

**Fugitive Life:
Race, Gender, and the Rise of the Neoliberal-Carceral State**

A DISSERTATION SUBMITTED TO THE FACULTY OF THE GRADUATE
SCHOOL OF THE UNIVERSITY OF MINNESOTA BY

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IN PARTIAL FULFILLMENT OF THE REQUIREMENTS FOR THE DEGREE OF
DOCTOR OF PHILOSOPHY

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May 2013

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Acknowledgements

Like so many of life's joys, struggles, and accomplishments, