it demonstrates what I call political subjectification. In contrast to Foucault's discussion of subjectification in the carceral context that is based on passive action and individualization, the Israeli example is based on those actions that are hailed in democratic theory as always already a practice of freedom: the prisoners' political actions and inter-relations. Thus, while Foucault's concept of subjectification contributes to our understanding of the use of action to further control, the focus in *Discipline and Punish* on carceral practices of limitation and isolation between 1750–1850 diverts scholarship from clearly delineating the alarming and yet ever-relevant notion of subjectification based on political action and collective action.

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[272] Foucault further develops these ideas in *The Punitive Society*.
[273] Sami al Jundi and Jen Marlowe, *The Hour of Sunlight: One Palestinian's Journey from Prisoner to Peacemaker* (New York: Nation Books, 2011).

Empirically, this chapter focuses on interviews I conducted with former Israeli Prison Service commissioners and former Ministers of Police. Although it also includes brief mentions of interviews I conducted with former Palestinian prisoners, the chapter focuses on the Israeli side. As elaborated below, I argue that the Israeli carceral dispositif attempted to use the prisoner's actions to make them more moderate with regard to the proper solution to the Israeli-Palestinian conflict, create a Janus-faced institution of prisoners' internal management that would assist in keeping the prisons' discipline, and produce leaders who would be attentive to Israeli interests.

To clarify, my argument is not that political action is futile but rather that democratic thought should be better aware of the possibilities of its co-optation so as to minimize them in democratic theory's pursuit of the exercise of freedom. Moreover, the process I describe here is not a top-down masterplan of domination but a movement towards subjectification. Furthermore, the actual results of these historical processes have not necessarily been in the direction the carceral dispositif hoped for and nevertheless I regard even the aim to produce such results as a teachable moment for democratic theory. Within the carceral dispositif, some interviewees claimed the recognition of the prisoners' leadership was solely tactical. Mordechai Wertheimer, IPS Commissioner between 1981–1985, says that the decisive factor for recognizing the leadership was that things in the prisons remain calm: "Both of [the Ministers of Police I served under, Yosef Bourg and Haim Bar-Lev] said the same thing 'Mordechai, I want things to remain quiet.'"[274] Yet, the general movement is better explained by the exceptions: the two IPS

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[274] Interview, December 14, 2011.

commissioners who directly resisted the idea of Palestinian prisoners' self-management

did not last long in office. The first, David Maimon (Commissioner in 1987), refused to

accept the prisoners' internal leadership and harshened the prisoners' conditions. In

response, five prisoners were ordered by the internal leadership to escape from Gaza

Prison, forcing the commissioner to resign. The second, Gabi Amir (Commissioner

between 1991–1992), was fired by Minister of Police Moshe Shahal in the context of

Amir's approach towards the prisoner's leadership and imprisonment conditions during a

mass hunger-strike.[275] A final point of clarification, although there have been instances of

direct use of collaborators as prisoners' leaders, the modality of power I describe here is

not one where personal interest is the motivating force.[276]

Young and the dangers of objectification

I take up Iris Young's work here—even while I question the generalization of her

understanding of inclusion—because of the importance of her path-breaking work for

exploring philosophical questions within specific sites. Bridging the gap between

philosophy and political theory, Young writes against a philosophy from nowhere, the

possibility of a Rawlsian veil of ignorance or a Platonic a-priori good.[277] Similar to my

examination of the site of the prison in the previous chapter, Young stresses the role of

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[275] According to IPS Commissioner Levi Shaul, Amir was fired because he "turned around the policies à la Maimon which resulted in an all-out war: a general strike." Interview, January 21, 2013.
[276] See Rebecca Granato's description of an interviewee's response: "Jara'ai recalled the 1984 elections in Beer Saba when 'collaborators became leaders in the prison.'" Rebecca Granato, "The Making of a State in Waiting: The Lives of Fatah Political Prisoners, 1967 to 1985" (Wilfrid Laurier University, 2017), 177.
[277] Young, *Justice and the Politics of Difference*.

power relations in subject formation.[278] She is therefore an important forerunner not only to a political theory of questioning the links between site and theory but also to the role subjectivity plays in these links. The following sympathetic critiques of Young's work also take into consideration that prior to her premature death, Young's thought was shifting to an interest in questions of colonialism that might, as this study suspects, have made her more suspicious of inclusion as an unadulterated good.[279]

From her earlier works, Young clarifies the dangers of a fixed position yet the language of objectification that she uses too often appends hope in an allegedly opposite, and freeing, language of subjectivity. For example, Young discusses the "threat of objectification" of women and the phenomenology of women's comportment.[280] Young's emphasis of objectification leads her to conclude that movement towards subjectivity is a sufficient condition to overcome the problems of objectification. Attention to the ways in

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[278] Iris Marion Young, "Throwing like a Girl: A Phenomenology of Feminine Body Comportment, Motility, and Spatiality," in *Throwing like a Girl and Other Essays in Feminist Philosophy and Social Theory* (Bloomington: Indiana University Press, 1990), 141–59.

[279] Iris Marion Young and Jacob T. Levy, "Introduction," in *Colonialism and Its Legacies*, ed. Jacob T. Levy (Plymouth: Lexington Books, 2011). If in *Justice and the Politics of Difference*, the main text this section interrogates, Young offers a flat and a-historical reading of the resistance of the American Indian Movement (AIM) in the 1960s and 1970s as one that can be elevated by inclusion, her foray into the study of colonialism would have brought her closer to crystal-clear historical examples of the use of inclusion for purposes of domination. David Temin, for example, reads Standing Rock Sioux scholar Vine Deloria Jr. to understand what Temin calls a "civic-inclusion narrative" as a practice of Empire-building. Red Lake Ojibwe Historian Brenda Child discusses the catastrophic consequences of the boarding school era for American Indians (Child's account focuses on Ojibwe nations but covers other nations as well). In Superintendent of Indian Schools Estelle Reel's description, the boarding schools succeeded to "develop from an uncivilized race 76 per cent of men and women capable of taking their places in the body politics of this Republic." For Child, the main purpose of the boarding schools' subjectification of American Indian students was to produce a buy-in into the ideology of private property and allotment which in turn enabled the further dispossession of American Indians. In other words, the use of capacity-building and inclusion as practices of subjectification for the purpose of domination has a long history in the United States. Brenda Child, *Boarding School Seasons: American Indian Families, 1900-1940* (Lincoln: University of Nebraska Press, 2000), 98. For Child's positive historical account of Ojibwe women's capabilities see Brenda Child, *Holding Our World Together: Ojibwe Women and the Survival of Community* (New York: Penguin Books, 2012).

[280] Young, "Throwing like a Girl: A Phenomenology of Feminine Body Comportment, Motility, and Spatiality," 155.

which certain conditions of subjectivity could themselves be used against the subject serve to move beyond a too simplistic notion of subjectivity as liberating. Young's work on how subjects are formed would therefore benefit from analyses of political subjectification.[281] Sites that build on inclusion for the work of domination, such as the Israeli incarceration of Palestinian political prisoners, are natural candidates for the work of demonstrating how inclusion is not a sufficient condition for the exercise of freedom.

Young offers important resources to the study of carceral subjectivity even while the carceral practice of inclusion shows how inclusion can further domination. First, in contrast to much work in democratic theory, Young's attention to power and structural inequality questions the conditions for deliberative and/or participatory democratic practices.[282] For example, while Jane Mansbridge takes the townhall meeting as a potential arena for free Habermasian communicative action, Young— while still influenced by Habermasian philosophy—questions the structural inequalities of race, class, gender, sexuality, or indigeneity that influence the practices and outcomes of townhall meetings as well as the very difference between a town and city.[283]

Second, Young's interest in the links between empirical sites to philosophical questions is nuanced by historical sensitivity. Young states: "I have suggested that it is a mistake to construe the racism, sexism, classism, homophobia, ageism, and ableism of contemporary Western industrial societies as simply continuous with their nineteenth-

[281] Andrew Dilts, *Punishment and Inclusion: Race, Membership, and the Limits of American Liberalism* (New York: Fordham University Press, 2014); Deva Woodly, "Seeing Collectivity: Structural Relation Through the Lens of Youngian Seriality," *Contemporary Political Theory* 14, no. 3 (2015): 213–33.
[282] Young, *Inclusion and Democracy*.
[283] Jane Mansbridge, *Beyond Adversary Democracy* (New York: Basic Books, 1980); Young, *Justice and the Politics of Difference*, 184; Jürgen Habermas, *The Structural Transformation of the Public Sphere: An Inquiry into a Category of Bourgeois Society* (Cambridge, MA: MIT Press, 1991).

century predecessors. An account of these contemporary privileges and oppressions must proceed as much from historical differences as from the continuities."[284] Following Young, I understand the work of the contemporary Israeli prisons as conceptually distinct from other sites of incarceration. For example, while elsewhere I discuss the early-twentieth-century prison reformer Thomas Mott Osborne's texts on prison democratization as exposing the possible use of democratization for domination, it should be made clear that this chapter's contribution is of a different kind. The late-twentieth-century Israeli carceral practices manifest different power relations from those of early twentieth-century New York prisons in the kinds of inclusion that these different systems put forth (e.g. the role of the race, class, and citizenship status of the incarcerated people). Young's analysis thus trailblazes my own understanding of the twentieth century as a distinct moment in subject formation that is not reducible to previous versions.

Third, and most importantly, Young lays out positively articulated possibilities for the implications of her work that center on subjectivity. In discussing "cultural imperialism" as those effects of power that reach beyond material aspects of distribution to shape who we are, Young states: "The dissolution of cultural imperialism thus requires a cultural revolution which also entails a revolution in subjectivity."[285] Elsewhere, she writes: "Without doubt, social change requires changing the subject, which in turn means developing new ways of speaking, writing, and imagining."[286] Young thus invites

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[284] Young, *Justice and the Politics of Difference*, 138.
[285] Ibid., 124.
[286] Iris Marion Young, "Humanism, Gynocentrism, and Feminist Politics," in *Throwing like a Girl and Other Essays in Feminist Philosophy and Social Theory* (Bloomington: Indiana University Press, 1990), 90.

political theorists to continue to flesh out the components of these goals. Furthermore, Young's phenomenology of the body aims beyond transcendentalism and claims that even the most basic building stones of our current sociohistorical constructions of gender can be reordered.[287] My previous discussion of counter-subjectivation is in direct connection to Young's philosophical project: In line with my reading of the texts of the GIP, Young's theoretical arc, from her earlier works to the last projects, aim at a subjectivity that is otherwise and yet not dependent on a transcendental. Along with these remarkable aspects of Young's philosophical orientation, I nevertheless take issue with Young's over-appreciation of inclusion. The carceral dispositif's use of inclusion for the purpose of domination shows the tactical disadvantages of an over-embrace of inclusion.

Young's emphasis on inclusion as a political strategy, as pointed by critics such as Barbara Cruikshank, builds on an underexamined appreciation of capacity-building and insertion in decision-making processes as inherently freedom-enhancing. Young's work presents the contribution of an analysis of the carceral dispositif's reliance on Palestinian political prisoners' democratic practices for the purpose of domination ("political subjectification"), discussed in the following sections. Young ignores the possibility of what I call "carceral inclusion"— how building one's democratic capacities and an insertion in decision-making processes might limit the included person's freedom. Critics of Young's work have pointed to some over-optimistic points in her account of inclusion. Cruikshank, for example, criticizes Young's analysis of treatment meted out to pregnant women coping with addiction that, in Young's words, "often operates to adjust women to

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[287] Young, "Throwing like a Girl: A Phenomenology of Feminine Body Comportment, Motility, and Spatiality," 142.

the dominant gender, race, and class structures and depoliticizes and individualizes their situations."[288] For Cruikshank, the question at hand is not one of depoliticization or individualization but of governmentality. Cruikshank argues that welfare-related governmental practices of "empowerment" produce recipients in ways that both enable and constrain the possibilities of citizenship.[289] Yet, despite Cruikshank's aim to show how governmentality operates through the work of subjects and not only on them, the context of politics she focuses on (the politics of welfare) leads to a thin notion of political engagement.[290] Even if Cruikshank rightly criticizes Young for her focus on depoliticization and individualization, to truly show how politization and collective action—

often considered as a catch-all solution in participatory democratic theory to problems of domination—can work against the acting subjects, we require a concept beyond governmentality.

Political subjectification, as a concept that combines an awareness to questions of power, structure, and the dangers of even collective and active politics, does this work. Building on Foucault, Cruikshank argues that "welfare recipients are not excluded or controlled by power so much as constituted and put into action by power."[291] Yet, the modality of power that Cruikshank describes is one where subjects are constituted by a power from outside. In other words, it is "top-down." Rather than subjects "put into

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[288] Iris Marion Young, "Punishment, Treatment, Empowerment: Three Approaches to Policy for Pregnant Women," *Feminist Studies* 20 (1994): 33–34. Cited in Barbara Cruikshank, *The Will to Empower: Democratic Citizens and Other Subjects* (Ithaca: Cornell University Press, 1999), 133.

[289] Ibid., 67–69.

[290] In part due to what Cruikshank defines as the choice made by people living in poverty not to participate in the more active segments of the War on Poverty (such as Community Action Programs). Ibid., 72–76.

[291] Ibid., 41.

action," the troubling notion of political subjectification shifts scholarly focus from an external "power" (even if this power no longer excludes) to subjects who take action themselves. This chapter thus contributes to discussions within democratic theory on the role that inclusion should play to promote the exercise of freedom.

For Young, the possible insertion of more people in the decision-making process is grounds for expanding these people's possibilities. She writes: "in actually existing democracy there tends to be a reinforcing circle between social and economic inequality and political inequality that enables the powerful to use formally democratic processes to perpetuate injustice or preserve privilege. One means of breaking this circle, […] is to widen democratic inclusion."[292] Young argues that we should not only address the distribution of goods among agents but also how groups insert themselves in the decision-making processes that distribute goods. However, Young's awareness of questions of structural inequalities and power does not result in questioning inclusionary practices for possible effects of domination. The organizing logic of Young's discussion of inclusion is twofold. First, inclusion produces legitimization: "On this model a democratic decision is normatively legitimate only if all those affected by it are included in the process of discussion and decision-making."[293] Legitimization, however, when unaccompanied by the power to equally affect the outcomes—the possibility for those affected by the decision making process to *profoundly* affect it themselves—it risks

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[292] Iris Marion Young, "Activist Challenges to Deliberative Democracy," *Political Theory* 29, no. 5 (2001): 672.
[293] Young, *Inclusion and Democracy*, 23.

further entrenching hierarchies.[294] Second, as mentioned in the epigraph, inclusion for

Young is a ground for mutual persuasion. Yet some forms of inclusion are situated in

structures where persuasion is not mutual. Young's reply to the problem of inclusion as

co-option is to insist on plurality: "inclusive political processes should not be thought of

as enfolding its participants in a single public with a single discourse of the common

good."[295] I take issue with Young's reliance on notions of plurality to solve the problems

of inclusion *qua* domination. The Israeli example (and arguably, our everyday life in the

twenty first-century) presses us towards suspicion of plurality: In my interview with

former Israeli Minister of Internal Security Avigdor Kahalani, referring to Israeli policies

towards the prisoners, he unashamedly used the phrase *devide et impera*.[296] What would

it mean to read Young's insistence on inclusion and "the many" with "divide and

conquer" in mind?

An inclusive process that brings a subject to take part in decision-making, even

from a position of plurality, can have effects of domination that Young does not discuss.

Justice and the Politics of Difference is laudable for its insistence on maintaining

difference in contemporary democratic processes and yet it leaves some of the more

controversial questions of difference outside its scope: what happens when a more

powerful group's definition of the good collides with that of the less powerful group

about to be included? For example, Young discusses what she calls Gay and Lesbian

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[294] For example, Naomi Scheinerman's suggestion that including citizens in gene editing committees is seen in this light as a dangerous mechanism in that it risks legitimizing the technology of gene editing without giving the included public assurance that their participation can prevent eugenic practices.
[295] Ibid., 11.
[296] Interview, May 2, 2013.

politics and that I shall refer to as LGBTQ politics as a prominent site for inclusion-based political strategies. Young argues that "if oppressed and disadvantaged groups can self-organize in the public and have a specific voice to present their interpretation of the meaning of and reasons for group-differentiated policies, then such policies are more likely to work for than against them."[297] One crucial component that Young leaves outside of her account is the effects of this possibility on the included subject. Another component is what happens when there's a direct collision between the meanings a group asks to present and normalizing effects of the public. An understanding of "Gay and Lesbian" politics as a quest for inclusion manifested in gay-marriage, child-rearing, and equal military service would be much more susceptible to Young's analysis than LGBTQ practices that transgress societal dispositifs (for example, public sex or the abolition of gender norms). A pride parade as an inclusive political protest, even in its transgression of some norms, would incorporate other norms. In other words, whereas Young understands otherness as a ground for expanding current norms to include these others in an agonistic plurality, turning our gaze towards the "others" themselves in some cases reveals that inclusion—even while it transgresses norms—has "civilizing" effects of domination. Inclusion not only asks to impose specific norms on them but, more importantly, asks them to embrace the idea of a norm. An alternative political arrangement—beyond the scope of this chapter—would explore possible models of self-domination that refuse the very logic of a stable norm by insisting on the possibility of an ever-changing, creative self-determination.

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[297] Young, *Justice and the Politics of Difference*, 185.

Young's critique of deliberative democratic practices as laying structural limitations on those deliberating further exemplifies the under-appreciation in her work of possible misuses of inclusion. Young centers the structural limitations of deliberative democratic practices using an example of a local anti-poverty group that is invited to take part in deliberations of an advisory council about to be set by a county's welfare department.[298] The group understands the limitations that would impede any discussion at the county-level which would not be able to vary from the federally-imposed policies and opts-out of the deliberation. For Young, this decision frees the anti-poverty group from the bounds of deliberation within a structure one cannot affect from the inside. Yet, Young counters the limiting deliberative structure of the committee with the possibility of the anti-poverty group to stage sit-ins in front of the state department of social services to protest nation-wide welfare policies. The possibility for the sit-in itself to be co-opted is less of an interest to Young. The welfare recipient aware of the connections of race, class, gender, sexuality, and indigeneity to the category of welfare itself and that seeks a world beyond mere "rehabilitation" into the material realities that have led to federal welfare regulation in the first place might actually be further co-opted into the norm of welfare by their taking part in the sit-in as a bodily practice.

Young's call to further inclusion rests on a belief that inclusion leads to capacitation which does not stop to question the nature of capacitation. Young writes: "The values comprised in the good life can be reduced to two very general ones: (1) developing and exercising one's capacities and expressing one's experience… and (2)

[298] Young, "Activist Challenges to Deliberative Democracy," 683.

participating in determining one's action and the conditions of one's action…To these two general values correspond two social conditions that define injustice: oppression, the institutional constraint on self-development, and domination, the institutional constraint on self-determination."[299] Young views the very essence of capacity-making as part of the good life.[300] Even while Young contends that self-development is an ideal of social justice that is "fairly uncontroversial," the prison context presents a counter-argument.[301] Carceral capacitation processes, as part of a rehabilitative framework, do indeed attempt to train the body of incarcerated people and yet this specific training does necessarily promote the incarcerated people's definition of the good. Foucault discusses this process in the following terms: "Discipline increases the forces of the body (in economic terms of utility) and diminishes these same forces (in political terms of obedience). In short, it dissociates power from the body; on the one hand, it turns it into an 'aptitude,' a 'capacity,' which it seeks to increase; on the other hand, it reverses the course of the energy, the power that might result from it, and turns it into a relation of strict subjection (*sujétion*)."[302] Foucault's discussion of modern discipline as this new "art of the human body" offers a view of capacitation that underscores its use for domination.

Foucault's concept of subjectification in the carceral context, as an argument against the language of "oppression," only relates to the uses of action to form subjects and does not engage the more troubling question of the use of political action to form

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[299] Young, *Justice and the Politics of Difference*, 37.
[300] Young makes clear that her insistence on capacity-making does not entail a fixed or essentialist understanding of what capacities are required for democratic participation. Iris Marion Young, "Foreword," in *Disability/postmodernity: Embodying Disability Theory*, ed. Mairian Corker and Tom Shakespeare (London: Continuum, 2002), xii–xiv.
[301] Young, *Inclusion and Democracy*, 31.
[302] Foucault, *Discipline and Punish: The Birth of the Prison*, 138.

subjects. Carceral cases of political subjectification—the use of overt political actions for the purpose of domination— contribute to countering the argument that if only prisoners (or other "oppressed" groups) organize politically they could eliminate oppression. Understanding how political subjectification operates is an important step to better understanding how political action, despite these dangers, can lead to more freedom.

Capacity-building and insertion in decision-making processes as domination
Between 1976 and 2003 the Palestinian political prisoners' internal processes of self-government were also entwined with processes initiated by the carceral dispositif for what I call political subjectification. I divide these entwinements to three parts. The carceral dispositif aimed that the carceral experience produces some Fatah, PFLP, and DFLP (the three components of the PLO) prisoners as (1) more moderate with regard to the proper solution to the Israeli/Palestinian conflict and (2) holding up Janus-faced institutions, and (3) capacitated leaders. This process was not a top-down, intentional master plan. Instead, it was a way of thinking of how subjects can be formed using their actions.

The carceral dispositif's use of (1)Palestinian prisoners' capacities and (2)their insertion in decision making processes open up a different analysis than Iris Young's description of the importance of capacity building and insertion in decision-making processes, both deliberative and participatory, as inherently freedom-enhancing.[303] These

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[303] Carole Pateman—not included in this analysis—insists on the importance of transferring a considerable amount of authority to the participants. Carole Pateman, *Participation and Democratic Theory* (Cambridge University Press, 1970).

two components might not always already be tools for what Young calls a means to break the "reinforcing circle between social and economic inequality and political inequality." Instead, the carceral dispositif's use of capacity making alongside its co-optation of prisoners' decision-making mechanisms calls forth a differentiation between processes of qualification alongside insertion in decision-making that can be used as means for domination and such processes that would be substantially different.

First, the internal political systems of the prisoners were conceived of by Israeli decision makers as turning the prisoners more moderate with regard to their opinions on the proper solution for the conflict.[304] Rafi Swisa, IPS Commissioner between 1985–1986, shared the following motivation:[305]

> I saw in those men, that sooner or later there will come a day that we will have to live with them and talk to them or to meet them again in the battle field. I prefer not to. Not because I'm a coward but in order to put an end to this. It has no end. A battle today and another battle tomorrow, it will not end. And I have good signs to justify myself – leaders that developed there or gained power, today are senior officials in the Palestinian Authority.

Orit Adato, IPS Commissioner between 2000–2003, explains the reasons for why, in her opinion, incarceration turns many Palestinian prisoners more moderate with their opinion of the proper solution to the conflict. She gives the following three components:[306]

> First of all, you pay a high price— you are there for many years. You understand that you pay a high personal price and naturally, a human being wants to live outside the cage, that's the first thing. The second is that you learn to know your enemy, before that you thought that he has horns, you were raised to think that he is not human, that he is terrible, you get to know a different reality, you meet the same guard… So (1) is the price,(2) is the contact, and (3) is the understanding that we are fighting for years and not succeeding, that we can do this in another

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[304] The General Security Service (GSS/Shabak) would not be open to interviews on specific practices they use or used within Israeli prisons and therefore I only interview former IPS Commissioners and Ministers of Police.
[305] Interview, October 4, 2011.
[306] Interview, November 8, 2011.

way, to abandon the armed struggle and to fight in a political way, a diplomatic way, to argue, discussions, internationally, whatever. These are the three components that in my opinion work on moderation and turning the perception into something more pragmatic.

The previous chapter argued that the carceral dispositif and the ICRC do not interpret a reality in which the prisoner is a human who calculates (pleasure and pain, advantages and disadvantages) as *homo calculus* but actually participate in a process of constituting the Palestinian prisoner as *homo calculus*.[307] While the previous chapter discusses the constitution of the prisoner as human in regards of imprisonment conditions and the ability to work, in this quote Adato exemplifies the political use of constituting the prisoner as a self-interested *homo calculus*. What she discusses as natural is a built-in human desire to live outside of a cage. Arguably, even if leaving the cage of the prison to the cage of the enclave within the West Bank is indeed an improvement, what Adato says that holding the keys to one's prison cell and closing the door behind you is a kind of freedom. To the naturalness of the human desire to live outside of a cage Adato adds that daily interactions with prison-guards also turn prisoners more moderate (of course, it depends on the surrounding prison policy and the specific traits of the guard) and the contexts of an armed struggle that leads nowhere. Adato makes clear that she is only talking about a group of prisoners. She differentiates this group from the prisoners whom prison does not affect or that it affects them in the opposite direction— as an example she gives the Hamas prisoners who are not interested in ending the conflict and, because of

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[307] See Foucault's discussion of the *homo calculus* in Foucault, *The Punitive Society: Lectures at the Collège de France, 1972-1973*.

their religious steadfastness, have patience of waiting thirty generations before it ends in their favor.

Second, the internal organizational structures are Janus-faced institutions that both improve the prisoners' lives and at the same time provide the IPS with a more efficient control mechanism. In comparison with the "common-law" prisoners, the political prisoners' discipline to their own structures has long caught the attention of the IPS in that it makes the prisoners more governable. In its extreme, this governability is an extension of what Israeli Prime Minister Rabin called "without Bagatz and B'tselem"— Rabin meant that the Palestinian Authority would be free do deal with internal Palestinian resistance with tools that Israel, because of the High Court of Justice (Bagatz) and Human Rights NGOs such as B'tselem, cannot so freely use. Similarly, the prisoners' internal organizations were able to use tools, such as corporal punishment, that were more complicated for the IPS. The IPS thus understands that the prisoners' internal discipline is of use to it.

Amos Azani, IPS Commissioner between 1997–2000, argues that the IPS's de jure and je facto recognition of the prisoners' internal leadership not only turns the prisoners more moderate, but also more docile in day-to-day prison reality:[308]

> Comfort is something that every person wants. No one can lie to me that someone that's going to be in prison for ten or twenty years, I don't buy this, that ideology grabs him that hard that he will give up on his living conditions. That's basic. The imprisonment conditions are important. You know what – so I am willing that you, you the spokesman the leader, will fight for me on the imprisonment conditions and I will be docile and I will do what you say. But I demand good imprisonment conditions. That goes without saying. Now, good imprisonment conditions make you moderate.

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[308] Interview, November 7, 2011.

For Azani, imprisonment conditions connect between the IPS's recognition of the spokesman and the prisoners' docility. As with Adato's previous quote, the reference for Azani too is a natural state where a prisoner wants comfortable conditions and in order to achieve these conditions is willing to be docile towards his own leadership in a way that he would not be docile for the IPS in a form of direct rule. In return for its recognition of the leadership, the IPS gets peace and quiet. Levi Shaul, IPS Commissioner between 1987–1991, completes this picture:[309]

> I knew that we couldn't run [the prisons] except through the spokesmen because once I deactivate them it will be a hot mess, they won't take care of anything, wouldn't speak, and there will be a strike without anyone to restrain. There won't be any leadership that would say that I want the strike to end. How did I stop [the massive open-ended hunger strike] by individually speaking to each and every prisoner? No. It was through the spokesmen, because the spokesmen are the leaders, the prisoners get their orders from them and I knew that that was the only way, no one would follow *my* orders.

Shaul confirms the well-established fact that an internal leadership enables the IPS to control not only quotidian carceral life but also unusual events like a hunger strike or the unusual event of the riot. In her discussion of the unintelligibility of the 1992 L.A. riots, Sina Kramer suggests that making the riots unintelligible as a political event and only intelligible as "the brutality of a mob," is an epistemological tactic of withholding white supremacy.[310] For Kramer, "when marginalized and oppressed people fight back against intolerable conditions in the streets and are rendered 'thugs,' criminals, or terrorists and not as political agents making a critique of political conditions, constitutive exclusion is

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[309] Interview, January 21, 2013.
[310] The quote is by George H. W. Bush. Sina Kramer, *Excluded Within: The (Un)intelligibility of Radical Political Actors* (Oxford: Oxford University Press, 2017), 164.

at work."[311] I propose here that the figure of the spokesman serves to warn us not only

about what Kramer calls "constitutive exclusion" as a tactic but also about constitutive

inclusion. As a central pillar of the prisoners' internal hierarchy, the figure of the

spokesman participates in continuing a Janus-faced institution that cannot not replicate

the larger structure of the prison. While in the next chapter I discuss how the prisoners'

internal organization also opened up possibilities for positive self-constitution, here I

stress the effects of control that these systems perpetrated. The recognition of the

spokesman system is meant to serve a logic of domination. Where the costs of direct rule

over the prisoners become too high, the carceral dispositif recognized the internal

hierarchy of the prisoners as a more efficient form of control. In other words (and despite

the significant differences between South Africa and Israel-Palestine), is there a logic of

"Bantustanization" at work?[312]

The former prisoner Daud, who spent twenty-four years in prison and was

released in 2011, agrees with Shaul's account:[313]

> First, they have an address, someone to turn to, and when [the prison warden] sits
> with a prisoner who can make decisions for everyone it is easier for him to speak
> with one person than speaking with thirty, forty, fifty, or one-hundred prisoners.
> He doesn't need to speak with all of them individually…Second, the IPS can't
> control the prisoners, you need one body to control them, when it says "stop" they
> stop, when it says "do this" they do it. It has a positive and a negative effect. The

[311] Ibid., 180.

[312] For some of the connections and differences see Jon Soske and Sean Jacobs, "Apartheid/Hafrada: South Africa, Israel, and the Politics of Historical Comparison," in *Apartheid Israel: The Politics of an Analogy*, ed. Jon Soske and Sean Jacobs (Chicago: Haymarket Books, 2015). More specifically, the comparison between apartheid South African practices of Bantustanization and Israeli ones are discussed regarding the entirety of the West Bank and Gaza Strip as two big Bantustans. When I raise the question of Bantustanization I mean cities and their surroundings. For a recent graphic depiction of the different separated spaced of the 1967 territories, see: https://conquer-and-divide.btselem.org/map-en.html. For an example of the less accurate comparison of the entirety of the West Bank to a Bantustan, see T.J. Tallie, "The Historian and Apartheid," in *Apartheid Israel: The Politics of an Analogy* (Chicago: Haymarket Books, 2015), 82.

[313] Interview, January 21, 2013.

positive effect is that the IPS has an address. The negative effect is that the leadership can use its status in favor of the prisoners. For example, three months before I was released [in 2011] there was a mess, they took apart a wing in [one prison] and moved it to [our prison]. Now, some prisoners didn't want to go to this prison, they preferred another prison: "we don't want to move here, we've been here before and it wasn't comfortable" and [the IPS guards] started using force, dragging them on the floor. In that moment, when they grabbed a prisoner and dragged him on the floor, you had one-hundred and twenty prisoners banging on the doors. When one-hundred and twenty prisoners bang on the doors in one prison-wing, all of the wings start banging on the doors, no one needs to ask "why are you banging?" Seven wings at once forcefully bang on the doors and windows. So listen, it's not just the prison warden who arrives, or the district chief, the commissioner comes too in a case like this…We told them that all the guards who were involved need to leave the wing for the banging to stop. Now they can't go talk to each prisoner individually to stop the banging. Only the spokesman can stop it. They needed to go to another wing and get the general spokesman of the prison and get every guard who was involved with the dragging out and then things calmed down. This means that the leadership can help. It helps in two ways: it helps the prisoners by protecting them and it decides whether the prisons will be quiet or not. It is easier for the IPS to speak with a spokesman than to use [tear-]gas.

This interviewee's description of the general spokesman's ability to quench a riot presents the disciplining abilities of the spokesperson system. The practices of including people into a democratic system of internal management are meant to perform domination. The spokesman system becomes a Janus-faced institution that controls the prisoners as well.[314]

The IPS allows the prisoners to have an internal decision-making process and this process, initiated by the prisoners themselves, also serves the IPS and sheds light on an underexamined misuse of inclusion. While the IPS allows the prisoners to conduct many of their affairs themselves, some aspects of the IPS-prisoners relationship perpetuate the structure of domination (in the following chapter I discuss other aspects that work against

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[314] Loïc Wacquant, *Punishing the Poor: The Neoliberal Government of Social Insecurity* (Durham: Duke University Press, 2009).

domination). To use Young's language, the prisoners gain some freedoms from their insertion into a limited decision-making process. Nevertheless, the historical perspective of colonial relations underscores how this limited model serves to re-enforce domination. Young is right to claim that inclusion legitimates decisions. For example, the demand from a representative that a prisoner paint the ward's wall is more legitimate in the eyes of a prisoner from the same demand made by a guard and yet the prisoner-representative cannot undo the larger structure: the prisoner can paint the wall but he cannot undo the wall. The carceral relation exposes that even if the prisoner did participate in an election, and chose the representative who told him to paint the wall, other forces at work in the power relation were outside of his reach. The prisoners' democratic process can indeed prove Young's following insight to be correct: "Inclusive democratic practice is likely to promote the most just results because people aim to persuade one another of the justice and wisdom of their claims, and are open to having their own opinions and understandings of their interests change in the process." Yet, we can imagine a democratic process where prisoners debate how often to clean their cells, influence one another, and reach a mutually respected decision (even after a heated argument) and yet the cell itself is not of their choosing.

Third, the carceral dispositif attempts to turn some of the prisoners into controllable leaders even if in plural organizations— nationalist, communist, or religious. Swisa describes both how the prison experience creates leadership capacities and how the construction of leaders, those who conduct the decision-making process that Young

describes and itself a capacity that the prison can produce, works in the favor of the

IPS:[315]

> The security prisoners had internal discipline and they had internal leadership and
> if someone wasn't docile, he would be punished. This discipline was total— the
> food, where they slept, how they acted and behaved, their cooperation with each
> other, their non-cooperation with the prison, so that none of them will become a
> "puppet" or a "rat." This answers your interest in the leadership. These situations
> created leadership. Even men who had no status outside.
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> …
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> [The prison experience] lifted the status of men who had a certain status outside.
> There was another time that there was another strike in all of the prisons. They
> chose to do it when there was a huge conference for the rights of prisoners and all
> sorts of organizations that take care of prisoners and Arabs from the U.N. and
> other places [participated]. Rabin called me and told me "this is not good for us"
> and I understood. I spoke to Rajoub [Jibril Rajoub, prisoner spokesman and later
> the head of the Palestinian Authority's Preventative Security Force— S.G.]. I
> called him, we would drink coffee every now and then, and I told him "what is
> this for? I want this to stop." "look commissioner, this and that…", "I don't want
> to hear anything I want this to stop. In my next visit I'll hear you out. With a gun
> pointed to my head I won't answer you." This shows the power of the prisoner, a
> leader who grew inside the prison. I told the officer— "let him talk to the
> prisons." I came back from the Judea and Samaria Prison and the strike was over
> without the use of force.

Roni Milo, Minister of Police between 1990–1992, disagrees with Swisa's stress on the

importance of internal development of leadership as opposed to simply following

leadership status with the external organization and yet agrees that the leadership itself

was completely recognized by Israel:[316]

> I had a clear policy of recognizing the prisoners' leadership. The prisoners'
> leadership was not created inside. There were outside orders for recognizing the
> leadership. Who would ever kid himself that natural leaders were born there who
> had extra-ordinary charisma in Shata Prison or other places? that's baloney. This
> leadership is recognized by the prisoners and was guided by the outside and I

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[315] Interview, October 4, 2011.
[316] Interview, February 28, 2013.

wanted not only to keep things quiet I also wanted to have humane imprisonment conditions.

Arie Bibi, IPS Commissioner between 1992–1996, adds that the incarcerated leaders gain credit in Palestinian public opinion as well:[317]

> The very entrance into prison makes him into a hero. Then inside prison, what you and I don't have, he has 24 hours a day of thinking and writing in giving speeches inside the cells in front of his friends. This can empower them. first of all, as a martyr. He did something for the sake of the nation and because of that he got into prison while the others drive around in their Mercedes. Then, he starts writing outside: I'm an idealist, I'm this. The others are also considered idealistic but also as hedonistic. He is not considered hedonist, he eats only bread and drinks only water and they are hedonistic, driving a Mercedes and go there and go to the U.N, and he, the poor thing that did the attack, the true idealist, rots in prison. Because of this it empowers him. And if he is talented, in prison, the divides between families disappear. Outside, there are families that are rich and they have more access to people. In prison, he can come from a poor family and then his leadership is more prominent.

Orit Adato said the following in her interview:[318]

> The system knows how to support and help the growth of positive leadership and tries to stop and prevent the growth of negative leadership
>
> Q: Can you elaborate on this?
>
> A: No, this is an organizational tool. *Ki be-tahbulot taaseh lekha milkhamah* (war is waged with the mind, my translation).

Adato cites a phrase from Proverbs 24:6, used for a period as the Mossad's motto. It hints, despite Adato's refusal to elaborate, that the carceral dispositif's tactics attempt to use more than force. The former prisoner Ihab, incarcerated for thirty years, gives an example of how the IPS can remove "negative leadership" and make sure the leadership is "positive" towards its policies and goals:[319]

> Q: Why did they put you in solitary confinement?

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[317] Interview, November 8, 2011.
[318] Ibid.
[319] Interview with formerly incarcerated person, July 11, 2012.

A: They said I was a "negative leader," that I incited to start a hunger strike.

Q: For three years you were entirely alone?

A: Yes, 96–99. Oslo was a counter-movement to everything we prisoners stood for.

Ihab states that the Oslo years, between making the peace accords public in 1993 and the outbreak of the second intifada in 2000 were the hardest years for the prisoners left behind. The prisoners who were not released blamed their leadership for abandoning them. In this context, both to prevent his influence on other prisoners and to prevent all the prisoners from criticizing the peace accords, he was put in solitary confinement. Ihab thus exemplifies what Adato means when she says "war is waged with the mind." The IPS's ability to put a "negative leader" in solitary confinement enables it to encourage the structuring of leadership that works to its advantage. In chapter six on Walid Daka's texts I discuss a correlative tactic: holding prisoners according to their geographic area of origin which enables the IPS to move a "negative leader" to a different prison where he would be held with people from a different geographic area and thus loose much of his influence.

The carceral dispositif's prison practices offer a counter-point for Young's favoring of the plural. The highly-controlled surrounding of the prison enables the carceral dispositif to use prisoners' differences for its own interest. Moving a Fatah recalcitrant leader into a Hamas wing reduces the influence of this prisoner which would not have been possible without a plurality of organizations and world-views. My point is not that unity is better than Youngian difference. Rather, it is that further differentiation is needed in our understanding of democratic inclusion. Young argues that plurality is a measure that helps deal with situations where "inclusion… presupposes an already given

set of procedures, institutions, and terms of public discourse into which those excluded or marginalized are incorporated without change."[320] Understanding the differentiations that Foucault's concept of subjectification calls for is crucial for this point as it demonstrates how even one's action can lead to domination. Nevertheless, the context of the contemporary carceral practices in Israel-Palestine also further complicates the notions of carceral subjectification that Foucault discusses.

Subjectification revisited

The distinction Foucault draws between subjection and subjectification problematizes the understanding of collective action as always already a practice of freedom and yet Foucault's main text on subjectification, *Discipline and Punish*, underemphasizes the import of incarcerated people's actions and inter-relations.[321] Regardless of how many times (including in the US) Foucault gave talks provocatively titled "we are not repressed," even an astute reader such as Sheldon Wolin insists that "in Foucault's

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[320] Young, *Inclusion and Democracy*, 10–11.

[321] A growing number of political theorists use Foucault's analyses of the prison to re-evaluate democratic practices. Andrew Dilts analyzes the relation between the Lockean figure of the thief and the modern political subject *qua* member to propose that to truly democratize society means to unlearn this relation. Nancy Luxon demonstrates how Foucault's late lectures and the study of *parrhesia* rework the "political and epistemological impasses of *Discipline.*" For Bernard Harcourt, Foucault emphasizes not only the prison as an institution but truth-forms that permeate the whole of society. Robert Nichols treats Foucault's shifting attention to the subject's role between the possibility of being conducted and conducting oneself. Thus, these political theorists all examine the possibility of self-fashioning in relation to the carceral construction of subjectivity both inside and outside prisons. I follow this line of inquiry in delineating the utility of Foucault's concept of subjectification for understanding democratic practices as well as its inadequacies for the contemporary moment. Andrew Dilts, "To Kill a Thief: Punishment, Proportionality, and Criminal Subjectivity in Locke's 'Second Treatise,'" *Political Theory* 40, no. 1 (2012): 75; Nancy Luxon, *Crisis of Authority: Politics, Trust, and Truth-Telling in Freud and Foucault* (Cambridge: Cambridge University Press, 2013), 106; Robert Nichols, *The World of Freedom: Heidegger, Foucault, and the Politics of Historical Ontology* (Stanford: Stanford University Press, 2014), 130; Bernard E. Harcourt, "Course Context," in *The Punitive Society: Lectures at the Collège de France, 1972-1973*, ed. Bernard E. Harcourt (New York: Palgrave Macmillan, 2015), 267.

political world we are oppressed."[322] Similarly, Nancy Fraser finds Foucault to claim that

"in the early modern period, closed disciplinary institutions like prisons perfected a

variety of mechanisms for the fabrication and subjugation of individuals as epistemic

objects and as targets of power."[323] Foucault clearly states that individuals are not targets

of power but vehicles of power relations, not only objects of subjugation but subjects of

subjectification. Yet, the focus in *Discipline and Punish* on coercive mechanisms

contributes to the misunderstanding of Foucault's stress on the active element in subject

formation even in the carceral context and limits its usefulness for reassessing

participatory theories. The following section will first clarify the difference between

subjection and subjectification and then demonstrate the additional contribution that an

analysis of active and relational components can make to our understanding of

contemporary (as opposed to nineteenth-century) modalities of power.

To this day, many readers still miss Foucault's differentiation between subjection

(*sujétion*) and subjectification (*assujettissement*). Subjection describes a situation of

force, strict coercion, and violence that attributes little significance to the subject's

agency (for example, slavery).[324] Subjectification, on the other hand, relies on the

subject's agency, ability to make choices, and a certain degree of freedom—however

limited—as means for transformation. For Foucault, "if [a subject] were completely at the

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[322] Arnold Davidson, "From Subjection to Subjectivation: Michel Foucault and the History of Sexuality," in *Foucault and the Making of Subjects*, ed. Laura Cremonesi et al. (London: Rowman & Littlefield International, 2016), 56; Sheldon Wolin, "On the Theory and Practice of Power," in *After Foucault: Humanistic Knowledge, Postmodern Challenges*, ed. Jonathan Arac (New Brunswick: Rutgers University Press, 1988), 194.

[323] Nancy Fraser, "Foucault on Modern Power: Empirical Insights and Normative Confusion," in *Critical Essays on Michel Foucault*, ed. Peter Burke (Aldershot: Scolar Press, 1992), 228.

[324] For a discussion of the roles that subjectivity nevertheless plays in relations of slavery, based on the possibility of *marronage*, see Neil Roberts, *Freedom as Marronage* (University of Chicago Press, 2015).

other's disposal and became his thing, an object on which he could wreak boundless and limitless violence, there wouldn't be any relation of power."[325] In other words, only when the subject has a choice to act otherwise can they be transformed. Subjection, a strictly coercive mechanism, offers only a counter-point for Foucault to describe his interest in the other side of the continuum between coercion and action. *Discipline and Punish* provides an example of the difference between *sujétion* and *assujettissement*, a differentiation often obscured by translating both as "subjection."[326] Foucault uses the word *sujétion* only twice in the book. He uses it to describe a complementary attribute of control that accompanies the increasing of abilities:

> The historical moment of the disciplines [in contrast to slavery, domestic servitude, and vassalage—{my initials}] was the moment when an art of the human body was born, which was directed not only at the growth of its skills, nor at the intensification of its subjection (*sujétion*), but at the formation of a relation that in the mechanism itself makes it more obedient as it becomes more useful…Discipline increases the forces of the body (in economic terms of utility) and diminishes these same forces (in political terms of obedience). In short, it dissociates power from the body; on the one hand, it turns it into an 'aptitude,' a 'capacity,' which it seeks to increase; on the other hand, it reverses the course of the energy, the power that might result from it, and turns it into a relation of strict subjection (*sujétion*).[327]

Subjection is thus only mentioned in *Discipline and Punish* as an accompanying mechanism to the productive aspects of subjectification rather than as an independent

[325] Foucault, "The Ethics of the Concern for Self as a Practice of Freedom," 292.

[326] For a discussion of the inadequate translation of both *sujétion* and *assujettissement* as "subjection" see Samuel Chambers, *The Lessons of Rancière* (Oxford: Oxford University Press, 2013), 98–101; Alan Milchman and Alan Rosenberg, "The Aesthetic and Ascetic Dimensions of an Ethics of Self-Fashioning: Nietzsche and Foucault," *Parrhesia* 2 (2007): 44–65. Even the recent lexicon of Foucault's concepts mistranslates "subjectification" back to French as *subjectivation* instead of *assujettissement*. Having only started to use the French word *subjectivation* in 1978, Foucault could not have used it in his earlier works. Todd May, "Subjectification," in *The Cambridge Foucault Lexicon*, ed. Raymond Lawlor and John Nale (Cambridge: Cambridge University Press, 2014), 496.

[327] Foucault, *Discipline and Punish*, 138.

mechanism. Precisely because subjection is a situation of strict coercion, it is of less interest to Foucault.[328] In the carceral context, Foucault's use of subjectification makes clear that the modern art of correction unfolds through the utilization of the incarcerated person's actions and not, as Wolin suggests, on "an inmate without choice."[329] An incarcerated person without choice cannot take part in subjectification. In contrast, efforts to accord the incarcerated person to a routine schedule, or to put them to work, are meant to discipline the body by use of its own operation and to perform a "useful training of the criminal."[330] Hence, our actions—possibly, even participatory ones—can be used against us. Foucault's differentiation of subjectification from subjection thus assists in unsettling claims that every move away from subjection leads one closer to freedom. At the same time, however, *Discipline and Punish*'s analysis of subjectification through mechanisms of limitation and isolation is nevertheless too close to the very description of power that Foucault argues against ("subjection"). The book's focus thus adds both to the lasting confusion on Foucault's account of productive power and diminishes the applicability of Foucault's ideas to the twenty-first century.

Bentham's panopticon plays a central role in the new disciplinary array Foucault describes, but it also reveals its shortcomings for analyses of productive modalities of power.[331] First, the inspection-house inhabitant's action is extremely limited. Foucault contributes to our understanding of power as productive: "We must cease once and for all

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[328] At the same time, current studies of Foucault's modalities of power tend to focus on the difference between subjectification and his later concept of subjectivation (*subjectivation*) and miss the difference between subjection (*sujétion*) and subjectification (*assujettissement*). See, for example, *Foucault and the Making of Subjects*, ed. Laura Cremonesi et al. (Rowman & Littlefield International, 2016).
[329] Wolin, "On the Theory and Practice of Power," 193.
[330] Foucault, *Discipline and Punish*, 224.
[331] Foucault, "Truth and Juridical Forms," 58.

to describe the effects of power in negative terms: it 'excludes', it 'represses', it 'censors', it 'abstracts', it 'masks', it 'conceals'. In fact, power produces; it produces reality; it produces domains of objects and rituals of truth."[332] However, as the next sentence makes clear, Foucault's analysis of the production of the individual focuses not on the incarcerated person's actions but on those that gain knowledge: "The individual and the knowledge that may be gained of him belong to this production." While incarcerated people's actions matter, they only matter in a very narrow sense, in terms of the knowledge produced about them for the purposes of correction. For the most part, the incarcerated person remains "the object of information, never a subject in communication."[333] When Foucault says that "the inmates should be caught up in a power situation of which they are themselves the bearers" by "bearing" he means that the prisoners are conscious of the existence of a possible guard. Nothing more. The question of what role can incarcerated people's actions—for example, in a decision-making process—play in subjectification remains unanswered.

Second, the inspection-house inhabitants are completely isolated from one another. Foucault argues that during the second half of the eighteen century mechanisms of punishment moved away from a "public, collective model" towards the solitary model.[334] However, in practice only the very initial experiments of the Philadelphia System of the early nineteenth century attempted to isolate all prisoners— very soon the failure of these experiments led to various models of holding prisoners in common. The

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[332] Foucault, *Discipline and Punish*, 194.
[333] Ibid., 200.
[334] Ibid., 131.

model of isolation was mostly abandoned by the mid-nineteenth century. Philadelphia's Eastern State Penitentiary (also known as Cherry-Hill, built in 1829), was designed according to Bentham's plan. When it became clear that complete isolation badly affected the incarcerated people's mental health, the Philadelphia System was replaced by the Auburn System where the incarcerated people would work in groups under a regime of silence. Yet, for Foucault, the prison achieved its goals through "coercive individualization, by the termination of any relation that is not supervised by authority or arranged according to hierarchy."[335] Indeed, isolation and individualization were part of the panopticon's design: "[the cells] are like so many cages, so many small theaters, in which each actor is alone, perfectly individualized and constantly visible."[336] *Discipline and Punish* describes a power-knowledge nexus organized around the individualizing procedures of punishment and leaves out the additional role that relations *between* prisoners play in processes of correction. Consequently, Foucault's insistence on analyzing technologies of isolation deprives contemporary readers from a needed suspicion towards a society of control that builds more and more on inter-relations between subjects.

Both characteristics of political subjectification—political action and relations with others—are prominent in power relations in the Israeli prison and thus invite us to question the automatic identification of collective action with positive (in Young's account, "just") consequences. First, without the Palestinian political prisoners' actions, the IPS would not have a Janus-faced institution with which to better control the

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[335] Ibid., 239.
[336] Ibid., 200.

prisoners. Second, without the strength of the prisoners' internal relations, it would not be possible to limit the actions of a leader by sending him to a different community. This co-option of prisoners' political and collective actions for the purpose of domination is disquieting and yet it also motivates the theoretical analysis of the possibilities for practices of freedom that either refuse the kinds of actions that are more susceptible to co-optation or that attempt to use the possibilities opened-up by action to alter the larger structure at hand.

Conclusion

The carceral dispositif's use of Palestinian political prisoners' actions shines a different light on democratic theory calls for inclusionary democratic practice and teaches us not simply to demand inclusion but also to investigate the kinds of inclusion proposed. For Iris Young, inclusionary democratic practices of inserting people into decision-making processes and encouraging the development of democratic capacities have two major advantages. As a first step, they help those participating on the immediate level by ensuring exposure to multiple opinions. Second, this inclusion has long term effects that would alter the very terms of the public sphere that are built on exclusion which would alter the very nature of the public sphere. In this paper, I took inspiration from Young's insistence on the importance of sites to investigate philosophical questions and from her insistence to study structures of inequality and yet I argued that Young's appreciation of inclusion is under-differentiated. The Israeli carceral dispositif built on the prisoners' insistence on democratic action to advance its own interests. From 1976, the Prisoners managed to build highly advanced and profoundly democratic practices that gave them a

significant ability to control their lives even while incarcerated such as a democratically elected leadership and various committees. The carceral dispositif gained advantages from some of these actions. Its official recognition of the leadership enabled it to encourage a more docile leadership by threatening to transfer recalcitrant leaders to other prisons where they would have less influence. The organizational plurality was also utilized as a possible source for control as it would weaken a leader moved from one wing to that of a competing organization. Furthermore, the leadership capacities given to these prisoners would be useful to Israeli interests outside of prison. Second, the spokesperson system served as a Janus-faced institution that would help keep the prisoners in order. Last, the conditions negotiated by the prisoners' insertion in decision making practices served, at least as some Israeli decision makers hoped, to turn the prisoners more moderate with regard to the proper solution to the conflict.

Chapter 5

Captives: The Prisoners' Movement and Possibilities of Resistance

Introduction

In previous chapters I have discussed the prison-form as a modality of what Foucault calls "docile sovereignty" where a subject gives her authority to a sovereign in return for security. As a symbolic form, the prison-form puts in place to put in place, that is, it sets people in a place so that they can learn through action their proper(=limited) role in society. In so doing, it cannot but build on productive power. The prisoners' movement (*harikat elasira*, literally "the captives' movement") exemplified both the possibilities of resistance as subjectification that are central to the prison-form discussed in the previous two chapters and the possibilities of resistance as the political self-transformation of overcoming the prison-form that I call "counter-subjectivation." These previous two chapters considered how subjectivity is formed either by humanitarian transcendentals or by democratization that leads to control. With this chapter I turn to carceral resistance to identify the conditions under which a different kind of agency is possible. Doing so requires identifying conditions of agency that would allow for such actions to be more than a celebration of putative liberation. In chapter two, I argued that any kind of change needs to work beyond the prison-form in a symbolic manner. In chapter three, I argued that humanitarian principles are not sufficient for such undertaking and might actually limit freedom. In chapter four, I looked at how practices of inclusion such as capacity-building and insertion in decision-making processes can also be used as means of domination when those involved cannot put forth their own definitions. With this chapter, then, I will examine the prisoners' movement's experience in Israel-Palestine as at times

a resistance that fails to target the conception of the human and is complicit in practices of inclusion *qua* domination while at other times articulating collective resistance in a way that resonates with the early efforts of the GIP.

Esmail Nashif offers the most profound analysis of the prisoners' movement between 1967 to 1992 where, in a gradual and often painful process, the prisoners were able to take control over many aspects of their daily lives.[337] Nashif's male-centered account is contrasted by Nahla Abdo's agentic account of the women prisoners' political organizations. His periodization (and Fatah-centered account) is completed in Alyssa Bernstein's account that investigates the more complicated proceedings of the prisoners' movement after Oslo (1994–2016) and included the religious organizations' perspective.[338] Despite the prisoners' movement's remarkable achievements, a more holistic approach reveals that some of its achievements enhanced Israeli control. Instances of leadership cultivation, hunger-strike negotiations, and educational practices show those negative aspects where subject formation, even in a collective setting, can be used against the active subject. Leaders were inserted in decision-making processes to manage the prisoners, negotiations for imprisonment conditions improvements during hunger-strikes were also used to silence the prisoners' recalcitrant voices and weaken the movement by encouraging more individualistic or cell-based affiliation, and education was also a collectively-bargained individualization process. The historical example of the

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[337] Nashif, *Palestinian Political Prisoners: Identity and Community*; Abdo, *Captive Revolution: Palestinian Women's Anti-Colonial Struggle Within the Israeli Prison System*; Rosenfeld, "The Centrality of the Prisoners' Movement to the Palestinian Struggle against the Israeli Occupation: A Historical Perspective."
[338] Abdo, *Captive Revolution: Palestinian Women's Anti-Colonial Struggle Within the Israeli Prison System*; Alyssa Bernstein, "The Palestinian Prisoners' Movement, 1994 - 2016" (The Queen's University of Belfast, 2017).

prisoners' movement also offers positive accounts of collective agency. Their organization created opportunities for self-transformation with revolutionary leadership, hunger strikes that undid politically-fixed definitions of the human, and collective education. This chapter looks at the prisoners' movement, the most profound political movement of the Palestinian political prisoners to separate the instances where action is used to further control and the instances where action, even under difficult conditions, can still promote freedom. As the chapter elaborates, the decisive factor is the movement's ability or lack thereof to decide the content of what counts as "good" in its dealings with the amalgam of government officials, prisons administration, and GSS agents that I call the carceral dispositif.

The basic logic at work in carceral structures of subjectification is a politics of life. In Banu Bargu's analysis, death-fast participants refuse a politics of life when this life can only be lived in what the Turkish prisoners called the IM(F) type life. For Bargu, the main characteristic of the hunger strike is that the prisoners resorted to the last means they had at their disposal— their bodies.[339] She quotes a participant: "Either our bodies would be transformed into weapons against us, through torture, or we would use those bodies as a means of resistance against the state."[340] Bargu illuminates how the participants of the death fast struggle considered their actions as a fight both within the terms that the state dictates in its use of the body to extract confession or rehabilitation and yet it also differs from the state in that the prisoners' willing to fast unto death also reworks the power relations. When a prisoner says "I would rather die than live like this"

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[339] Bargu, *Starve and Immolate: The Politics of Human Weapons*, 280.
[340] Ibid., 281.

even an act of willingly endangering one's life—which will end a person's agency—is itself an act of agency.[341] Nashif gives examples for similar framings of Palestinian hunger strikes—where death is presumed better than a life in prison. However, there is also something different about the connection between Israeli jails and Palestinian prisoners. Despite a Palestinian willingness to die and an Israeli willingness to kill (most succinctly phrased in Israeli Minister of Internal Security Tzahi Hanegbi's response to the hunger strike of 2004: "The prisoners can strike for a day, a month, even starve to death, as far as I am concerned"), there is another logic at work here.[342] While there have been Palestinian prisoners force fed to their death, and some that have died during a hunger strike (the five most famous examples are Abdelkader Abu Fahm, Rasem Halaweh, Ali elJa'afari, Ishak elMaragha, and Hussein Nimr Abdat), the relation between the prisoners' movement and the carceral dispositif is one that works, from both sides, on a logic of life. The IPS, as the previous chapter argued, asks to manipulate prisoners' lives according to its own interests. The Palestinian prisoners too, as opposed for example to the famous case of ten Irish political prisoners who died in the 1981 hunger strikes, have not had a similar result.[343]

The historical resources available at the moment of this writing still perceive the history of the prisoners' movement as a male-centered and Fatah-centered initiative. In this narrative, the story of the coming together of the prisoners to form a decisive

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[341] Ibid., 280.

[342] Jonathan Lis, "Hanegbi: Prison Hunger Strikers Can Starve to Death," *Ha'aretz*, August 15, 2004, https://www.haaretz.com/1.4784174.

[343] David Beresford, *Ten Men Dead: The Story of the 1981 Irish Hunger Strike* (New York: Atlantic Monthly Press, 1987).

movement begins with a Fatah prisoner by the name of Abu Ali Shahin. Shahin, one of

the founders of Fatah movement in Cairo, entered prison after a long interrogation.

Shahin took one look at the supposedly literate and uneducated prisoners and said to

himself "with these people we are supposed to win?".[344] Then, bit by bit, he started to

organize the prisoners' internal-education system first by writing down the history of the

Fatah movement. With hunger-strikes, the prisoners were eventually able to receive

writing utensils and pieces of paper. These were brought to Shahin who began to write

down a constitution of the prisoners' movement and education manuals. Shahin gathered

a group he prepared to share these principles of the prisoners' movement and when he

felt they were sufficiently trained he initiated a hunger strike so that the group would be

dispersed into other prisons. There, this initial group began to teach others. A movement

was started. This narrative is certainly lacking by not presenting, among other factors,

women prisoners' voices or how non-Fatah prisoners organized. As an example for the

inappropriate space that the Fatah movement takes in the narratives of the prisoner

movement, it is often described as if the first prisoner release was to release the Fatah

prisoner Mahmoud Hijazi in 1971 yet the truth is that the first release took place in 1968

after the PFLP highjacked an airplane.[345] Even if Shahin's narrative is lacking, it

nevertheless shows how in the first period of the prisoners' movement it was a political

organization that worked against the prison authorities in harsh conditions.

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[344] Shlomi Eldar, *Aza Kamavet* (Tel Aviv: Yediot Ahronot, 2005).
[345] File on August 31, 1968 Prisoners' Exchange, IDF Archive

Moving away from relations of subjection to relations of subjectification

The first years of the prisoners' movement's organization can be described as a move from a context of subjection to a context of subjectification. Why subjection? As mentioned in the Introduction, the main function of Israeli prisons from 1948–1965 was to inflict pain on those Palestinians who entered Israel in order to return to their former homes and lands. While many were shot to deter other Palestinians from attempting to return, others were incarcerated for the same purpose. Prison conditions were bad not only because of economic strife and the low priority of improving prisons but also because the need to inflict pain prevented any improvement of prison conditions. I view the prisoners' agency as developing within this structure. After Israel occupied the West Bank and Gaza Strip in 1967 and has proved it can deter the "infiltrators" in other means, it was able to slowly change the organizing logic of its incarceration of Palestinians towards subjectification. Moreover, as opposed to infiltrators who could be deported, Palestinian in the West Bank and Gaza Strip were supposed to remain under Israeli control. This necessitated mechanisms that would make sure they accepted Israel's occupation.[346] From the Palestinian side, the demand for changes to imprisonment conditions was made through the use of hunger strikes.

The first collective hunger strike took place simultaneously in Kfar Yona Prison (in Hebrew Ashmoret Prison) and Ramle Prison (nowadays called Ayalon Prison) from February 18–26, 1969. While there were recorded hunger strikes of Palestinian prisoners already in the 1950s, this is the first strike that was coordinated across prisons and thus

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[346] Neve Gordon, *Israel's Occupation* (Berkeley: University of California Press, 2008).

marks an important date in the consolidation of the prisoners' movement. It took the prisoners' movement more than a decade to become an influential force— it was the 1980 hunger strike in Nafha Prison, discussed earlier, and the death of two prisoners from force-feeding that made the movement into a force to be reckoned with. As with most pre-1980 strikes, the 1969 hunger strike at Ramle prison ended with no achievements at all. Ramle mostly housed prisoners from East Jerusalem— on the one hand they were among the intellectual elite of the prisoners and more organized and yet on the other hand their status at residents of Israel, in contrast to Palestinians from the West Bank or Gaza Strip, extended the need to control them and hampered granting their political demands.

At Kfar Yona, the two achievements the prisoners won, however minimal, are nevertheless significant for the two historical openings of the years of the prisoners' national movement: the permission to cease referring to prison guards as *Ya Sidi* ("Sir" or more literally, "Master") and the granting of writing utensils— the pencil. I regard these two achievements of the first collective hunger strike as quite symbolic. On the one hand by ceasing the obligatory use of *Ya Sidi* they symbolize the slow dismantling of a relationship of mastery and the move to more sophisticated power relations; on the other hand, the gaining of access to pencils allows the prisoner to take control over their own narratives.

Focusing on the prisoners' movement, this chapter argues that the movement successfully resisted relationships of domination even though this resistance opened a path for new forms of domination. The twentieth-century epistemological binary of Master and Slave, viewed from the Israeli prison, cautions that other relations of domination can persist even while relations of mastery are undone, such as leadership,

while at the same time seeking new forms of resistance. In the years of the prisoners'

national movement, the paths of resistance that transcended co-optation included the

refusal to see the body as solely defined by need or as externally defined at all, a

leadership that insisted on its own definition of the good, and the development of

counter-education that refused a conception of an atomized self.

Entering Ramle Prison in 1969, one formerly incarcerated person described

instances of violence during his interrogation: "he beat you like mad because you didn't

call him 'Sidi.' They want to break you." This person, still active in Palestinian politics,

recalls those days as times of violence. The interrogation phase, that usually takes place

in a GSS or IDF facility, is very different in its purpose from the incarceration phase— it

mostly meant to extract information from the person undergoing interrogation. This same

interviewee, more than forty years after the interrogation still had visible scars from it. He

described a conversation with a prison guard in Ramle (who was a holocaust survivor) in

which he pointed to the guard's Auschwitz number, forcefully tattooed on the Jewish

guard's arm during the holocaust and said to him: your number is there, and (pointing to

the scars on his head— S.G.) mine is here."[347] His description of the days of his

interrogation in Camp Sarafand portray an Israeli effort to reduce the prisoners'

subjectivity: "In Sarafand we did not have names, only numbers…They want to show

you that you are nothing or less than nothing. When they can't kill you physically, they

try to kill you ideally."[348] The "Lost Period" of 1967–1970 is characterized by violence

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[347] Interview with a formerly incarcerated person, July 2, 2012.
[348] Ibid.

not only in interrogation facilities but in prisons as well, as is the demand that prisoners refer to guard as "Ya Sidi."

Yet, as this formerly incarcerated person mentions, trying "to break" the prisoners didn't work: "It is a principle, when my ass is kicked, I will not say a word. Sure, the beatings hurt at first but then you become apathetic."[349] The first hunger strike that successfully challenged the directive to refer to guards as "Master," not only worked for the prisoners, but also was the first step for the carceral dispositif to move away from a relation of relying mostly on force (that wasn't as efficient as first hoped) towards a different array of power that also built on the prisoners' agency. This formerly incarcerated person described the IPS's organizing logic in these early years as "they want you to feel as if you were a slave." He continues: "The time of slavery wasn't over, before every meal you would get beat."[350] The metaphor of slavery is used by the formerly incarcerated person to describe a policy of erasing agency, a policy that slowly ended due to the prisoners' movement's efforts. He says about this period: "all the carceral conditions were meant to erase a person. It was the prisoners' struggle that made this policy unachievable…all their weapons broke. We achieved this by our blood, by striking." Every minor change was incredibly important for the prisoners, and they suffered greatly for every achievement— "if you had a pencil, you would go to solitary confinement." Another early achievement that demonstrates the new freedoms that the prisoners gained was the capacity to use one's hands when walking in the yard. In Ashkelon Prison, prisoners gained this capacity in the hunger strikes of 1976 and 1977.

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[349] Ibid.
[350] Ibid.

Former prisoner Abdelrahim Jaber describes that after two hunger strikes, one of forty-

five days (December 11, 1976–January 26, 1977) and another one of twenty-two days

(February 24–March 17,1977), the prisoners won this achievement. In his words:[351]

> Though on the material level the strikes did not achieve very much, there were
> moral and political gains. Moreover, through the strike, we tested our will, which
> proved to be stronger than our oppressors. For we no more were to say "master"
> to the jailers, nor to have our hands behind our backs while walking during the
> daily break. We achieved some freedom.

The movement's first years felt like a breaking of chains: moving from a modality of

power where it was not able to act and where one's subjectivity is disregarded, to a new

situation where one's subjectivity mattered. The prisoners' gained some important

achievements in these early years yet these achievements were also the basis for

subjectification processes.

If resistance it is to be more than slow reformism, a differentiation between

subjectification practices and practices of counter-subjectivation is needed. Within the

scholarship of carceral politics there is an inheritance of Foucault of understanding

resistance with a normative ideal. The language of the prison-form allows us to think

about questions of collective resistance and agency and to identify the conditions under

which such agency can develop. One of the challenges of this resistance and agency is

that it needs to develop new vocabulary and practices while continuing to act within old

frameworks and vocabularies. For example, in thinking about the first period of the

prisoners' movement in Israeli jails, one sees these references to frameworks of masters

and slaves where the power dynamics that organize them derive from a nineteenth-

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[351] PLO, *Palestinian Political Prisoners: Struggle Behind Iron Bars* (Beirut: PLO Unified Information, 1979), 23.

century understanding of domination and recognition. These frameworks presume that there is a natural human (a slave) who can be liberated by certain actions. A more complicated story understands subjects as constructed rather than natural. The conclusion is that an act of "gaining power" might be what Foucault calls "simply a change of masters."[352] If we return to the framework of the prison-form, we see differently the need to step outside of a master/slave binary and instead to think about hierarchy, agency, and domination on different terms. I argue that carceral resistance rejects one specific normative ideal—innocence and guilt—that is used to shore up a particular version of the human. Instead we can understand that this work takes on a single normative ideal and its effort to define humanity on narrow and specific terms.

Leadership cultivation between co-optation and freedom

When it comes to leadership cultivation in the prisoners' movement, the ever-shifting border between subjectification and prisoners' self-transformation is best characterized by the leaders' ability to define the prisoners' good on their own terms. To counter the prison-form means to refuse a docile sovereignty by creating internal organizational arraignments which, in turn, necessitate certain contact with the prison authorities. At the same time, as the previous chapter discusses, these organizational structures can be used by the prison authorities. The simple fact is that the IPS, even in its written protocol,

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[352] See for example Mahmood Mamdani's discussion of post-colonial African regimes under this same analysis of a change of masters while leaving previous colonial epistemologies and forms of subjectivity in place. In the post-colonial context the most famous example is Fanon's analysis of blackness. Mahmood Mamdani, *Citizen and Subject: Contemporary Africa and the Legacy of Late Colonialism* (Princeton: Princeton University Press, 1996), 6; Frantz Fanon, *The Wretched of the Earth* (New York: Grove Press, 2004).

recognizes the prisoners' leadership: This leadership is in principle divided in two. On the one hand, the prisoners' spokesperson is responsible for communication with the prison authorities. On a basic level this means that if a guard wants to convey a message to the prisoners she will speak to the spokesperson. On a more general level, the spokesperson also conveys the prisoners' requests and demands to the prison administration. Another position which does not always correlate with the spokesperson position is the prisoners' leader. The position at the top of an organization's hierarchy is referred to as the general leader (*Amir elAm*). The IPS's communication is with the spokesperson, not the general leader, yet the IPS's recognition of this leadership position is clear from its facilitation of electoral procedures: whether by enabling transfers between cells or by enabling elections. The clearest advantage that the IPS gains from enabling leadership cultivation is that the internal-structure of the prisoners makes the prison administration daily routine much more simple. It is far easier to speak with one representative than to control an entire wing. These mechanisms lie at the core of the IPS's manipulation of the prisoners' internal system of self-government and the prisoners' participation in managing their quotidian affairs. Before turning to the question of the ability to define the good, more elaboration of the mechanisms of leadership cultivation is needed.

The organizations had democratized their internal-structure in an unprecedented way compared to hierarchies beyond prison walls. Every four to six months, depending on the organization, election would be held. In Fatah, the prisoner body would elect a council of twenty-one people, called the revolutionary council. The council would then elect a smaller group, who would elect the leader. Smaller organizations, such as the DFLP, would mostly appoint their leaders according to seniority.

All organizations in each prison would appoint a dialogue committee that negotiated with the prison administration. One interviewee, a former member of the dialogue committee, described the influence of becoming democratic on one's sense of self:[353]

> We learned from the state of Israel, we learned democracy, we learned how to accept one another, and that is the truth. We used to fight all the time and things were complicated between us but we managed to organize and to conduct elections. Someone gets elected and he represents us, and all the representatives have specific traits— one is trustworthy, one is experienced and knows the administration and its mentality, one has historical knowledge and knows Zionism, and we have learned to respect the officers and the guards, because this is what the struggle is like, in here the struggle revolves around your will-power, as long as you have will-power and you believe, you will continue to struggle. Outside you have weapons, stones, knives, whatever, but inside all you have is your brains and your will to live a respectful life…the relations with the administration are like relations between enemies, but in prison it is different from the outside and you need to cope with the administration through dialogue, the dialogue is our main instrument, to persuade the administration with our requests and to put violence aside.

Palestinian leaders learned how to persuade and in so doing they refused the logics of subjection that the prisons first enforced. This is the same interviewee who gave the example of the *alaf* in chapter three—the feeding sack that prevents a horse from speaking—and that was put in solitary confinement for being "a negative leader." I take these combined facts to exemplify a refusal of subjectification. Similar to the GIP's discussion of George Jackson who refused parole, this Palestinian leader refused to remain silent in light of how he considered Oslo to be wrong and thus he too refused subjectification. Today, after his release, he is a mayor of a Palestinian city. Thus, the leadership that one develops in prison has influences on the outside as well. The most

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[353] Interview with a formerly incarcerated person, July 11, 2012.

prominent example of the effect of prison leadership on outside politics is the effects of the prisoners who gained leadership positions in Israeli prisons and then went on to take leadership positions in the Intifada of 1987. Yaari and Schiff, among others, understand their leadership capacities to play a crucial role in the popular organization of the first intifada.[354] Thus, leadership capacities, when they contest the values that the carceral dispositif, can serve as part of a counter-subjectivation process. The released prisoners brought the democratic nature of the prisoners' movement into the popular committees that organized the intifada. Thus, they add an important dimension to Young's discussion of capacity-making mentioned in the previous chapter. While some aspects of leadership capacities were co-opted by the carceral dispositif, those aspects that insisted on their own definition of the good— such as in the cases of the released prisoners and this prisoner in the dialog committee— exemplify a form of capacity making that is less susceptible to cooptation.

Of course, leadership cultivation was certainly also a process of subjectification. The will for a possible mediating force that could combat Palestinian resistance was part of the logic that brought the Israeli government to the 1993 Oslo Accords. Israeli Prime Minister Itzhak Rabin phrase "without Bagatz and B'tselem," discussed above, exemplifies this logic. Without the limitations imposed on the work of the Israeli security apparatuses by the Israeli Supreme Court and Israeli human rights organizations such as B'tselem, Palestinian leaders would be more efficient than Israeli security forces in maintaining the peace. Developing Palestinian leadership was vital to out-source the

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[354] Ehud Yaari and Ze'ev Schiff, *Intifada* (New York: Simon and Schuster, 1990).

security management and population management of some of the West Bank and Gaza

Strip to the PA. Tania Reinhart argues that Oslo's "without Bagatz and B'tselem" is a

result of a public response to a phrase from Rabin's days as Minister of Security during

the first intifada: "break their bones."[355] Video footage of Israeli soldier literally breaking

bones was not well-received in the Israeli public. Subjectification in the guise of

leadership development seeks to establish a proxy-force that can operate without the

limitations of a self-purported democracy.

This logic was at work with regard to the recognition of the prisoners' internal

leadership as well. Foucault's argument that the court-form is entrenched with hierarchy

and could never be a revolutionary force is clear in the example of the prisoners' internal-

discipline committees.[356] Sami elJundi describes one case of the enforcement of internal

discipline that involved "breaking their bones." After a prisoner attacked a fellow-

prisoner,

> A special committee was appointed to investigate the incident and recommend
> action. The verdict was given: Ahmad's foot must be broken as punishment for
> kicking Yusuf in the head. Three prisoners brought a toilet seat out to the
> courtyard, taking Ahmad to a corner. One slammed the toilet seat on Ahmad's
> foot with as much force as he could muster, smashing several bones. The other
> two were witnesses.

Notice the separation: one committee investigates and recommends punishment. Another

gives the verdict. Yet another body executes the punishment. ElJundi, the narrator,

opposes the punishment on the grounds that "the special committee didn't seem to

acknowledge Ahmad's psychological state when devising the consequence."[357] In other

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[355] Tanya Reinhart, *The Road Map to Nowhere: Israel/Palestine Since 2003* (New York: Verso, 2006).

[356] Foucault, Lévy, and Glucksmann, "On Popular Justice: A Discussion with Maoists."

[357] al Jundi and Marlowe, *The Hour of Sunlight: One Palestinian's Journey from Prisoner to Peacemaker*, 146.

words, elJundi finds similarities between the incarcerating system's differentiation of innocence and guilt and the Palestinian form of discipline. In the context of GIP, one of the traits I discussed was the GIP's reference to the continuous practice to become intolerant of prisons. Here, the internal committee found the prisoner guilty and disregarded the context of the prisoner's own fragility within prison. For elJundi, it would have been better to show leniency and find other ways of addressing the harm done. While for the IPS it is useful that the prisoners' internal organization manage breaches of discipline, the leadership structure that does so perpetuates domination. The prisoners' movement was able to use different tools and thus served as a disciplining force. ElJundi was so alarmed at one point by the liberties that the prisoners' internal structure obtained that he requested to be transferred to another prison.[358] He later returned to this prison but refused to be part of a security committee that would inflict violence on prisoners. I take his refusal of subjectification— his refusal to serve as keeper of the peace for another entity even if it enables an organization to maintain order— as a hint of counter-subjectivation.

Leadership development is an important resource for the Palestinian organizations and at the same time it is an important resource for Israeli interests, as a closer look at one prominent example reveals. Kadurah Faris is a paragon of leadership development. Faris, imprisoned between 1980–1994, advanced from being a young prisoner to the leader of the prisoners' movement in its zenith: the open-ended all-inclusive hunger strike of 1992. His story lays out the stakes of what it means to become political. First, as a

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[358] Ibid., 157.

Palestinian born in 1962 in the village of Silwad, his life was already political not because his father was the head of the village but because of the political reality on the ground. Nevertheless, Faris's ascendance to the leadership of the prisoners' movement demonstrates that there are many ways to become political. He describes himself as, upon entering prison, having the educational level of a six-year-old. At 1980 the prisoners' movement was already in its advanced state: "It was as if I went to *my other family*, and I started using correct Arabic, someone taught me and I started to learn everything I could about the roots of the Israeli-Palestinian conflict." After his trial, Faris was transferred to Beer Sheva Prison where he met prominent prisoners: "They treated me, a young prisoner, with respect. They saw that I wanted to learn…They would close up the new prisoners in a cell with an instructor" (notice the prisoners' movement ability to set where prisoners were housed and the priority to do so according to the educational process).

Faris describes an initial educational process of six months where "the educational committee in the wing gives you a list of books to read…and you have two two-hour meetings a day" that prepares the prisoner. It was there that Faris was designated as a possible future leader: "it seemed as if I can become something: disciplined, civilized, and willing." The role of discipline and civilizing processes are both surprising and unsurprising in the context of a de-colonial liberation movement. Yet this was the heart of the prisoners' movement. An attempt to reclaim that carceral space (at times, not always). Former member of the Israeli parliament Basel Ghattas, incarcerated for two years (2017–2019), describes the prisoners' cleaning practices of washing the cells twice a day with the following terms: "I noticed that the prisoners are extreme about cleaning the cells. Twice daily after the meals the cells are washed and on

Saturdays there's a general cleaning. I feel it is a culture of the political prisoners that is passed on from generation to generation that is a statement of pride. The prisoners tell their guard: 'You lock us here like animals in a cage, eight in a room of twenty-two squared meters and you expect that we'll live like pigs but no, we will keep the hygiene like humans."[359] In this sense, the organizational role of taking care of a prison cell is, counter-intuitively, a resistance act that insists that prisoners are not animals. On the other end of prisoners' self-government, acts such as the dirty protest by Irish political prisoners in the late 1970s and early 1980s in English prisons where prisoners covered their cells in their own feces were also acts of taking control over one's space. Both a self-regime of cleaning and the dirty protest are acts of resistance. And both needed to be orchestrated by leaders.

As Faris is the most important prisoner leader of his time, his description of how he developed as a leader is worth quoting at length:[360]

> Even when more senior leaders were present, they would let me make certain decisions, first I was in charge of a cell, then of a wing. I worked in our internal-security…and they saw that I could probably be integrated into the leadership from below and they put me to work as a hairdresser. They would also appoint people they could trust to work outside because there could be friction or relations with the guards, and you need to transfer capsules, communications, messages from wing to wing. So, being outside in the wing means that they trust you one-hundred percent and that gave me self-confidence and a push to learn more, know more, be more courageous, courageous with the prison guards too. There was an able-bodied guard by the name of Heimov who caught a paper and that was a red-line for us. We can't have our communication papers caught by the administration. And I was a hairdresser and one of the leaders didn't notice that the guard came behind him, took the papers, pocketed them. [The leader] asked him to give them back. I sensed things were awry and I asked my friend what happened and he said the guard took his papers. So, I attacked the guard and put my scissors to his neck and asked for the papers. He pressed the alarm button and

[359] Ainat Weizman and Basel Ghattas, "Letters from Prison," *Granata* 8 (2018): 193.
[360] Interview, July 8, 2012.

> I knew I didn't have much time so I reached into his pocket and took the papers and threw them inside a cell. When [other guards] came they took me to solitary confinement, a price known in advance. It's not a heroic act but in the eyes of prisoners that such a young man does this and saves a piece [of communications] it is as if I saved a plot of land next to Jerusalem, it was very important.

After the mass releases of the Jibril prisoners exchange deal of 1985 where 1150 prisoners were released, a leadership vacuum was created and Faris was elected amongst the leadership of Fatah. In Gneid Prison in 1986, there was an escalation with the prison administration that the official leaders were not able to solve, and Faris took steps to solve a dispute instigated by the IPS. His success in leading the prisoners in this dispute gained the status of the prisoners' spokesperson in Gneid (as Fatah prisoners were eighty-five percent of the prisoner population at Gneid, being elected by Fatah means representing all of the prisoners as spokesperson). After some troubles with the administration he was transferred to Nafha Prison for a year. From his return to Gneid in 1987 until his release in 1994 he was in the major leadership position— the general director (*Amir elAm*).

According to Faris, because Gneid prison was known for its confrontational approach towards the IPS and was engaged in regular struggles, it gave Gneid Prison a leadership status in regard to the entire body of Palestinian political prisoners in other prisons as well. Earlier in this chapter I discuss the 1992 hunger strike but for the purpose of this discussion of leadership development and the subjectification/counter-subjectivation differentiation, the following quote from one of the Israeli officers to Faris is worth mentioning. Faris recalls: "I spoke will all of the prisons [to notify them we are finishing the strike] and there was discipline. One of the officers told me: 'if the striking prisoners were [soldiers] and you were a general we wouldn't have this level of

discipline. Chapeau.'" Faris later became a minister in the Palestinian Authority and mentions that the skills he learned in prison are essential for parliamentary politics. He says: "inside when you're a spokesperson you acquire experience…you learn how to be a leader, and you take that outside with you."[361] These examples give more insight into the advantages to both the prisoners and the carceral dispositif from the prisoners' leadership cultivation. Following the second Intifada of 2000, Israel's use of Palestinian leadership has diminished, though not disappeared. It is certain, however, that the Oslo years (1993–2000) were its heyday. In Israeli prisons, the gradual take-over of the management of the prisoners' daily lives by the prisoners' movement provided a need for the organizations to develop leaders in an environment that both needed such leaders and enabled the conditions to educate, nurture, and supervise them.

Hunger: transforming one's self and others beyond human need

Hunger strikes are often considered to be the epitome of prisoners' resistance. This view of hunger strikes is tempting because of the old framework and old thematic where resistance is understood in dyadic terms. I will look into how such frameworks collapsed to the detriment of the prisoners' movement. Here too, telling the story of resistance as subjectification—hunger strikes that had led to limitations on the prisoners' ability to protest, advancing thinking in terms of a cell and not a community, and individualization and framings of innocence and guilt—is useful for gesturing towards a different politics. Hunger strikes occur between two poles of understanding resistance: Even these practices

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[361] Interview, July 8, 2012.

that are considered spectacles of liberation can further entrench domination and on the other they serve as practices of freedom where prisoners resist while insisting on their own collective definitions of the good. The history of Palestinian political prisoners' hunger strikes shows that these two poles, the entrenchment of domination and the emergence of practices of freedom, are not mutually exclusive. In fact, even a practice of freedom such as a hunger strike where a prisoner takes control over his body as the last tool of resistance, can further entrench domination when the prison administration uses this action to further their own interests.

The achievements of the 1992 hunger strike demonstrate something counter-intuitive. As mentioned in the previous chapter, the carceral dispositif was able to use the prisoners' movement's demands for its own purposes. Two of the most prominent examples included the increase of food quality and quantity and the introduction of hot plate. Increasing the food that prisoners receive from their representatives, the ICRC, and even the IPS, has had an effect discussed earlier as "the alaf" the metaphor of the feeding sack that feeds a horse but prevents it from opening its mouth. The increase in food quantity and quality was gained through the practice of hunger striking, in this case an open-ended hunger strike of eight thousand prisoners that lasted for eighteen days. Yet that food was used to silence them. From 1994 to 2003, increased food provisions were meant to silence opposition to the Oslo Accords by those prisoners who felt betrayed by the Palestinian leadership for leaving them behind in prison. Other gains from the same period led to a change in the prisoners' organization that focused on prisoners' comfort rather than political cohesion. After the introduction of the hot plate, prisoners were now able to cook their own meals in the cells (of four to eight people), whereas before they

could only rely on their central kitchen where other prisoners cooked. The result is what Banu Bargu calls "cellularization" of the prisoners' society. The kitchen had been an important structure of sharing that the prisoners lost. Before the change, prisoners' nutrition was conducted in a collective fashion that encouraged cohesion. Sharing meals in the cells affects subject formation in a way that is based not on denying relations but on encouraging other relations. Incarcerated in 2019, former Member of the Israeli Parliament Basel Ghattas shares the excitement of cooking for his three cell mates as an example of the steadfastness and resilience of the prisoners— how they used the prison experience to learn about different Palestinian cuisines and improve their cooking abilities.[362] Ghattas is well-educated and an important political figure for 48' Palestinians (Palestinians with Israeli citizenship) yet even he doesn't know that these relations, however positive, replaced a communal model that was lost due to hunger strikes demands.[363]

Nashif's analysis is a linear model of improvement where from the first hunger strikes in 1969 the prisoners improved their practices and gained more freedoms. He understands the prisoners' demands in the hunger strikes as intended towards regaining "control over the management of their material conditions."[364] Indeed, in the years that Nashif surveys, 1967–1993, the process of prisoners taking control over their surroundings was indeed central. However, taking a step back we can see that even achievements within Nashif's periodization, such as the 1992 hunger strike, were cases

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[362] Weizman and Ghattas, "Letters from Prison."
[363] In terms of long-term imprisonment, the most populous cells were in Beer Sheva Prison where in 1982 there was a hunger to change to norm of 50 prisoners incarcerated in the same cell.
[364] Nashif, *Palestinian Political Prisoners: Identity and Community*, 52.

where the prisoners' movement's agency did not only work for the prisoners but was also utilized by the carceral dispositif. For Nashif, the overarching principle of analysis of the prison is that the carceral system attempts to deprive (life, food, comfort, culture, education) and the prisoners manage to overcome these difficulties and celebrate their agency. He argues, for example, that the "prison authorities shatter the ordinary by withholding the most ordinary components of food, such as salt. In doing this, their aim is to unweave the social fabric of the captives' community."[365] Nashif understands hunger strikes as a demonstration by the prisoners that they resist the assumption that they will break down under certain conditions of deprivation.[366] He specifically invokes Foucault's understanding of the panopticon where "conditions of scarcity and deprivation are seen as both a penalty and a means of rehabilitation.[367] As I've argued in the previous chapter, political theorists need to update their understanding of the societal panoptic model. I've mentioned that prisons were never built in a setting where prisoners are completely separated from one another. Similarly, no prison (or societal panoptic model outside of prisons, as was Bentham's purpose) absolutely deprives. Instead, prisons—and especially prisons of our time—play with their ability to deprive and give, in order to rehabilitate or form subjects. Therefore, a shift to understand the moments where prison authorities bent on subject formation actually improve certain imprisonment conditions is arguably more relevant to our day and time and are especially relevant to Israeli self-perceived enlightened prisons.

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[365] Ibid., 43.
[366] Ibid.
[367] Ibid.

For Nashif, Palestinian political prisoners are "the flipped story of Foucault" in that in contrast to how *Discipline and Punish* recounts of the story of prison authority, the "historical narrative of the Palestinian captives is a story of the authority's Others."[368] Nashif is right to point out that *Discipline and Punish* is a book about prison reformers, not prisoners. However, I disagree with Nashif on how to extend *Discipline and Punish*. In brief, my alternative reading of the hunger strikes seeks to separate the ways in which even a practice of freedom can advance domination from the ways in which the practice of hunger striking leads to liberation. Arie Bibi, the former IPS commissioner who replaced IPS Commissioner Gabi Amir after the latter was fired for not agreeing with how Minister of Police Shahal asked to respond to the prisoners' demands in the hunger strike of 1992 had an interesting sign in his office when I interviewed him that speak to this. The sign, a retirement present from the IPS quoted for Supreme Court Head Justice Aaron Barak: "One cannot turn a prison into an enlightened prison (*keleh naor*), one can only turn it into an appropriate prison (*keleh raoui*)" This sign shows the aspired Israeli logic when a man of the enlightenment such as Aaron Barak admits the faults of prison. This enlightened mode of thought has influenced the ways in which the carceral dispositif sought to advance its goals. Again, I am not reaching here for touchstone principles of how to conduct hunger strikes for liberation in a progressive prison. Rather, it is an analysis of searching for hints of counter-subjectivation in a story of subjectification. To do so means to understand carceral subjectification practices where the carceral dispositif attempted to use the prisoners' actions to advance its own goals.

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[368] Ibid., 44.

In Israeli prisons, hunger-strikes served as means of subjectification with regard to food, cellularization of prisoners into small cells, and individualization. First, they increased the quantity and quality of food that led to prisoners' preferring comfort over protest, such as in the case of speaking out against the Oslo Accords. Second, the introduction of hot plates shifted the hierarchical structure from the prisoners' collective to the level of the cell of four to eight prisoners thus weakening the collective. Third, the individual hunger strikes of 2011–2019 against an individual's administrative detention also demonstrate how action such as a hunger strike can work to weaken a larger collective. Alyssa Bernstein, for example, mentions that between 2012–2016, at least thirty-five administrative detainees initiated individual hunger strikes.[369] The most famous of these hunger-strikers, Khader Adnan and Samer Issawi, were very close to death. Nevertheless, these individual hunger strikes, when compared to the vast participation of previous hunger strikes, in fact demonstrate the weakness of the prisoners' movement in the last decade. Individual hunger strikers often explain their actions in terms of the good of the larger community. Issawi, for example, said in 2013 "my battle is not just for my own freedom. My fellow hunger strikers, Ayman, Tarik and Ja'afar, and I are fighting a battle for all Palestinians against the Israeli occupation and its prisons."[370] At the same time, these hunger strikes themselves are individualistic.

On first glance, it is hard to argue for a more comprehensive view of individual hunger strikes against administrative detention: What could be more natural than a person

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[369] Bernstein, "The Palestinian Prisoners' Movement, 1994 - 2016."

[370] Samer Issawi, "We Are Fighting for All Palestinians," *The Guardian*, March 3, 2013, https://www.theguardian.com/commentisfree/2013/mar/03/hunger-strikers-fighting-for-palestinians-israel.

professing innocence in light of a draconian legal tool, a legacy from the British counter-insurgency against the revolt of 1936–1939, in which said person is not indicted but rather sent to prison for four to six months without even knowing the allegations against her? Indeed, much has been written against the illiberal nature of administrative detention.[371] Yet, the individualization of the hunger strikes, while understandable, shifts the grounds of the debate to what an individual detainee has or has not done. It raises question of fair procedure, evidence, and innocence and moves away from the political nature of the vast hunger strikes. During the height of the first intifada there were thousands of administrative detainees (on October 31, 2019 there were 460 administrative detainees).[372] However, even in those times there were almost no individual hunger strikes about administrative detention. Consider the following case: From July 11 to August 6, 1975 thirty administrative detainees went on an open-ended hunger strike to protest administrative detention. While this hunger strike failed (Israeli Minister of Security Shimon Peres brought the Palestinian mayor of Nablus to convince the hunger strikers to cease the strike), the collective attempt to protest is in stark contrast to the individual hunger strikes of the last decade. Furthermore, in negotiating with these individual hunger strikers, the Israeli authorities not only prevent the international consequences of having a detainee die in a hunger strike but also shift the grounds of the conversation towards innocence and guilt and away from the political contexts of incarceration.

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[371] Tamar Pelleg-Sryck, "The Mysteries of Administrative Detention," in *Threat: Palestinian Political Prisoners in Israel*, ed. Abir Baker and Anat Matar (London: Pluto Press, 2011), 123–35.
[372] Data gathered by B'tselem. See https://www.btselem.org/hebrew/administrative_detention/statistics. Last accessed January 9, 2020.

In the background of the three stories of subjectification by way of comfort, cellularization, and individualization of the struggle, we can begin to decipher an alternative framing of the hunger strikes that centers on politics. What are the hints of counter-subjectivation as self-transformation that they contain? If for Foucault practices of a subjectivation that is a self-transformation center on one's ability to change one's self, the prisoners' movement's practices of hunger strikes also illuminated a collective dimension. The practice of the hunger strike is not aimed at furthering comfort but at an ethics of discomfort that questions the definition of politics around need. In contrast to the Lockean understanding of human relations that begins with a need to pick fruit from a tree and so with need that leads to property, the hunger strike is an attempt to shift the conversation away from need.[373] The willingness to risk one's life is important to the practice and yet the reworking of political definitions is central to it. The relatively low number of Palestinian hunger strike deaths, in comparison to the number of hunger strikers, actually demonstrate a political struggle that risks death and yet that is focused on the challenge within this world. The reworking of human need is not an ascetic practice in the traditional sense of the word. It is not a practice of refusing need altogether. Nutrition is central for such practices of self and collective making. In this sense, hunger striking was an ascetic practice in the sense that Foucault uses the word ascetics— a practice of the self that changes who one is. Hunger allowed the prisoners to come together and take control over their selves. If Locke bases the social contract on a precondition that there is an essence to the human that begins with food, hunger strikes

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[373] John Locke, *Second Treatise of Government* (Indianapolis: Hackett Publishing Company, 1980).

allow us to reassess this origin story. Need, in this story, doesn't necessarily lead to private property and a need to protect it by social contract. The next section on education will explain what other relations thus open up.

Understanding how subjectification operates enables scholars to have a different view of hunger strikes. Those cases where hunger strikes sought comfort and better conditions for presumably fixed human needs, such as nutrition, were used by prison authorities to further their domination of prisoners. Understanding the practice of the hunger strike as also an epistemological endeavor that sets alternative political structures at its core brings forth a different reality. If the Lockean understanding of a social contract that stems from human need is reworked, more possibilities of politics open up. The other logic is not one of only taking control over prison material conditions but over a definition of politics. Against a system bent on using alleged fixed transcendentals, such as need, against them, the prisoners practiced a definition of politics that transcends any transcendental.

It would be argued that my framing just now erases the agency of both religious and Marxist prisoners. Religious prisoners, such as those of the Hamas and Palestinian Islamic Jihad movements, operate according to religious transcendentals and Marxist prisoners, such as those of the People's Front for the Liberation of Palestine and the Democratic Front for the Liberation of Palestine, operate according to a Marxist perspective. My response follows the answer of Brazilian feminist Margareth Ragu to questions on her study of practices of subject formation by three Brazilian feminists— the nun Ivone Gebara, the Marxist militant Crimeia Schmitt, and the anarchist sex worker Gabriela Leite. According to Ragu, it is not only the sex worker Leite who can perform

self-transformation practices of parrēsia. Even though Gebara and Schmitt are connected to movements that have transcendentals at their core, they can still be parts of their religious and Marxist movements and challenge these movements' practices. Ragu writes about the nun: "I suggest that if Ivone challenges patriarchal power it is because she cannot believe in a mode of knowledge of the self based on fear and on submission to divine will."[374] Similarly, even Palestinians who are part of movements that have transcendentals at their core can take part in practices of self that work against the placing of need at the center of political relations.

The political trajectory of hunger strikes as pertaining to an ever-changing core of politics (i.e. not a human need) is present in the shift of the last decade where prisoners discuss hunger strikes as meant towards "dignity" (*crameh*). The hunger-strikes held under the banner of "strikes for dignity" use the same language Foucault used when he deleted the sentence "they treat the prisoners like dogs" from one GIP pamphlet and instead wrote "they render the prisoner's life a life unworthy of a human being (*une vie indigné d'un être humain*)."[375] Similar to Antonio Pele that discusses the concept of human dignity as opening a possibility for Foucault to think about practices of counter-subjectivity, I too regard the term "dignity" moving beyond the disadvantages of humanistic reformist approaches.[376] The Palestinian hunger-strikes for dignity do indeed focus on the need to ameliorate imprisonment conditions and yet the term itself suggests

[374] Margareth Ragu, "Foucault, Subjectivity, and Self-Writing in Brazilian Feminism," *Carceral Notebooks* 13 (2017): 15.
[375] GIP, *Le Groupe d'Information sur les Prisons: Archives d'une Lutte 1970–1972*, ed. Philippe Artières, Laurent Quéro, and Michelle Zancarini-Fournel (Paris: Éditions de l'IMEC, 2003), 50.
[376] Pele Antonio, "Human Dignity in the Renaissance? Dignitas Hominis and 'spiritual Counter-Subjectivity': A Foucauldian Approach," *Philosophy and Social Criticism* 45, no. 6 (2019): 753–76.

that subjectification in the form of comfort, food, or achievements for individuals are not sufficient for living a dignified life. If the prison-form operated by depleting people of their political potential to contest norms, the shift to articulate a political carceral struggle with the term dignity helps reduce the humanistic dangers. Instead, the term "dignity" suggests a political understanding of the context of imprisonment.

Education: between individual benefit and collective transformation

The educational process within the prison drew a line between subjectification and practices of self-transformation (counter-subjectivation) that are at work already in the term "education" itself. On the one hand, education always has a "duc" in it as in the etymology of the word "duke." That is, education from a Foucauldian lens is always complicit in a power relation. On the other hand, education is also an opportunity to gain capacities that enable people to rework themselves and their relations with others. In the terms of how I discussed the prison-form, education can serve as a way to perform docile sovereignty, to learn a sense of self that passes its capacity for politics to this "duke" referenced in the etymology of the word. On the other hand, the post-structuralist approach refused fixed etymologies and rather contends that words can have new meanings: education can be used to rework the prison-form into understanding that individuals can shape their realities themselves. As with the two other main examples this chapter discussed, leadership cultivation and the practice of hunger strikes, in education too both sides of the prisoners' movement's possibilities of resistance were present. Education was a means by which the carceral dispositif attempted to further its control of the prisoners by limiting their accesses only to certain materials or encouraging self-

interest and activities that remove prisoners from politics. On the other hand, the

prisoners' movement saw education as central to the collective work of freedom.

From a very early stage, the IPS had no pretext to "rehabilitate" the political

prisoners and they were excluded from the rehabilitation programs offered to "common

law" prisoners, with the exception of political prisoners who are women or minors

(according to the Jordanian law that Israel implemented in the West Bank, a minor is a

person under the age of sixteen, whereas in 48' Israel the age of majority is eighteen).

Therefore, the educational endeavors are Palestinian. As with the previous two examples,

with regard to the internal-education endeavors of the prisoners' movement Nashif

provides the most thorough account. For Nashif,[377]

> The harsh conditions of their captivity, which were intended by the Israeli
> authorities to resocialize Palestinians into docile and submissive bodies/souls, left
> the political captives with meanings that were as ruptured as the colonial prison
> space/time. The discourse of *thaqafah* (culture) became the site for the captives to
> resist the effect of the prison by constructing, through the praxis of
> writing/reading, counter-hegemonic symbolic, and material fields of action. The
> creation, dissemination, and propagation of *thaqafah* as a space between captives
> that transcended the space of the prisons thus became the empowered site for the
> Palestinians' revolutionary pedagogy.

As remarkable as the prisoners' achievement in the field of education were, Nashif's

account disregards the possible abuse of education and cultural activities.[378] Nashif

recognizes that different historical periods saw different educational endeavors. He

describes the years of 1967–1970 as a cultural wasteland. In the early 1970s, with Abu

Ali Shahin, the prisoners began to build an educational community. In the 1980s this

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[377] Nashif, *Palestinian Political Prisoners: Identity and Community*, 73.
[378] Talal Asad, on the other extreme, argues that "even the inmates of a concentration camp are able, in this sense, to live by their own cultural logic but one may be forgiven for doubting that they are therefore 'making their own history.'" Cited in Mamdani, *Citizen and Subject: Contemporary Africa and the Legacy of Late Colonialism*, 10.

internal system was already in full bloom. More importantly, this later stratum of the

educational communities was controlled by a generation of people like Kaduarah Faris,

who already grew up mostly under the Israeli occupation of the West Bank and Gaza

Strip, and had different educational goals in mind.[379] These developments are fascinating

and Nashif does an exquisite job at laying the different stakes in the educational

community's unfolding. Yet Nashif's account still operates under a dichotomy of moving

from a situation of no agency to revolutionary agency and disregards the more

complicated story of how subjectivity can work as a double-edged sword.

There are two main ways in which education has served as a tool that is initiated

by prisoners' actions and yet serves the carceral dispositif's interests of domination. First,

it should be mentioned that the Israeli prison authorities had control over which books

could or could not enter the prisons. In the years before the collapse of the Soviet Union

and the founding of Hamas in the first Intifada, when Marxist organizations such as the

People's Front for the Liberation of Palestine or the Democratic Front for the Liberation

of Palestine were the main perceived-threat, religious books entered the prisons without

check whereas Marxist books were mostly prohibited. In contrast, in later years when

Islamist organizations are the main perceived threat, Marxist books are mostly allowed

whereas many Islamic political texts are prohibited (it should be noted that Nashif did not

interview Hamas-affiliated former prisoners).

Second, the educational processes of the Open University and later the Palestinian

universities have been considered as part of the process of dissolving the collective in

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[379] Nashif, *Palestinian Political Prisoners: Identity and Community*, 92.

favor of individualism. The prisoners' movement first requested to allow the prisoners to obtain BA and MA degrees through correspondence with the Israeli Open University in the hunger strike of 1992. They were granted the request and these studies began in 1994. Between 1994–2010, Palestinian prisoners classified as "security prisoners" obtained Open University degrees.[380] After the Israeli government ceased to enable the prisoners to earn degrees with the Open University in order to put pressure on the Hamas government in the negotiation of the kidnapped Israeli soldier Gilad Shalit in June 2011, Palestinian universities took over. Basel Ghattas, for example, who has a PhD in Environmental Engineering, taught courses to fellow prisoners. As a former member of the Israeli parliament, Ghattas was himself involved with obtaining permits from the IPS to transfer text books from Palestinian universities to the prisoners.[381]As Alyssa Bernstein notes, the process of obtaining university degrees, both by the Israeli Open University from 1992 to 2011 and by the Palestinian alQuds University after 2011, has also been used for individual benefit and was a "removal" activity meant to distract prisoners from the pains of incarceration.[382] Walid Daka, the subject of the next chapter, notes that for some prisoners the "motivation is self-development and preparation for their own future after their release rather than collective values and national concerns."[383] In addition, the IPS's logic for enabling these studies was their understanding that granting certain privileges enables the IPS the ability to deny "privileges," or threaten to deny them, in order to maintain discipline. Thus, the movement's desire to enable the

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[380] Yaniv Ronen, "Academic Studies of Security Prisoners" (Jeruslaem, 2013), 2.
[381] Weizman and Ghattas, "Letters from Prison."
[382] Bernstein, "The Palestinian Prisoners' Movement, 1994 - 2016," 329.
[383] Daka, "Consciousness Molded or the Re-Identification of Torture," 250.

prisoners to educate themselves is part of the story of shifting the atmosphere in the prisons in the post-Oslo years. Despite these uses of education for manipulating the subject position of the prisoners in the case of prohibiting some books to enter the prison and preventing others from entering and in university studies as a "removal activity" or solely for the purposes of self-development, education was always a central tool for the prisoners' movement to affect prisoners' subjectivity.

Education as a practice of counter-subjectivation took place by unlearning docile sovereignty, insisting on prisoners' own definitions of the good, and exercising collectivity. First, the educational activities included study circles, lectures, and debates where the prisoners' learned to define themselves against the Israeli aspirations. At their best, these discussions also enabled the prisoners to contradict their own organizations' doctrine. The first step of this education is a capacity-building endeavor that is similar to the GIP's discussion of George Jackson's refusal of subjection in the he "killed the slave in [him]." In our interview, former prisoner Chaled, incarcerated for twenty-seven years, discussed his first educational endeavors as he entered prison at age twenty right after he mentions two common animal metaphors for carceral life: how thirty-eight prisoners were "packed like sardines" in a cell meant for fourteen and how the prison warden referred to a Muslim fast as "a fast of dogs."[384] Similar to Jackson, Chaled moves right from these two metaphors of how both materially and symbolically prison treats people like animals to what prisoners can do to become subjects, political subjects. Chaled says: "It was there that I learned both that we needed to order our own lives and that we needed

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[384] Interview with formerly incarcerated person, April 30, 2012.

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to try and teach each other what little we know. [I learned] that this situation forces everyone to understand one another. To live a life with solidarity one toward each other. To bring people closer to each other. And at the time I understood how this makes you more sensitive than others, makes you notice minute details."[385] Chaled describes the educational process as a response to the actions of the carceral dispositif that deny agency. However, he is not content with the goal of becoming a subject but rather stresses certain relational components between the prisoners' collective. Similar to the GIP's discussion of Jackson as refusing the subjectification of parole (refusing to agree to change himself so that he could be released from prison), Chaled too understands that prisons have certain counter-intuitive political advantages in the relationality they encourage. These components include a solidarity that is not "learned" but more accurately described as "lived," that is, attained not just through study but through prisoners' mutual practices. While these mutual practices for developing a revolutionary subjectivity were held at the collective level, the education activities also had a strong individual component.

Second, prisoners learned to insist on their own definitions of the good. If Foucault's GIP texts discuss prisoners' burning of a library to refuse subjectification, Palestinian prisoners insisted on clandestinely writing their own books. The Abu-Jihad Museum for Prisoners' Affairs at elQuds University collected hundreds of such books written in prison. Above I discussed Abu Ali Shahin who wrote the prisoners' movement's constitution, yet there were many other books written in prison that

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[385] Ibid.

circulated beyond the carceral dispositif's interdictions. If subjectification operates by

encouraging prisoners to learn capacities that make them more docile, the prisoners'

movement and the prisoners' organizations encouraged a culture of education for

developing capacities that are not decided elsewhere but by the prisoners themselves. The

first step for this democratic culture is a culture of curiosity. PA former minister Ashraf

elAjrami, incarcerated between 1986–1996 and part of the Democratic Front for the

Liberation of Palestine, already had a university degree when he was incarcerated but he

says that nevertheless his incarceration experience made him much more educated.[386]

ElAjrami says:[387]

> I had a lot of time to think when I was incarcerated and when you're outside you
> don't have this benefit. A whole year outside wouldn't be enough to read what I
> read in a week or two while incarcerated. I would read a book in a week. Today it
> would take me a year. I would systematically read, if I wanted to learn economics,
> I would collect every book about economics the prison had and read it.

The link between the individual level and the collective one was that the prisoners'

organizations made prisoners read and then report what they learned to other prisoners in

structured activities which was itself a practice of learning how to insist on one's own

definitions of the good. One formerly incarcerated person explains this educational

culture of the height of the prisoners' movement: "In my time the prisoner who did not

read was isolated. He was considered crazy if he didn't take an interest in books. The

book was the prisoner's best friend. Our code said that every member of the group

needed to read books and write reports or something like that and every week there was a

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[386] For another reference for a former prisoners' experience of the sophistication of prisoners' discussion juxtaposed to university discussions see Nashif, *Palestinian Political Prisoners: Identity and Community*, 72.
[387] Interview, July 12, 2012.

meeting, a book club of sorts, where every prisoner would talk about a book he read."[388]

He described another lived experience of refusing docile sovereignty in that the prisoners

had to actively participate and to take responsibility over the intellectual development.

Moreover, the prisoner's held structured debates both within their organizations and

inter-organizationally where prisoners attempted to convince one another of their

positions and thus learned not to adhere to dogmas.

     Third, educational practices were a means of self-transformation into a collective.

For one formerly incarcerated person's account, in the 1980s the prisoners understood

that their freedom, literally, depended on their organizations.[389] If in the post-Oslo period

prisoners would begin to think of individual advancement, for example with a prison-

obtained university degree, the height of the movement was characterized by an

understanding liberation was something done with others. On the most practical level,

prisoners would mostly be released when Palestinians on the outside took Israeli soldiers

or citizens captive. The annual prisoners' day, April 17, commemorates the release in a

prisoners' exchange deal between Mahmoud Hijazi— Fatah's first prisoner who was

captured after his squad crossed the border from Jordan and attempted to detonate water

pipes at Nehosha on January 8, 1965. Fatah militants crossed the border on January 1,

1970 (exactly five years after Fatah's first bombing in Israel) from Lebanon in order to

detonate houses in Metula and took 58-year-old Shmuel Rosenvasser captive. Already in

1968 sixteen prisoners were released after PFLP militants kidnapped an Israeli ElAl

airplane and landed it in Algiers. As mentioned earlier, this event left less of an historical

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[388] Interview with formerly incarcerated person, January 11, 2012.
[389] Ibid.

impact because, among other reasons, the PFLP was the active force rather than Fatah. Other prisoners exchange deals took place in 1979 (seventy-six prisoners for one soldier), 1980 (two Palestinians for one spy, a Cherces woman, caught in Lebanon), 1983 (all of the Ansar Camp prisoners of the Lebanon War plus one-hundred prisoners from Israeli prisons for six soldiers), and 1985 (1150 prisoners for three soldiers). Before Oslo, these were the grounds for release.

One interviewee says that the prisoners' organization had deliberate mechanisms for nurturing a communal feeling amongst prisoners: "I did not feel myself as an 'I' but only as part of a 'we.' Nothing was privately mine but my dreams."[390] He added: "everything is collectively owned, there are no 'haves and have-nots.' Even my knowledge— if I have something and you don't then I must pass it on to you. If we were four prisoners on a food tray with four pieces of meat everyone would rush to take the smallest piece. It means that everyone thinks of the other and ignores himself. Every day they would educate us to this— that our power is collective and not private." He also contemplated his present: "I feel alienated today. I was educated to think of others and today if you think of others, you're considered an idiot." The prisoners' movement's major achievement was that they were able to use the carceral experience to promote significant transformation in the prisoners' sense of self. During the heyday of the movement many aspects of the prisoners' lives became a collective endeavor. For example, the prisoners held collective accounts for their funds—if a prisoner's family

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[390] Interview with formerly incarcerated person, January 23, 2013.

transferred funds, it would be used for everyone. The following chapter discusses the consequences of the shift for a different system of allocating funds.

Conclusion

This chapter discussed what I take to be the three most prominent aspects that exemplify the tension between subjectification and counter-subjectivation: leadership cultivation, hunger strikes, and education. Entry into prison marked a different stage in the life of a militant. From organization marked by a militarized and strictly hierarchized mode of action the prisoners democratized their actions. One interviewee said: "before entering prison we operated in a militarized fashion and here we operated in a politicized fashion, in prison we were only political."[391] Where a military or guerilla organization rely mostly on the use of force, prisons have a different logic. In the context of the prisoners' movement, the carceral dispositif mainly attempted to use a logic of subjectification. For the prisoners, there was a freedom that came from being aware of how a carceral dispositif attempted to organize carceral life and the movement's attempt to counter that. The tension within the prisoners' movement between the will to become agents of their own imprisonment and imprisoning themselves was present in every aspect of the movement's emergence. Above, I argued that leadership cultivation allowed Abu Ali Shahin and his successors to use the prison as a site of subject formation as a process for which the prisoners decide the terms. In turn, this allowed former prisoners to take leading roles in the Intifada of 1987. On the other hand, leadership cultivation was also

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[391] Interview with formerly incarcerated person, January 13, 2013.

motivated from the carceral dispositif's side in order to have an internal order within the Occupied Territories that can operate "without Bagatz and B'tselem." I also argued that hunger strikes, despite their perception as the paragon of resistance also demonstrate the two sides of resistance. On the one hand, the prisoners' movement's demands included food, hot-plate, and political forms that brought along effects of silencing, cellularization, and individualization of protest. On the other hand, hunger strikers had symbolic meanings in that they countered Lockean understandings of political existence that see need as the primal essence of politics. This counter-approach taught prisoners to resist, insist on their own understanding of politics, and develop collective practices of struggle that work against the prison-form. Last, I argued that the prisoners' movement's educational practices also gesture towards a differentiation between subjectification and self-transformation. Here, educational practices at times operated as "removal activities" and towards self-development. As practices of counter-subjectivation, educational culture encouraged the prisoners to (1) pursue their own definitions and to convince others in them through structured meetings, (2) practice writing that attempted to overcome externally imposed limitations on education, and (3) develop a collective rather than individualistic sense of self.

Chapter 6

"The Internal Sumud:" Walid Daka's Decarceration Theory

Je ne veux pas étouffer dans l'homme la parole humaine ; mais en la supprimant comme moyen de corruption de détenu à détenu, j'en rétablis l'usage, de la population coupable à la population honnête, non seulement comme moyen d'intermittence à la règle du silence, mais encore, ainsi que nous le verrons, comme instrument de moralité.
(Charles Lucas, *De la Reform des prisons, ou de la théorie de l'emprisonnement, de ses principes, de ses moyens, et de ses conditions pratiques*, 1836)

Introduction

In three inter-related meanings, Walid Daka— the leading incarcerated Palestinian intellectual— writes from the inside.[392] First, Daka is a Palestinian citizen of Israel known in Arabic as elDahel (the inside, as opposed to the Palestinians who 1949 were left outside of Israel's borders). Born in Baqa elGharbiyye in 1961, Daka has been incarcerated in Israeli prisons since 1986. He was convicted of leading a People's Front for the Liberation of Palestine (PFLP, a Marxist organization) squad that kidnapped and murdered the Israeli soldier Moshe Tamam in 1984. Daka confessed to leading the squad and to undergoing para-military training in Syria but has denied being involved with Tamam's murder. The squad attempted to kidnap Tamam and bring him into Syria for the purpose of initiating a prisoner exchange deal. However, after a third day of failed attempts to bring Tamam to Syria, the members of the squad killed him without Daka's knowledge. Daka is amongst the longest-serving group of prisoners in Israeli jails. As

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[392] I thank Walid Daka for the approval to cite from his unpublished texts. I especially thank Sana'a Salame Daka and Anat Matar for all of their help, advice, and hospitality. Knowing that in the past I have served as a prison officer in the Israeli military in some of the same prisons where Walid Daka was later incarcerated, I especially appreciate their trust.

opposed to Palestinian non-citizens in the West-Bank, Gaza Strip, or the diaspora, Israel

has refused to include its Palestinian citizens in some prisoner-exchange deals or

negotiations-related releases (although it has made exceptions to this rule in the past). On

the other hand, for many years Israel has refused to set Daka's prison term for his life

sentence and only in 2012 did then-president Shimon Peres agree to do so and set it to

thirty-seven years. Daka was on the list of prisoners who were supposed to be released in

2014 as part of US Secretary of State John Kerry's efforts to re-ignite the Israeli–

Palestinian negotiations yet due to right-wing political pressures the Israeli government

cancelled the last of four rounds of releases just a few days before Daka's anticipated

release. Since then, four years have been added to Daka's sentence due to his

involvement in a cellphone smuggling operation in which a member of the Israeli

parliament (of the Balad Party), Basel Ghattas, was also convicted. The structural reasons

for Daka's exceptionally long prison term stem from his liminal position as a Palestinian

and citizen of Israel.[393] In his years in prison he has become active in a political party of

Palestinian citizens of Israel, Balad (The National Democratic Alliance). His political

writing began in newspapers such as Balad's periodical, *Fasl elMaqal*, and continued in

other venues. Discussions of Daka's texts have been controversial in Israeli discourse: A

play loosely based on Daka's texts by Palestinian citizen of Israel Bashar Murkus at

elMidan Theater had led to the withdrawal of state support for the entire theater and its

closure. A book event for Daka's award-winning book for adolescents, *The Tale of the*

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[393] For comparison, Israel Lederman, an Israeli convicted of murdering a Palestinian, Khalil Tahan, as revenge for the murder of an Israeli soldier a day earlier at the same place in 1978, served just two years in prison. The vast majority of the Palestinian non-citizens incarcerated from the 1980s have been released in exchange deals or various negotiations.

Secret of the Oil (discussed below), was planned first at a local community center in his home town when, following right-wing pressures, it was first moved to a private business, and then due to more pressures moved to Daka's parents' house.

Second, Daka is "inside" prisons which in colloquial speak is referred to as "the inside" (as opposed to "the outside," the world outside prison walls). This position gives Daka unique insight: The epigraph above by Charles Lucas, a nineteenth century prison reformer, presents a modality of power that is still relevant—and arguably is becoming more relevant—in the twenty-first century. Against the most innovative penological system of his day—named after Auburn Prison: the Auburn system—that asked to keep prisoners together yet to prevent them from communicating with one another, Lucas called for a different approach. He suggested that rather than impose silence, those asking to further morality could rather *use* prisoners' voices to mend them. Lucas' suggestion is still relevant with regard to twenty-first century analyses that ask to give people a voice as a technology for spreading freedom. The counter position, that prisoners' actions, voices, or subjectivities do not necessarily set them free—a position attributed to Foucault and specifically his *Discipline and Punish*—is at times regarded in the literature as nihilist, neo-conservative, elitist, quietist, pessimist, or totalistic.[394] In this climate it is counter-intuitive that a prisoner, Walid Daka, will warn us from possible uses of

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[394] Stone and Foucault, "An Exchange with Michel Foucault"; M. Walzer, "The Politics of Michel Foucault," in *Foucault: A Critical Reader*, ed. D. Couzens Hoy (Oxford: Blackwell, 1986), 51–69; Wolin, "On the Theory and Practice of Power"; Fraser, "Foucault on Modern Power: Empirical Insights and Normative Confusion." For more recent discussions of these questions see Amy Allen, *The Politics of Our Selves : Power, Autonomy, and Gender in Contemporary Critical Theory.* (Columbia University Press, 2007); Robert Nichols, *The World of Freedom: Heidegger, Foucault, and the Politics of Historical Ontology* (Stanford: Stanford University Press, 2014).

prisoners' actions (of which their "voice" is but one example) and yet it is precisely Daka's positionality that gives him this insight.

Third, Daka's choice to write from "inside" produces what I call a decarceration theory. The term is in conversation with Glen Coulthard's "grounded normativity." For Coulthard, grounded normativity stems from "place-based practices and associated knowledges."[395] Daka too is concerned with questions of decolonial struggle for which the question of land is central. The Palestinian term *sumud*, the most central term for the Palestinian decolonial struggle, denotes a holding-on, a clinging to, a refusal to be separated from, land.[396] To this term, and in conversation with Coulthard's insistence that land-based normativity is deeply tied to one's subjectivity, I read Daka's discussion of an internal sumud (*elsumud eldahalia*, the sumud within) as another important layer for struggles against domination.[397] The additional—and, for Daka, prior—struggle against the "dungeon between one's shoulders."[398] This third level of insideness is an attempt to use the prison as an advantage for understanding the functions of power that inform subjectivity and might risk a struggle for freedom that only reproduces the very structures of domination from which the struggle had hoped to escape. Decarceration theory is, counter-intuitively, an action-oriented work on oneself that insists on the work of freedom through one's positionality.

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[395] Glen Coulthard, *Red Skin White Masks: Rejecting the Colonial Politics of Recognition* (Minneapolis: University of Minnesota Press, 2014), 60.
[396] Lena Meari, "Sumud: A Palestinian Philosophy of Confrontation in Colonial Prisons," *South Atlantic Quarterly* 113, no. 3 (2014): 547–78.
[397] Daka uses this term to explain his insistence to write a book intended for adolescents.
[398] Ibid.

Daka's texts help answer the following question: What differentiates prisoners'

actions that are more susceptible to co-optation from political actions that promote their

freedom? This chapter's exegesis builds on Daka's published and unpublished texts and

in certain cases on earlier unpublished drafts of published texts. The unpublished texts

were meant to be included in an anthology Daka was about to publish in 2017 but which

he eventually decided to withhold. I have obtained these texts with Daka's approval and

with the help of Sana'a Salame Daka, Walid's wife, and Dr. Anat Matar, (Philosophy

Department, Tel Aviv University).

The previous chapters of the dissertation analyzed various modalities of power in

Israeli incarceration of Palestinian political prisoners. Building on Foucault's work, these

modalities are subjection, subjectification, and counter-subjectivation. The current

chapter adds the vantage point of an incarcerated theorist to the questions of the relations

between action and freedom. Daka's vantage point is relevant to these questions not only

because he has been incarcerated since 1986 but because his texts critically engage with

Foucault's thought on precisely these points.[399] In addition, Daka adds to the discussion

of the relation between action and freedom a direct engagement with the role prison-

writing plays as a practice of freedom and provides a distinct position from those of other

incarcerated intellectuals from the political left. Daka reaches inside to understand the

how political change takes place through one's positionality. It is the pain of

incarceration that moves him to write.

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[399] Daka also heavily relies on Zygmunt Bauman's texts yet this engagement is beyond the scope of this chapter.

The chapter begins by comparing Daka's understanding of the role of prison writing to texts by Rosa Luxemburg and Antonio Gramsci. This comparison sheds light on the theoretical advancements that subjectification complicates in regard to nineteenth century master/slave dichotomies. The second section presents Daka's understanding of subjectification: how the Israeli carceral dispositif relied on prisoners' actions, even actions that would otherwise be considered as liberating, to further domination. However, in contrast to a still prevalent understanding of analyses of subjectification as leading to in-action, Daka's account of subjectification is rather oriented to promoting practices of freedom. The third section analyzes Daka's understanding of how, even in prison, people can still engage in practices of freedom. The fourth section unpacks the positive traits of Daka's decarceration theory. Bringing Daka's texts into conversation with Foucault's discussions, at UC Berkeley, of the political consequences of his suspicious attitude reveals how for both thinkers it is precisely the suspicion of subjectification that enables these practices of freedom.

Twenty-first century prison writing

Daka's letter to Azmi Bishara, The Parallel Time, carefully unpacks what it means for Daka to write from prison in the twenty-first century. The letter's direct engagement with the influence of conditions of incarceration on the act of writing invites comparison between Daka's writing and more well-known instances of prison writing, mainly those of Rosa Luxemburg and Antonio Gramsci. The comparison of these three thinkers' engagement with the connection between the act of writing and the conditions of imprisonment clarifies the differences between Luxemburg's and Gramsci's

revolutionary practices of the early twentieth century and the contemporary moment. As opposed to a nineteenth-century (Hegelian-inspired) master/slave dichotomy, the lessons of the twentieth century point to a more nuanced understanding exemplified in Daka's texts. Daka's awareness to the middle zones between slave and master, when one's actions are used for the purposes of domination, allow him to search for practices of freedom. Daka's writing alerts us to how action can serve domination and how one can nevertheless practice freedom even while incarcerated. The act of writing plays an inherent role in this aspiration for freedom.

The conditions of Daka's prison writing are substantially different from those of Luxemburg and Gramsci and yet some elementary carceral technologies are shared between them. Two major differences are that Daka has been incarcerated for thirty-three years while Luxemburg was incarcerated for four years and Gramsci for eleven and that both Luxemburg and Gramsci played substantial political roles in Marxist parties before their incarceration while Daka did not. Nevertheless, the basic limiting conditions were quite alike: all three were relatively isolated from the outside world and from their political cause.[400] However, their texts manifest different approaches for dealing with this relative isolation and with linking their time inside prison to the larger political project. The following account is far from an exhaustive analysis of the different aspects of Luxemburg's and Gramsci's treatment of the question of the relation between the act of writing and the conditions of imprisonment. Instead, it presents their different

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[400] Despite limitations, all three were allowed to keep books and writing utensils. In contrast, Nelson Mandela was not allowed to write while incarcerated in Robben Island and the one manuscript that he and the other ANC prisoners attempted to write there was discovered by the guards (and forever lost). Buntman, *Robben Island and Prisoner Resistance to Apartheid*.

articulations to stress Daka's unique position even when compared to other prolific writers and significant political actors.

Gramsci, incarcerated in 1926 by Mussolini's Fascist regime as the head of the Italian Communist Party (PCI), encountered significant limitations in prison. During his trial Gramsci's prosecutor, Michele Isgro, stated that "we must prevent this brain from functioning for twenty years."[401] As a result, he was only gradually given access to books and writing utensils. Even after Gramsci was given access to these, he considered his prison writing to be no more than initial sketches of his ideas due to his lack of access to a library. Yet, these limiting conditions did not only hinder Gramsci's writing but also gave him a reason to write. Soon after his incarceration he wrote his sister-in-law: [402]

> Do you remember my very hasty and quite superficial essay on Southern Italy and on the importance of B. Croce? Well, I would like to fully develop in depth the thesis that I sketched out then, from a "disinterested," "*für ewig*" point of view.

Gramsci introduces his plans and the outline of writing what will become *The Prison Notebooks* by describing his motivation for this project with a desire to do something *für ewig*. Gramsci uses *für ewig*, Goethe's phrase meaning *for always*, *for eternity*, to describe a disinterested process of writing, one that unlike journalistic writing emerges from a "detached" place such as a prison. Incarceration is not the Olympus (the context in which Goethe used this phrase), but it enables a space to think of political events from a certain distance that is generated by the material aspects of this life: receiving newspapers at delay, not listening to the radio, not being able to speak with friends in the same tempo.

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[401] Joseph A. Buttigieg, "Introduction," in *Antonio Gramsci Prison Notebooks*, ed. Joseph A. Buttigieg (New York: Columbia University Press, 2011), 16, 88.

[402] Antonio Gramsci, *Letters from Prison* (New York: Columbia University Press, 1994), 82.

This tempo is distinct from the "outside" tempo, within which some of Gramsci's journalistic writing was "very hasty and quite superficial."[403] Prison detachment enables, according to Gramsci, a profoundness that is hard to reach outside and a motivation for writing.[404]

Daka, in contrast to Gramsci's *für ewig* approach, does not understand the prison as a place of detachment. Instead his prison writing focuses on connecting the carceral experience to the outside world. Counter-intuitively, prison rather offers a certain clarity and thus assists to theorize the outside world. On this point, The Parallel Time letter (2005) is worth quoting at length:[405]

> I write to you from the parallel time. We don't use your measurement units here, such as minutes or hours, except for when our time meets yours at the visitation window. Only then do we need to use the same measurements. That's the only thing we have left from your time, and we still remember how to use it.
> One of the Intifada's newcomers told us that many things in your time have changed. The phone has no dial and it works with cards rather than tokens. Car tires have no inner-tube and tires are now tubeless. I find this tubeless technology appealing, where the tire self-repairs its punctures and prevents the air from going out.
>
> I like it because it's similar to a prisoner struggling with the guard's nails. The prisoner has no alternative to this self-repairing system. Our drivers never miss a nail on the road. They drive on them all, never failing to miss even one obstacle. They probably thought they were making shortcuts and saving some effort. Our drivers aren't reckless; they just use tires as if these tires weren't flesh and blood and as if these tires have no goals themselves. It has reached a point where we are no more than currency in the market of the political negotiations [between the Palestinian Authority and Israel— S.G.]: Take a tire in return for car-parts.
>
> What are tires worth without a car?

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[403] Ibid.

[404] Writing from a condition of isolation enables a distance that his daily routine as a journalist did not: "It was the same as when one is in the midst of a wood when indeed one sees the individual trees and does not see the whole." Antonio Gramsci, *Prison Notebooks*, ed. Joseph A. Buttigieg (New York: Columbia University Press, 2011), vol. 2, 168.

[405] Letter to Azmi Bishara (The Parallel Time Letter), in *Consciences Remolded* [unpublished], 72–75. My translation.

I long for a more intelligent government. I hope that our peoples will have a
political leadership that adopts a system of self-repair and that they would not
need to rely on Americans and others who pretend to be puncture-repairers yet at
the same time only fan the flames in Lebanon today [Daka writes this letter one
year before the 2006 Lebanon War/ July War— S.G.]. I didn't want to speak of
politics in this letter but we live in the same parallel time: invisible.

…

To those who don't know, we are stuck in the parallel time from before the Cold
War ended and the Soviet Union collapsed. We're here from before the collapse
of the Berlin Wall, before the first Gulf War, the second, the third. Before Madrid,
before Oslo, and before the first and second Intifadas. Our age in the parallel time
is as the age of the revolution before some of its factions came into being. Before
Arab satellite TV channels and the spread of fast-food culture in our capital cities.
Even before cellphones, modern communications, and the internet. We are part of
history and history, as you know, is written in past tense. But we are a past tense
that stretches to the present. From there we speak to you in a present tense *so that
we don't become your future*.

For Daka, the unique conditions of prison enable thinking about the general situation of

the Palestinians and the Arab nations. The prisoners' situation is used by Daka to warn

people on the outside of what the future might entail. Both inside and outside, conditions

of invisibility play a role and false hopes of external reliance result in disappointment.

Yet Daka's hope for self-repair isn't one of self-government. In the next paragraph of the

letter he says: "For us every moment after the present is an unknown future to which we

can't relate. Much like the Arab peoples, we have no control of our future but with one

substantial difference: Our occupation is foreign and their prison guard is Arab. We were

imprisoned for searching for a future and their future is buried alive." The post-colonial

Arab governments are thus discussed by Daka as only a more sophisticated form of

domination. It is the carceral experience that helps Daka realize that self-government is

not identical to freedom. In other words, for Daka the carceral experience is not an

Olympus-like lofty isolation but rather an opportunity to better conceptualize conditions of domination.

Daka's prison writing not only stresses the connection between conditions of domination inside and outside of prison walls but also offers a novel analysis of prisoners' agency. Rosa Luxemburg presents a more traditional understanding of prisoners' (lack of) agency:[406]

> I am ready at my post at all times and at the first opportunity will begin striking the keys of World History's piano with all ten fingers so that it will really boom. But since right now I happen to be "on leave" from World History, not through any fault of my own but because of external compulsion, I just laugh to myself and rejoice that things are moving ahead without me, and I believe with rock-hard certainty that all will go well. History always knows how to manage for the best even when it seems to have run into a blind alley of the most hopeless kind…on the whole I feel that I am no more important than the lady bug and I am inexpressibly happy with this sense of my insignificance.

Luxemburg discusses her time in prison as a break from world history. Even while incarcerated, Luxemburg never ceased to be politically involved: she was kept updated in political developments and made her voice heard beyond the detachment that prison walls impose, giving advice on relevant party issues.[407] Moreover, while imprisoned Luxemburg published pamphlets, translated, and wrote books such as the *Anti-Critique*, *The Junius Pamphlet*, and *The Russian Revolution*. Yet, despite using her time in prison for these activities, Luxemburg did not consider the prison experience to be in-and-of-itself an educating opportunity. While for Daka the conditions of un-freedom offer an opportunity to think of domination writ-large, Luxemburg detaches the political

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[406] Rosa Luxemburg, *The Letters of Rosa Luxemburg*, ed. Georg Adler, Peter Hudis, and Annelies Laschitza (New York: Verso, 2011), 392–93.
[407] Paul Frölich, *Rosa Luxemburg* (New York: Monthly Review Press, 1972), 116.

possibilities of working outside prison and the externally-imposed leave from "World History" of her carceral experience. Daka, with a direct relation to the length of his imprisonment in comparison to Luxemburg's, understands his prison writing itself to be an act of agency.

Daka's agency manifests itself through an active effort to take control over one's time. While the very technology of prison produces the parallel time where one is placed outside of time, Daka asks to manipulate this placing for one's own purpose. Against a Nietzschean separation of the mountain and the valley or the nook and being with others, Daka understands the time of prison as a sizeable opportunity for being with others. Yes, he was forcefully placed in a different tempo. Yet, his prison writing uses the differences between the inside and outside tempos to contemplate and circulate a different view on Palestinian politics. The metaphor of the tubeless tire is a critique of the Palestinian authority. Daka says that like tires in a car driven by an irresponsible driver, the prisoners have no other choice but to self-repair. His invitation for a different leadership is made possible precisely through a metaphor understood from his life in a distinct tempo. His is not an untimeliness waiting for those "Europeans of the day after tomorrow"[408] but rather an understanding that one's subjectivity does not end even when she is placed outside of the regular time.

Daka's prison writing uses the carceral experience not only to shed light on the dangers for people outside prison but also on the possibilities of hope. It does so not only in the context of time, but also in the context of place. He writes:[409]

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[408] Friedrich Nietzsche, *Beyond Good and Evil*, ed. Walter Kaufmann (New York: Vintage Books, 1989).
[409] The Parallel Time, 76, my translation.

In 1996 I heard a Subaru horn for the first time in ten years and it brought tears to my eyes. In our time, the horn has other uses than warning pedestrians. In our time, a horn can rouse deep sensations.

Our relations to the place [prison— S.G.] can be no less strange than our relation to objects. Here you can have special relations with a stain caused by a water leak or with dampness on the wall, here one can develop a relationship with a hole in the wall or a crack in the door. Who will understand the following emotional dialog, the sensations, the disconnect, and descriptions, as if it was a conversation about heaven and its gates, not on solitary confinement and the holes on the walls of the SHU:

Prisoner A: "There's nothing like wing 4…those were the good old days."

Prisoner B: "That's right but the best thing about wing 4 is [solitary confinement] cell 7."

Prisoner A, releasing the air from his lungs, with grief for those days: "I know. I know what you mean. In that cell you can hear, at the break of day, the sound of cars on the freeway."

Prisoner B, coming into his friend's words: "Not just that. You know the door of the cell? The door! Between the door and the wall, right next to the door axis, you can see through a huge crack of two centimeters. Sitting on your bed, you can look outside up until the e-n-n-n-d of the corridor," he says "end" and carries the word the full length of the corridor.

Prisoner A: "What else can I say? Wing 4 is the best."

How simple the dreams, how big the person. How small the place, how big the idea.

Daka's conclusion isn't only that incarceration isn't a break from World History with capital letters; it's that prison tells us something both about power relations and about ourselves that life on the outside often obscures. The very sensory deprivation of solitary confinement is an opportunity for Daka to stress a longing for freedom that motivates political action to move beyond limiting conditions. To conclude this section, Daka's prison writing, in contradistinction to Gramsci's and Luxemburg's, doesn't build on the "disinterestedness" of prison life to write texts *für ewig* nor does he consider imprisonment to necessarily cause a break from political agency. Rather, he considers the carceral reality—it's uniqueness in terms of both time and place—as an externally-

imposed opportunity to theorize the relation between action and freedom. In the specific context of political incarceration in Israel-Palestine, Daka uses the carceral experience of subjectification to unpack the dangers of subjectification outside of prison.

Beyond Totalization

In contrast to a dichotomic analysis that sees every form of political action as liberating, Daka gives concrete examples to the ways in which even collective action and a substantial transfer of authority might actually further domination. Precisely because of the activist stand of his prison writing, Daka's heavy reliance on Foucault's *Discipline and Punish* for his analysis clarifies how the analyses of subjectification are not determinist, nihilist, quietist, or paralyzing but as a necessary first step. In one example of such a critique, historian Laurence Stone argues that "it is [Foucault's] recurrent emphasis on control, domination, and punishment as the only mediating qualities possible in personal and social relationships that I find one-sided."[410] Stone reads Foucault's account of subjectification to mean that every possible action by the prisoner would necessarily increase her domination. Daka's texts, for their complexity of analysis and richness in examples of subjectification, present us with an opportunity to explore more deeply what subjectification entails and how to look beyond it.

For Foucault, processes of subjectification are an example of productive power that focuses not on force but on utilizing the person's actions. For example, Foucault argues in *Discipline and Punish* that the carceral shift of the nineteenth century was to

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[410] Stone and Foucault, "An Exchange with Michel Foucault."

build on incarcerated people's action in routine schedules such as work in a daily schedule that was meant to correct them. For Stone, the principle of subjectification meant that *any* action that incarcerated people might take part in would necessarily lead to furthering their domination. Daka portrays a disquieting account where indeed many political actions that Palestinians take (although not all actions), both inside and outside prisons, are utilized by various Israeli dispositifs to further Israeli control over Palestinians. In order to lay the ground for moving beyond this "totalizing" analysis in the next section, this section explores the various ways in which the prisoners' actions are used by the carceral dispositif to further control and yet that the analysis of subjectification that unfolds is not determinist, nihilist, quietist, or paralyzing.

Daka's chapter in the edited volume *Threat: Palestinian Political Prisoners in Israel* is his most detailed account of subjectification. The following analysis also incorporates an expanded unpublished version of this chapter. The chapter, Consciousness Molded or the Re-identification of Torture, focuses on the Israeli politics of 2000 and onward which is a different kind of subjectification than that of the previous decade.[411] During the period between the Oslo negotiations of 1992 and the collapse of the process in 2000, the Israeli interest (discussed in previous chapters of the dissertation) was to encourage the prisoners to support the peace process or to become more moderate in their regard of the conflict. For Daka, the appointment of IPS Commissioner Ya'acov Ganot in 2003 marks the beginning of an era where a different kind of subjectification unfolds due to changing Israeli interests. Starting 2003, the carceral dispositif focused on

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[411] Walid Daka, "Consciousness Molded or the Re-identification of Torture," in *Threat: Palestinian Political Prisoners in Israel*, ed. Abeer Baker and Anat Matar (London: Pluto Press, 2011), 234–54.

crushing the prisoners' national movement and replacing it with pre-nationalistic forms of identification.[412]

Daka presents several central examples for subjectification's effects of totalization. They all share an understanding of subjectification not as a process of isolation or in-action but precisely the opposite: a process based on prisoners' relations with each other and prisoners' action. For example, it is not a process of only isolating prisoners to minimize resistance but rather a process of encouraging specific kinds of relations. In Daka's words, "now we are one against each other."[413] First, the carceral dispositif asked to promote a pre-nationalistic subjectivity in encouraging forms of allegiance based on geography and creating an atmosphere of competition between Israel-Palestine's different geographical regions.[414] This process is not one of individualization and the elimination of any sort of relations between prisoners but rather a fabrication of specific relations— those of enmity. The goal was to replace the individual prisoner's sense of self that relates to other Palestinians with a form of identification that relates to the local geographical area. Thus, while the prisoners' collective itself pushed for incarcerating Palestinians close to their places of origin (so as to better facilitate family visits), this effort was put to use against the prisoners' movement in that putting prisoners from a geographical area in the same prison (for example, prisoners from Jenin in Gilbo'a Prison and prisoners from Hebron in Beer Sheva Prison) would lead these prisoners to form connections with other prisoners from

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[412] Ibid., 239.
[413] Ibid., 240.
[414] Ibid., 238.

their geographical area of origin rather than on a national level (in Arabic, this geographic affiliation is called *baladiat*). The loss of cross-national relations has come to hurt the prisoners' national movement's goals. In addition, the Palestinian Authority strengthens this process. it "gives power to the representatives of this local thinking, by turning them into the channel through which financial and social support flows."[415] Daka explores this "Bantuization" process as the major threat for the national subjectivity.

Second, Daka argues that in the 2000s the prisoners live in relative material abundance.[416] It is Daka's specific subject position, as one of the people who has been incarcerated for the longest period, that enables him to make this bold claim that stands in direct contradiction to the prevailing Palestinian discourse. The latter describes the prisoners as constantly malnourished. Daka argues the prisoners' strikes, usually considered as the paragon of prisoners' actions, were co-opted by the carceral dispositif to serve its own changing interests such as making the prisoners more supportive of the Oslo process between 1993–2003, or pushing the prisoners further from political engagement in the post-2003 era. In direct relation to the prisoners' metaphor of the *Alaf* (the feeding-sack) presented in a previous chapter to describe the conditions of the prisoners in the Oslo years as similar to a horse wearing a feeding sack that both feeds and prevents its mouth from opening, Daka presents a similar process in the 2000s. He writes, "the current situation is described by older prisoners as 'materially high' but 'morally low.'"[417] The material abundance that the prisoners had fought for in various

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[415] Ibid., 250.
[416] Ibid., 235.
[417] Ibid., 239.

hunger strikes that slowly and with many sacrifices had improved some of the prisoners'

conditions were turned against them. Daka writes, "it is as if they tell the Palestinian

prisoner: eat, drink, stay busy with such needs as long as you don't become a subject who

understands and interprets his reality and thinks of his own destiny as well as that of his

comrades."[418] Daka describes the prisoners' relatively reasonable material life as a trap

for the Palestinian prisoners. It too, even though it was gained by the prisoners by many

hardships, was used by the carceral dispositif to constitute the subjectivity of the

prisoners as docile.

Third, prisoners' self-management is another prominent example of

subjectification presented by Daka. Here too, literature would usually present prisoners'

practices of self-management as a self-explanatory good.[419] For Daka, even a

considerable transformation of the authority structure is a possible source for concern.

Whereas during the zenith of the prisoners' movement the prisoners' leaders would make

demands to the prison administrations on behalf of the entire prisoner-body (operating as

a "dialog committee"), in the 2000s the prisoners' representatives were only allowed to

make demands that pertained to their own wards and geographical regions. Thus, while

the Janus-faced structure of passing down the administrations' orders to the prisoners

remained intact, the opposite function of representing the prisoners was reversed by the

administration to serve its own desired goals as well. These conditions, described by the

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[418] Ibid., 246.
[419] Nashif, *Palestinian Political Prisoners: Identity and Community*; Abdo, *Captive Revolution: Palestinian Women's Anti-Colonial Struggle Within the Israeli Prison System*; Christopher D. Berk, "On Prison Democracy: The Politics of Participation in a Maximum Security Prison," *Critical Inquiry* 44, no. 2 (2018): 275–302; J. E. Baker, *The Right to Participate: Inmate Involvement in Prison Administration* (Metuchen: Scarecrow Press, 1974).

prison authorities as "privileges," could be rescinded should the prisoners strike. Yet it was not only a tactical device: the relative abundance of food, along with other hard-won achievements such as television sets, were put in place to undermine the ability of the prisoners to organize collectively.

With these examples, Daka offers an analysis of subjectification. As opposed to a dichotomous analysis of subjection versus liberation where the prisoners are either completely enslaved or they are free, Daka meticulously describes a more complicated modality of power. His "re-identification of torture" is to say that the prisoners were indeed able to act but that the carceral dispositif was able to use these actions to further its own interests. The prisoners; struggle for improving imprisonment conditions was used to further control as was the prisoners' hard-won campaign to have their leadership recognized. Last, the prisoners' attempts to create meaningful relations with other prisoners were utilized to promote a geographic sense of belonging over a nationalistic one. Nevertheless, Daka's account is not determinist, nihilist, or paralyzing. The fact that carceral dispositif is able to build on prisoners' actions to promote its own goals doesn't imply that every action can be manipulated. In Daka's account it is the IPS that attempts to make the prisoners indifferent to the conflict by promoting leisure activities and limiting political activities (or promoting astrology books over political ones). Last, the purpose of Daka's more complicated description of carceral power relations is meant to encourage action even if this action requires more thought. That these eventual tools of domination were gained by the prisoners' agency does not mean that action should be abandoned.

Practices of Freedom

Foucault uses the example of anti-colonial struggles as a clear articulation of the actual possibilities of liberation. Despite his misgivings on liberation, Foucault clarifies:[420]

> When a colonized people attempts to liberate itself from its colonizers, this is indeed a practice of liberation in the strict sense. But we know very well, and moreover in this specific case, that this practice of liberation is not in itself sufficient to define the practices of freedom that will still be needed if this people, this society, and these individuals are to be able to define admissible and acceptable forms of existence or political society. This is why I emphasize practices of freedom over processes of liberation.

Thus, while in the context of sexual liberation Foucault reminds us that, for example, the modern category of "homosexual" does not only liberate but also creates new limiting patterns of action, the context of a struggle for liberation from a colonial power is comparatively easier to grasp.[421] While here too the example is certainly not one of complete liberation, which from a Foucauldian point of view is a contradiction in terms, the colonial context presents a clear case where a liberation struggle leads to greater possibilities of action than the ones that previously existed. Nevertheless, for Foucault domination can still take place under a post-colonial system of government and a different kind of liberation is also necessary, which Foucault calls "practices of freedom."

Foucault would thus wonder what other kind of freedom (in addition to the processes of liberation and the "actual freedom" attained when a colonized people end a formal colonial rule) is necessary for making "practices of freedom" possible.[422] The

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[420] Foucault, "The Ethics of the Concern for Self as a Practice of Freedom," 282–83.
[421] Foucault, "The Gay Science."
[422] Robert Nichols summarizes Foucault's practices of freedom as "defined not by disengagement or detachment of the self from its worldly activities (since such activities are the ontological ground of selfhood), but rather is a particular *mode* of engagement that discloses the latent possibilities for change and (self)transformation from within our basic practices themselves." Nichols, *The World of Freedom: Heidegger, Foucault, and the Politics of Historical Ontology*, 163.

following section presents a reading of Daka's grappling with a similar dilemma as he searches for the characteristics of the practices of freedom that the prisoners' movement should aspire towards. Yet, as Daka is both the flesh and blood of the prisoners' movement and self-identifies as an intellectual to the side of it, he innovates a practice of freedom that is radically different and that I discuss as "decarceration theory." Counter-intuitively, Daka's most direct discussion of the question of what differentiates practices of freedom from processes of liberation is presented not in his more directly-political texts but rather in a book for adolescents (who, similarly to prisoners, are seldom considered as the proper subjects of political action): *The Tale of the Secret of the Oil* (حكاية سر الزيت).[423]

In contradistinction from a theory of processes of liberation as "actual freedom" that described itself more prominently as the freedom of movement, *The Tale* rather understands freedom as attainable even when one is inside prison.[424] The counter-intuitive possibility of being a free prisoner is a prominent motif in Daka's writing. For example, Daka writes to his Jewish-Israeli co-conspirator Anat Matar that "the success of our relationship does not depend on whether I will be liberated or not but in that it enables me to educate prisoners inside prison."[425] *The Tale* expands this counter-intuitive

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[423] Walid Daka, *The Tale of the Secret of the Oil* (Ramallah: Tamer Institute for Community Education, 2017). [In Arabic]. Foucault's theory of subjectification has often led to accusations of elitism: Foucault's critique of the ways in which one's actions can be used against them was misunderstood as an elitist denial of people's choices. Foucault's response to these accusations in the context of carceral subjectification was to point out that his understanding of freedom was built on and with the actions of incarcerated people. Extending this logic, Daka's texts are not only written by a prisoner but *The Tale* also favors the politics of a younger generation— those often ignored in political discussions. One of Daka's unpublished texts, "Uncle, Can I Have a Cigarette?" further delineates how, despite obvious differences from their older peers, children can play a role in the struggle for freedom.

[424] Kotef, *Movement and the Ordering of Freedom: On Liberal Governances of Mobility*.

[425] Cited in Walid Daka's petition to the Nazareth District Court for conjugal visits, Prisoner's Petition 609/08 Walid Daka v. the Israel Prison Service, 2008, 4.

articulation of freedom, one that does not diminish the importance of processes of liberation but rather complicates our understanding of freedom by adding to it additional layers.

The protagonist of the story, a boy named Jud, came into this world as a manifestation of actual freedom. As Palestinians are prevented from conjugal visits in Israeli prisons (visits that are allowed to Jewish prisoners— even Yigal Amir, the assassin of Israeli Prime Minister Yitzhak Rabin, despite having being convicted of the most possibly conceivable extreme political offence was allowed to have conjugal visits and became a father), Jud's father smuggled his sperm outside of prison to Jud's mother.[426] Yet the narrative of *The Tale* is about Jud's attempt to sneak *into* the prison so that he could visit his father. Jud accomplishes his goal after he meets an ancient olive tree that possesses olive oil that allows those pure of heart to become invisible. Once inside the prison Jud meets his father. Yet, instead of using the remainder of the oil to free his father and the other prisoners, Jud decides to use it for other purposes. A prisoner nicknamed Kalashnikov (the assault rifle known in the US as AK-47, a direct reference to the tactic of armed struggle) suggests the following in response to Jud's decision: "What? Don't you want to become free? We must use the oil to hide weapons and all that we need to flee from prison." A fellow prisoner, Nader, responds to Kalashnikov: "Were you jailed to be liberated or to liberate?" Nader's response represents Daka's approach that there are substances of freedom even more worthy than liberation and the most

[426] Vertommen. Sigrid, "Babies from Behind Bars: Stratified Assisted Reproduction in Palestine/Israel," in *Assisted Reproduction Across Borders: Feminist Perspectives on Normalizations, Distruptions and Transmissions*, ed. Merete Lie and Nina Lykke (London: Routledge, 2017), 207–18.

significant of these can be developed through educational practices and research. First, Jud chooses to remain in prison while letting the future generation of Palestinians use some of the oil to move beyond the separation wall (thus representing "actual freedom"). Yet, the more significant portion of the oil is dedicated to research. Jud narrates a conversation he had with the olive tree that stresses the importance of educational practices: "The loss of freedom, jail, the Wall, checkpoints… these are the visible features of the epidemic, but the substantial illness is the loss of the mind, ignorance and immorality." In response to Kalashnikov's desire to use the oil for the vanguard, Jud asks: "Who should enjoy this right? A group of prisoners to be freed from jail, or a group of students to reach their university?"

Daka's accompanying articulation of freedom to that of processes of liberation is manifested in practices of freedom that do not focus solely on freedom of movement, or freedom from direct colonialism, but on making one's subjectivity more free. Kalashnikov's proposal for the prisoners to free themselves is refused by Jud precisely because this kind of freedom might be co-opted by structures of domination. Indeed, Daka critically discusses the Palestinian Authority as such an example in his description of one of Jud's companions: a defeated dog whose tusks were broken by his American trainers to limits the political dangers that might arise from their training.[427] Daka proposes that practices of freedom based on education are less prone to co-optation. His epigraph for the book offers a self-reflexive account of prison-writing that attempts to

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[427] Daka repeats this argument more concretely in Conscious Molded: "This is the role of the Dayton Plan, whose danger lies in the values taught to hundreds of young people enrolled in the security apparatuses" [of the Palestinian Authority, trained by US forces— S.G.]. Daka, "Consciousness Molded or the Re-Identification of Torture," 238.

accomplish similar goals: "I write to be released from prison, hoping that I will release it out of me!"[428] The agent in this epigraph is the prisoner herself and it charters a process rather than an end-goal. Daka thus theorizes a process of counter-subjectivation. [429]

Daka's counter-subjectivation is a refusal of the totality of processes of subjectification that ask to use the prisoners' actions to form them as subjects. It is based on a deliberate attempt to take responsibility over oneself especially when this sense of self is threatened. For example, over one's feelings. Daka writes (in the Parallel Time letter):[430]

> To stop feeling the shock and trauma. To stop feeling people's sadness, anyone's. dullness towards horror, any horror, is like a nightmare to me. It is my measure for not surrendering and for my will. To feel the people, to feel the pain of people, that's the essence of civilization. The will is rational man's essence. Action is his physical essence, emotions are his spiritual essence, and feeling— feeling the people and their pain—is the essence of human culture.

Daka does not attempt to avoid the unpleasant sensations of either the conflict or prison.[431] Instead, he asks to keep the sensation of feeling the other's pain alive and to turn to it as a resource for political change. His use of charged words such as "civilization" and "culture" (or "morality" in one of the previous quotes) should not be taken as accepting the current constitution of these concepts but rather as an attempt to

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[428] Daka, *The Tale of the Secret of the Oil*, 1.
[429] See Genet: "If to write means that you feel emotions or feelings so strong that your whole life is shaped by them, if they're so strong that only by describing or evoking or analyzing them can you understand them—if so, then it was at *Mettray* that I started, when I was fifteen—it was then I started to write." Notes on the Criminal Child, p. 44.
[430] The Parallel Time, 77.
[431] In contrast, Elaine Scarry's seminal work on torture leaves little room for a rearticulating of pain based on the agency of those tortured. Elaine Scarry, *The Body in Pain: The Making and Unmaking of the World* (Oxford: Oxford University Press, 1985), 15.

charge them with new meaning. The "counter" element of Daka's example of counter-subjectivation is stressed in the prisoner's refusal to become apathetic. Daka continues:[432]

> It is this essence that the prison targets during the hours, days, and years. Not you as a subversive political subject, not you as a religious subject, or as a consumer whose earthly pleasures are deprived. You can possess any political stand you wish, worship any way you want, obtain many consumer goods, but first and foremost the target is the social entity, the person in you. The target is any relation outside the subject, any relation you can have with people or nature, even your relation with the guard as a fellow human being. They will do anything to make us hate them.

Daka continues his counter-intuitive line of argumentation by saying that the prison administration targets the social entity of the prisoners even more than it targets their political subjectivity. For Daka, both the carceral and the counter-carceral efforts focus on affective relations. If processes of subjectification ask to use the prisoners' actions to turn them against one another, processes of counter-subjectivation attempt to take more control over the affective world of the prisoner and to determine the content of the relations between prisoners. Daka takes this effort an additional step in attempting to even set the content of the relations with the prison guard. He repeats this point and further elaborates it in a letter to Anat Matar:[433]

> One day my cellmate tells me: "Say, haven't you given up yet on saying 'good morning' to that guard when he opens the cell door and who never bothers to greet you back? Have you no self-respect?! Enough, just stop saying 'good morning' already." At that moment I didn't have much to say to my cellmate. But I did not give up and did not stop greeting the guard with "good morning," because I have not given up on being human. I'm a human being and I don't give up. Because every "good morning" is a reminder to the guard that I am a human being and every "good morning" reminds him that he is a human being. He doesn't answer because he's afraid to remember that and if I were to give up on my "good morning" greetings it would mean that his fear has beaten me and turned me into something else. I will not let prison change me or control me. In

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[432] The Parallel Time, 77.
[433] Cited in Walid Daka's petition to the Nazareth District Court for conjugal visits, 5.

your words, I'm a subject with a will and a consciousness and I won't let them turn me to an object.[434] This is my self-respect, to have a free will in prison. This mirror I place in front of the guard every morning— it will change him. And it does.

Daka's counter-subjectivation both resists attempts to prevent the prisoners from sustaining relations with others or constituting the prisoners' relations with others as relations of enmity while at the same time it also insists that the prisoner can set the content of these relations regardless of how the prison administration wishes to conduct them.[435] Not only does Daka aim not to allow the prison to change him according to its own plan of subjectification but Daka sets out to actively change the prison guard by the tool of the mirror, by exposing to the guard who she is, and who she could be.

On this relation between affective worlds and agency, a comparison to Luxemburg's self-reflexive prison writing is revealing. Luxemburg describes a scene in Breslau Prison during WWI when a Romanian water-buffalo was brought into the prison as working animal. Luxemburg viewed the soldier flailing the water-buffalo as symbolic for the suffering of war, suffering which she would not have met in the same way in Berlin. Her call for the suffering animal—"Oh my poor buffalo, my poor beloved brother! We both stand here so powerless and mute, and are as one in our pain"—stands in stark distinction to Daka's discussion of pain.[436] As opposed to Luxemburg's

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[434] Daka refers to the following text: Anat Matar, "Objects or Subjects? Conceptual Remarks on the De-Politization of the Issue," *Adala* 33 (2007).

[435] Another important aspect of carceral counter-subjectivation processes in the twenty-first century is relevant to this point and yet is beyond the scope of my analysis: Daka's ability to set the content of affective relationships with guards is reduced with the contemporary carceral practices of long-distance surveillance which increasingly take over both carceral spaces and governmental technologies outside of prisons.

[436] Rosa Luxemburg, *Selected Political Writings*, ed. Robert Looker (New York: Monthly Review Press, 1971), 457–58.

description of feeling powerless and mute and the face of pain, Daka understands pain as a reason for action. Moreover, his prison writing stresses that prisons are dangerous in more ways than only the physical pain they might cause or making one feel powerless but also in how they construct a subject, giving voice or empowering.[437] Daka doesn't stop with having a voice but insists on a practice of writing that resists co-optation even while it is attached to a place and a time.

The affective dimension of Daka's counter-subjectivation is evident not only in regard to prison guards and other prisoners but also with the community outside. Walid met Sana Salame through her work in a prisoners' rights activism and they married in 1999. The wedding was an exceptional event: it was the first—and last—wedding of a prisoner classified as a "security prisoner" to be held inside a prison. With the mediation of Member of Knesset Azmi Bishara, the Israeli Minister of Internal Security Shlomo Ben Ami approved the wedding (interestingly, both are academics, Bishara is a philosopher and Ben Ami a historian). In contrast to the carceral attempts to either isolate the prisoner or to constitute her relations with others, Daka and Salame's wedding was a unique manifestation of the possibility for the prisoners to try and determine the content of their own relations. Precisely because the institution of marriage is very seldomly considered a practice of freedom, Foucault's following discussion is relevant to the point of setting the content of affective relations and is worth quoting at length:[438]

> When I speak of this suspicious attitude it is only a very general framework. There is no power relation in any society which is not by itself dangerous, either

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[437] For a similar critique of empowerment, see: Cruikshank, *The Will to Empower: Democratic Citizens and Other Subjects*.
[438] Michel Foucault in discussion of politics with Robert Bellah, Hubert Dreyfus, Martin Jay, Leo Löwenthal, Paul Rabinow, and Charles Taylor.

at the level of family, at the level of sex relations, at the level of small communities and so on and so on. That's the reason why I think this general suspicion is necessary, I don't think we that have to oppose a good kind of community to a bad one, I think that all of them are dangerous, but each of them has its own type of danger and its own intensity of danger and the danger is not the same and we cannot react in the same way, sometime we have to rely on such and such type of community in order to resist a greater danger which comes from another *communité.* For instance, in our history it happened that family and this kind of *unité* which is family has been very important to struggle against another type of power. For instance, in the union movements or the struggle of workers in the nineteenth century, the constitution of family has been something very important since—I don't know what was the situation in the states but in France—there were a lot of parts of the country where industry and factories were developing very quickly and which it was even not possible for the workers to have a family because the salaries were too low, they had no housing and so on and so on and for them to build a family, to have a wife, children and so on was something very important, and from this point of view I think that family was a positive community but that does not mean that family in itself is not something dangerous, you know very well that it is dangerous [laughter]. So, you see, I think that those strategies and those strict strategies are something very important so I don't think that this general attitude of suspicion is necessarily a solitary attitude.

Combined, Foucault's and Daka's approaches offer us a framework to consider the possibilities of resistance even in structures that in other contexts might serve as tools for the limitation of freedom. That the institution of marriage in many cases is what Foucault would call "dangerous" does not disqualify it from becoming a practice of freedom in a different context. For Daka and Salame, their marriage enabled them to insist on setting the content for their own affective worlds in defiance of the carceral dispositif's attempt to separate Palestinian political prisoners from their communities outside of prison. To those, such as Laurence Stone, who understand analyses of subjectification as totalizing, Daka's account is especially helpful in being as hopeful as it is realistic and gives content to Foucault's insistence that "hope and suspicion are two close figures."[439]

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[439] Ibid.

Daka's subject position in the belly of the beast enables him to understand up close the subtleties of subjectification—a characteristic of modern punishment that has been exceptionally important for the Israeli carceral dispositif for much of Daka's period of incarceration—and therefore to think of a way beyond it. Daka witnesses up close how the carceral dispositif attempts to build on prisoners' actions to serve its own interests. It is this experience of the totality of subjectification that serves to understand how it could be countered. The context of Foucault's quote from this chapter's epigraph provides background for this analysis: "I think that there is a direct implication from this pessimistic view to this activist attitude. I think that this suspicion has to be relative to the situation, the main problem, the main dangers, and so on. So, it is a strategic pessimism and since it is a strategist pessimism, it is an activist one."[440] As pessimistic as they may seem, Daka's analyses of subjectification, like Foucault's, are presented precisely to look for a modality of power beyond them. For Daka, the main resources for doing so in the carceral context are to insist on setting the content for one's relations with others, be they your community on the outside, your significant other(s), or even a prison guard.

Summarizing twentieth-century processes of subjectification from one of their central sites, Daka offers a theory of subjectivity that reaches beyond the master/slave binary of the nineteenth century. For Foucault, Sartre's book *Critique of Dialectical Reason* is an unsuccessful attempt of a man of the nineteenth century to theorize the twentieth century.[441] Concluding the twentieth century, Daka offers his reader a

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[440] Ibid.
[441] Foucault uses less generous language: "*Critique of Dialectical Reason* is a magnificent and pathetic effort of a nineteenth century man to think the twentieth century. In this sense, Sartre is the last Hegelian, and I would even say the last Marxist." My translation. Michel Foucault, "L'homme est-il mort? (Interview

pessimistic optimism that understands the current necessity to search for hope precisely

in sites of despair. Daka writes:

> The Palestinian tools and conceptualizations of liberation are falling behind
> reality and have become themselves tools of torture. Despite all sacrifices, they
> keep leading us to a dead-end. We resemble someone waging a nuclear war with a
> sword because the way we see reality, or how we think we see it, for our
> helplessness, is more similar to wars in history books— to the Battle of the
> Trench or Battle of Uhud.[442] The distance between the tools we have to change
> reality and reality itself is far, as the distance between history and future.

Learning from the ways in which political action can be used against the actors, and thus

moving beyond a dichotomous understanding of master and slave, is one condition for

sketching a possible path towards more freedom.

Decarceration Theory

Glen Coulthard posits "grounded normativity" as an indigenous normativity where

despite obvious differences between distinct first nations' thought they share a place-

based understanding that stands in contrast to the time-based Western epistemology.

Daka's unique positionality of being thrice inside relates differently to the framework

Coulthard suggests. Daka builds on a Palestinian Sumud and a return to the land and yet

at the same time his prior move is to insist on what he calls "an internal sumud." His

writing from "the place," his term for prison, is tied together to a negotiation of an

externally imposed prison tempo to the advantages one can nevertheless locate in being

torn away from the regular tempo. In other words, Daka's positionality leads him to

with Claude Bonnefoy)," in *Dits et Écrits I. 1954–1975*, ed. Daniel Defert and François Ewald (Paris:
Gallimard, 1994), 569–70.
[442] Seventh-century battles of the Muslim army— S.G.

writing from both a place and a time. If Nietzsche describes his meditations as *untimely*, Daka's interventions are differently untimely— his parallel time offers to critically analyze events from an external position and yet it is still in a direct unavoidable conversation with "the guard," a possible place-holder for Western modernity, that asks to change "the guard." If within the confines of Western modernity Foucault builds on Kant to ask how the western subject is not transcendental but a result of historical processes, Daka asks to reroute this process. As part of his motivation for writing a book for adolescents, he says that in his long prison-term he has seen "the grandfather, the father, and the son." This is not a metaphor. Daka met specific people who are three generations of the same family. A carceral genealogy. When he writes, "I wanted Jud to take a way out of this path both predetermined for us and predetermined by us, a way out from prison," Daka's words are reminiscent of the Kantian *ausgang* ("exit") and yet are bounded to this time. The prison tempo is what enables Daka's critique.

Nancy Luxon contends that both Foucault and Kant "take pedagogy and politics as the consistent point of departure for their work on the constitution of subjects."[443] For Daka too the possible alternative pedagogical and political practices are the center of the argument and yet differently from Kant, writing from prison is precisely the grounds for Daka's post-progressive articulation of temporality. The developmental articulations of subjectification serve colonial conditions in Israel-Palestine both more broadly and specifically in Israeli prisons. In contrast, Daka's positionality offers a deep understanding of how both Zionist and the carceral models of rehabilitation do not live up

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[443] Luxon, *Crisis of Authority: Politics, Trust, and Truth-Telling in Freud and Foucault*, 177.

to their promise of progress. Instead, Daka seeks to seize a condition of being outside of time and make it not only timely but urgent. Luxon's analysis of Foucauldian *parrēsia* builds on an understanding of the ancients through Anthony Long's discussion of Herodotus where "the human being is entirely *sumphora* – which one could translate weakly by 'a creature of chance' but more tellingly by 'a disaster.'"[444] If the Palestinian Nakba ("the disaster") is indeed a forceful condition of Palestinian subjectivity, Daka's untimeliness recognizes the fraught conditions that make him who he is and yet insists of making place for what Zohar Weiman-Kelman calls "queer expectations," an alternative genealogy that would open up a future that is otherwise.[445] Luxon discusses Foucauldian practices of *parrēsia* as a person's attempt to call forth their own tempo in practices of pacing— for example, in self-mastery over "forgetting, uncertainty, longing" that Luxon discusses as a "disposition to steadiness."[446] Daka, for his part, insists not only on self-mastery but on the possibility of calling forth a different time for others.

Daka's theory is grounded in a place and yet its insistence on decarceration is also a search for an exit into a different power relation. Edward Said cites Auerbach citing Hugo of St. Victor to say that "the man who finds his homeland sweet is still a tender beginner; he to whom every soil is as his native one is already strong; but he is perfect to whom the entire world is as a foreign land."[447] To this distinguished procession of refugees citing one another, Daka would insist on the value of place for one's writing.

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[444] Ibid.

[445] Zohar Weiman-Kelman, *Queer Expectations: A Genealogy of Jewish Women's Poetry* (Albany: State Univesity of New York, 2018).

[446] Luxon, *Crisis of Authority: Politics, Trust, and Truth-Telling in Freud and Foucault*, 191.

[447] Edward Said, *Oreintalism* (New York: Pantheon Books, 1978), 259.

The importance of Said as a forerunner to Palestinian legibility in Western academia cannot be over-stated and yet Daka writes from the inside of the Nakba, from the inside of prison, and from the pain of the body precisely to find freedom where one is. Indeed, Daka is reacting to conditions externally imposed. First, his positionally inside is a result of conditions beyond his control. Second, Israel is notorious for eliminating those who manage to escape from prison, re-arresting people released in exchange deals, or even eliminating people, such as Samir Kuntar, who are released in exchange deals, are deported, and then rejoin forces of violent resistance. Yet, while Daka's position inside is not entirely his choice he does choose to use his positionality to write. The different tempo of being incarcerated does not lead Daka to long for a normal unified tempo. Instead, it is a deep understanding that people make their time. Echoing the Kantian question of the enlightenment "what are we right now?" yet departing from it, Daka asks "what can we be that is otherwise?"[448] Similarly, Daka does not ask for a return to a lost Palestine. He understands that the time that has past changed the world. According to Daka, "prison is a terrible man-made place. But the prison of the mind is even worse. Therefore, it is easy to suffer solitary confinement if it helps defeat them both— prison as a place and prison as a time." Insisting on one's agency is meant to rework both relations of place and relations of time and as such it calls forth a different modernity.

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[448] Immanuel Kant, "An Answer to the Question: What Is Enlightenment? (1784)," in *What Is Enlightenment? Eighteenth-Century Answers and Twentieth-Century Questions*, ed. James Schmidt (Berkeley: University of California Press, 1996), 58–64.

Conclusion

Daka's stress on the kinds of action that lead to subjectification better exposes practices of freedom. His description of the ways in which political action can be used against the actor are indeed harrowing. Daka analyzes how the achievements of the Palestinian political prisoners' 1992 mass and open-ended hunger strike did indeed improve the conditions of the prisoners but he also makes clear that the prisoners' strike has also enabled the carceral dispositif to influence the subjectivity of the prisoners. In another example, in order to encourage geographical identification over national ones, prisoners' calls for easing family visits were also used to influence the prisoners' subjectivity so as to undermine the Palestinian political struggle. Last, the prisoners' leadership—itself a hard-won achievement of the prisoners' movement—was also used to support the geographically based allegiance. However, the conclusion from Daka's analysis of possible manipulations of action is not that one should desist from acting.

Daka's realistic approach to the possible mis-uses of action rather strengthen his hopefulness for a subjectivity that is otherwise, one that can be attained through practices of freedom. Across his *oeuvre*, Daka argues for the possibilities of working against the carceral dispositif's attempts of control. In contrast, he offers his fellow prisoners to practice freedom by setting the content of their affective relationships, to search for connections with the world outside, and to focus on educational practices. In his books, chapters, and letters, Daka internalizes the carceral reality of the possibility of changing oneself yet instead of turning docile he proposes that the prisoner can attempt to set the standards of change herself. For Daka, the implications for society outside prison walls are self-explanatory: The limitations of movement are only the most visible with the wall,

the checkpoints, and borders but there are many other shared characteristics between the Palestinians in the "small prison and the large one."[449] In addition, Daka considers writing itself as a practice of freedom when it works to free the writer. As he remains incarcerated, Daka achieves this freedom not as "actual freedom" but in that he can use his insights from the "small prison" to expose prison-like conditions of the outside. This unique stress of Daka's prison writing thus differentiates his work from the more well-known instances of prison writing, such as the texts of Rosa Luxemburg and Antonio Gramsci. With comparison to Gramsci's understanding of his incarceration as both a motivation for writing and an opportunity to use the conditions of writing for his own purpose ("a *für ewig*, disinterested point of view"), Daka rather discusses the direct connections between the different carceral locations despite their different tempo. In a similar fashion, Daka's prison writing differs from Luxemburg's description of her incarceration as a break from World History and rather views it as an opportunity for a different kind of politics.

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Daka's 2011 letter to his unborn child, with which I end this chapter, combines these points: It shows how even the family can help to reverse power relations and gives content to a hope that is both one for the future and one that does not remain on an Olympian *für ewig*. Walid Daka and his wife, Sana'a Slame Daka, have smuggled Walid's sperm out of prison and Sana'a gave birth to their daughter, Milad, on February 2, 2020.

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[449] Introduction to Consciousness Remolded [unpublished], 4.

A Letter to an Unborn Child (2011)

By Walid Daka

I write to an unborn child.

I write to an idea, to a dream that already scares the guard, without meaning to or

knowing about it, and before it has come true.

I write to every daughter, or son.

I write to my daughter, who is yet unborn.

I write to Milad, the emergence of the future, because that's how we want to name her,

and that's how I want the future to know us.

Dear Milad,

Today I finish my twenty-fifth year in prison— nine thousand, one hundred, thirty-one

days and a quarter. That's a number without end. That's the length of the days of my

arrest that are still coming. I've reached the age of fifty and my days divide to two

halves— prison and life. These days grab those other days by the neck. Every day I've

passed in prison jumps on its brother from the days of life, like a bag trying to empty

itself from what memory it has left. Prison is like a fire that consumes the shattered

remains of memory, and my memory, unfortunately, is withering away and its trunk is

drying. I've smuggled it on a piece of paper, so that it wouldn't burn in the fires of prison

and forgetfulness. And you, from all I've smuggled out from my memory, you are the

most beautiful. You are my message to the future, after the months have sucked the

essence of their brother-months and the years have equaled their sister-years.

My dear, do you think I've gone mad? Writing to an unborn creature?

What is madness? A nuclear-armed country fighting an unborn child, regarding her as a

security threat in its intelligence reports and court briefs, or that I dream of a child?

What is madness? That I write a letter to a dream, or that the dream becomes a GSS file?

You now have, my dear, a security file in the Israeli GSS archive— what do you think?

Should I stop dreaming my dream?

I will continue dreaming, despite harsh reality.

I will seek meaning to my life, even if I've lost much of it.

They dig and unearth their ancestors' graves searching for an imagined belonging.

And we search for a better future for our children, a future that is sure to come.

Goodbye Milad, goodbye my dear.

Conclusion

Politicians of Freedom

This dissertation casts the Israeli incarceration of Palestinian political prisoners in light of the conceptual triad subjection, subjectification, and counter-subjectivation. I've argued that instances of strict coercion and annihilation, which I've termed "subjection," do exist but that in the period surveyed, 1965–2019, the carceral dispositif shifted its logic towards modalities of subjectification. As a modality of power that attempts to change the subject's identity, behavior, and sense of self in terms not of her own choosing and that she cannot affect, subjectification has played out on several levels and did not completely prevent instances, that I've termed "counter-subjectivation," where the subject, or a collective, is able to change her subjectivity herself. In conclusion, I argue that in those instances where Palestinian political prisoners were able to take control over their selves their practices of freedom made them not security prisoners but politicians of freedom.

Prisons, I've argued taking up Foucault's work, have unique characteristics but at the same time they share other governmental practices with schools, factories, hospitals, military barracks, and city halls. The prison-form, for Foucault, is a modern mode of governance developed side by side with the social contract where the subject is expected to transfer their political essence to a sovereign in return for security, a principle Foucault names "docile sovereignty." The prison-form is first a technique to pay for irregularities of behavior with time spent in an institution but in its more profound sense it is a mechanism of governance of putting people in their proper places. I've discussed two moments that for Foucault articulate the birth of this logic of governance. One takes place in 1640 when chancellor Séguier enters Rouen and says "the innocent have nothing to

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fear; only those who have failed will feel the effects of the King's just anger and indignation."[450] The separation of innocence and guilt in this moment of its birth performs the instrumentalization of moral categories for the purpose of control. Instead of seeing guilt in a liberal frame as resulting from a person's actions and as requiring punishment, Séguier rather situates it for us as a political institution to further control. The second moment that puts the prison-form in place for Foucault takes place after the French Revolution when the Bourgeoisie tells the lower strata, that up until that moment have fought alongside them, that the prison will now separate between them.[451] The prison-form is once again an instrument of control. I've taken the various names in which Palestinians in Israeli prisons are referred to and refer to themselves as clarifying these forms of politics of docile sovereignty. The concept of "security prisoner" is meant to constitute incarcerated Palestinians only as threats to Israeli subjectivity. If Margret Thatcher once said in regard to the IRA "there is no such thing as political murder, political bombing or political violence there is only criminal murder, criminal bombing, and criminal violence," I argued that the Israeli incarceration of Palestinians exemplifies the prison-form that only offers people a limited subjectivity that is defined by the sovereign.[452] Yet this is not the only option.

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[450] Foucault, *Penal Theories and Institutions: Lectures at the Collège de France, 1971-1972*, 49.

[451] Foucault dates the birth of our punitive society at a certain historical moment when the bourgeoisie started to imprison the lower strata so as to further their own standing. To them—Foucault imagines— the lower strata said: "did we not violate the law, plunder wealth together?" and the bourgeoisie replied: "Previously, abuses of power were attacked; now, violating the law displays a lack of morality." Foucault, *The Punitive Society: Lectures at the Collège de France, 1972-1973*, 156.

[452] Aogán Mulcahy, "Claims-Making and the Construction of Legitimacy: Press Coverage of the 1981 Northern Irish Hunger Strike," *Social Problems* 42, no. 4 (1995): 449–67.

In political theory and critical prison studies, prisons are still mostly treated as sites of negation. I've argued that hinged subjectivity, dehumanization, arrested citizenship, cruelty, exclusion, and anti-democratic processes do not suffice to illuminate our carceral moment. Instead, I've sought to expand the study of prisons to include how they constitute subjectivity. Similarly, with and against Foucault's *Discipline and Punish*, I've argued that our current carceral and political moments are not defined only by exclusion, isolation, and limitation but also by inclusion, forming of collectivity, and encouragements towards specific kinds of action which are even more dangerous tactics. Even actions we perceive as democratic might serve to shape subjects in terms not of their choosing. The Israeli prison, which relies heavily on such subjectification practices helps us to better identify them in other political circumstances where the hierarchies at play are not as clear as they are in Israel-Palestine.

Subjectification in Israeli prisons was built on the actions of the prisoners in that the prisoners themselves initiated the actions that were used to their detriment. These accounts are verified from different directions by the interviews I conducted with Israeli officials such as IPS Commissioners and Ministers of Police, and by ICRC documents, interviews with former Palestinian prisoners, and the texts of Walid Daka. With regard to food, the Israeli position, however slowly acknowledged, was that "a cat held in the corner will take out its claws," and that therefore prison conditions could help affect the prisoners' subjectivity.[453] Following prisoners' demands and also hunger strikes by the prisoners' movement, food quantities and qualities slowly improved. For one prisoner

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[453] Interview with Shlomo Hillel, February 6, 2013.

who remained in prison through the Oslo years, this was a material tactic to silence dissent.[454] Food was used like a horse's feeding sack (*alaf*) that was meant to silence the prisoners' critique of the Oslo peace process. Another parallel process of subjectification was moving towards individual funds for purchases in the cantina. IPS Commissioner Rafi Swisa acknowledged that this practice was meant to make the prisoners more controllable as the prisoners were encouraged to think of their own betterment rather than the collective's interests.[455] At the same time, several IPS interviewees, including those that served as commissioners both before and after the height of the Oslo years, mentioned that improving imprisonment conditions was also meant to affect another aspect of the prisoners' subjectivity— turning them more moderate with regard to the proper solution to the Israeli-Palestinian conflict.[456] Bernard Harcourt discusses the adaptation of counter-insurgency tactics that seek to eliminate the active minority of the most extreme guerillas while seeking to "win the heart and minds" of others.[457] Similarly, Orit Adato claims subjectification was not meant to work on all of the prisoners.[458] Those that were the most hostile to the carceral dispositif's goals were not targeted for subjectification but rather managed according to logics of incapacitation. According to Adato, the middle group of prisoners who are less hostile are better candidates for such processes and should rather be separated from the more hostile group.[459]

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[454] Interview with formerly incarcerated person, July 11, 2012.
[455] Interview, October 4, 2011.
[456] Ibid; Interviews with Levi Shaul January 21, 2013, Amos Azani November 7, 2011, Orit Adato November 8, 2011.
[457] Harcourt, *The Counterrevolution: How Our Government Went to War against Its Own Citizens*, 89.
[458] Interview with Orit Adato, November 8, 2011.
[459] Ibid.

The ICRC's well-intended practices that viewed the prisoners as "protected" persons" demonstrate humanitarian subjectification. In the years available in the ICRC Archive, 1965–1975, the ICRC encouraged the building of prisons so that prisoners would have more living space, encouraged and provided funds for prisoners' work, and preferred closed carceral spaces over the Nahel Camp. These actions and the ICRC's self-professed "neutral and objective" approach demonstrate the political nature of any closed definition of what it means to be human and its possibly dangerous political implications. While the ICRC's objectives are distinct from those of the carceral dispositif they nevertheless were articulated within an approach that the GIP would define as looking for "an ideal prison."[460] Thus, the ICRC's actions in Israel-Palestine demonstrate one example of why this approach is dangerous. The articulation of people as "protected" constitutes their subjectivities as outside of their influence. The understanding of the human in a closed way— in this instance as needing to work, prioritizing living space, and in need of a "lively" site— showed how such enlightened definitions work against the prisoners.[461] The point is not that the IPS took advantage of the ICRC in order to advance control by building a new and more sophisticated prison, use prisoners to promote the Israeli military and industry, or control the prisoners' organizations. Rather, the extensive documentation in the ICRC archive shows how prisoners' actions can be used against them— separating leaders to go to this new prison so that the other prisoners could be more easily influenced, using work to demonstrate victory, and using prisoner

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[460] GIP, *Intolérable 1, Les Prisons. Enquête dans 20 Prisons*.
[461] Interview with General Gazit by ICRC delegates Marti and Delapraz, February 28, 1971, B AG 219 102-050, ICRCA, page 2 [part two, 117].

leadership to advance Israeli interests. While the ICRC framed "protected persons" as individuals, the carceral dispositif also took care to shape the prisoners as a collective.

Subjectification, despite Foucault's emphasis on prison as individualizing, can also take place through the constitution of specific sets of *relations* between people.[462] Currently-incarcerated intellectual Walid Daka provides two examples for collective subjectification: geographical identification and prison-wing-oriented identification.[463] The prison-form as "docile sovereignty" does not mean inaction or individualization; it can also operate through positive encouragement towards action and through construction of relations with others. In Daka's examples, the carceral dispositif was threatened by the way the prison was becoming a "university of resistance" and wanted to take better control over the processes of identification that prisoners undergo.[464] Instead of incarcerating people from different parts of the West Bank and Gaza Strip together, there was a shift towards incarcerating people from the same geographical area in one prison. According to Daka, the prisoners made this demand through the ICRC to better facilitate family visits as it is easier to arrange a visit from one area to one prison rather than from multiple geographical areas to one prison. By encouraging geographical affiliations over national ones, this change hurt the prisoners' movement and demonstrated a new and collective form of an old colonial logic— divide and conquer. Similarly, Daka specifies the collective subjectification processes of acting in a prison wing. While in the height of the prisoners' movement an intra-organizational and intra-wing body called "the dialog

[462] Foucault, *Discipline and Punish: The Birth of the Prison*.
[463] Daka, "Consciousness Molded or the Re-Identification of Torture."
[464] Eldar, *Aza Kamavet*, 35–71.

committee" would represent the prisoners, the 2000s saw a shift. Shifting the prisons to a geographically-based organization was accompanied by wing-specific representation. A representative from a certain wing could only represent prisoners in her own wing. This shift encouraged relations between prisoners within a prison-wing over broader collective identifications. Despite these different frames of docile sovereignty and the use of prisoners' actions against them, prisoners also demonstrate how one can resist subjectification and work towards counter-subjectivation. For Palestinian prisoners, practicing freedom inside walls meant becoming not only political prisoners but politicians of freedom. The difference between the two is that the latter concept shift the focus of agency from the imprisoning force (that might "politically" incarcerate) to the subject that resists politically. This resisting subject, I've argued, resists not only the prison's categories but categorization itself.

Counter-subjectivation, as Foucault's engagement with the GIP demonstrates, entails practices that enable a "desubjectification" that at the same time does not eliminate subjectivity. If Banu Bargu's discussion centers on prisoners' practice of self-immolation, a shift towards counter-subjectivation stresses the importance of remaining alive.[465] In the GIP's discussion of George Jackson, his self-professed process of "kill[ing] the slave" in him does indeed end in his death when he is killed by prison guards but this was not his intention.[466] Instead, the GIP understands Jackson as trying to raise African-American prisoners' consciousness. As a rejection of reform processes that search for an ideal prison, I've discussed the GIP as providing hints of counter-

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[465] Bargu, *Starve and Immolate: The Politics of Human Weapons*.
[466] Jean Genet, "Préface," in *Intolérable 3: L'assassinat de George Jackson* (Paris: Gallimard, 1972), 6.

subjectivation. Foucault's stress on living a dignified life (as opposed to Jean-Marie Domenach's metaphor of prisoners "treated like dogs") and his insistence that even burning a library can work against the prison-form are some initial steps in this route.[467] Furthermore, Foucault's texts on the gay liberation movements and Iranian Revolution, alongside his GIP texts, shift the grounds for understanding his oeuvre away from "nihilism" and toward understanding that subjects can and should take action in regard to their selves. In this sense, rather than understand Foucault's work as seeing prisons everywhere, his "let us become intolerant of prisons" is rather an invitation to continuously see, even in troubled times and places, the possibility of becoming more free.[468] In this sense, the Palestinian prisoners' practices and Walid Daka's texts provide political theorists with grounds to search for additional hints of counter-subjectivation.

The central differentiation between subjectification and counter-subjectivation is the subjects' ability to define the good. Hence, in the prisoners' movement's attempts to organize the prisoners and take control over their daily affairs, not all of their actions worked to their advantage. However, beyond the practices that further-entrenched subjectification, the prisoners were also able to perform what Foucault calls "practices of freedom."[469] If the core of subjectification as an enhancement of control is using one's action against them, then counter-subjectivation centers on one's ability to change themselves. In the prisoners' movement, such actions were present with their leadership

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[467] La Situation dans les prisons est intolérable, File 2.22, Fonds GIP, IMEC; Phillipe Artières, Laurent Quéro, and Michelle Zancarini-Fournel, eds., *Le Groupe d'information sur les prisons: Archives d'une lutte 1970–1972* (Paris: Éditions de l'IMEC, 2003), 153–154.
[468] *Le Groupe d'information sur les prisons: archives d'une lutte 1970–1972*, 52.
[469] Foucault, "The Ethics of the Concern for Self as a Practice of Freedom," 282.

cultivation, hunger strikes, and educational practices. Some of these practices still furthered control: leaders were used to keep prisoners disciplined and to operate without the limitations on the IPS ("without Bagatz and B'tselem"), hunger strike demands were used to promote the carceral dispositif's goals, and individual hunger strikes broke with the prisoners collective or were used to shift the conversation, especially with regard to administrative detention, towards innocence rather than the broader political structure at hand. Educational practices also served at times as a removal activity or were used for personal achievements rather than societal advancement. Nevertheless, other practices of the prisoners' movement were used to promote their freedom. Here, leaders defied the carceral dispositif and safeguarded prisoners' interests while shifting the grounds of the prison towards revolutionary ethics. Hunger strikes were not only used to help prisoners live a more dignified life but also to demonstrate that human need is not necessarily the core of human relations. In contrast to such Lockean perceptions of politics, the prisoners' movement, at its best, showed that there are other more worthwhile centers to conduct politics around such as relations between people— for example in the insistence on bodily contact with family during visits or on longer visits. More broadly, the prisoners' movement insisted on maintaining the prisons as sites where prisoners themselves could state the grounds for changing prisoners' subjectivities. As many interviewees for this study stress, the education they received once inside the prison, even to those who have had university education, had significant effects on their sense of self.[470] Prisoners began to think of their collectives and society more than of their own

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[470] Interview with Ashraf elAjrami, July 12, 2012.

individual or familial benefit. They learned the history of their organizations, their people, settler-colonialisms, as well as world history. Moreover, they were taught to actively attempt to convince others of their stands. In other words, the Palestinian political prisoners, at the zenith of the prisoners' movement, learned that docility and sovereignty contradicted one another. Instead, they reworked their subjectivity against the prison-form in that they insisted to conduct their manners themselves, set their own values for changing their subjectivities, and made sure that the capacities they acquired and their participation remained political in the sense of being able to put forth their own visions.

Walid Daka continues this approach in his decarceration theory of counter-subjectivation. For Daka, education practices, of both oneself and others, are at the center of activities that introduce freedom even in places caught up with hierarchies such as prisons. For Daka, what truly incarcerates people is not a prison wall but their minds. To move beyond walls as Jud, the protagonist of his books for adolescents does, requires acts of education. Furthermore, Daka centers his theory of decarceration on relational practices— taking care of others rather than only oneself. Combining these points of counter-subjectivation, he argues, reduces the danger of co-optation or of what Foucault refers to as "a political circle which reintroduces in your hopes through your hopes the things you wanted to avoid by these hopes."[471] For Daka himself, the uttermost practice of freedom is prison-writing: "I write to be released from prison, hoping that I will

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[471] Michel Foucault in discussion of politics with Robert Bellah, Hubert Dreyfus, Martin Jay, Leo Löwenthal, Paul Rabinow, and Charles Taylor (04/21/1983). Phonotape 2222 C no.65, Audio Recordings, Bancroft Library, University of California at Berkeley.

release it out of me!"[472] The active agent in writing isn't the structure that encourages a certain kind of molded subjectivity but rather the subject who is continuously invited to create a new structure. His writings on pain, his relations with Israelis (both prison guards and de-carceral activists), and queer expectations in the form of his daughter, all produce a variant of subject formation that refuses a subjectification-inspired understanding of fixed categories such as the homo calculus who would always ask to avoid pain, the prison-form, or docile sovereignty.

These insights have implications for political theory and politics. They invite political theorists to continue to explore subjectification practices in a world that is becoming more and more bent on the exploitation of action for the purpose of control. Carceral politics in Israel-Palestine teaches us that even darkening times have hope in them and even political institutions fraught with hierarchies can nevertheless produce meaningful resistance. For political theorists, this means that our understanding of how to think the present needs to take into account those structures that attempt to build on our actions to trap people. Carceral practices of freedom exemplify the dangers of this political moment and hint toward hope.

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[472] Daka, *The Tale of the Secret of the Oil*, 1.

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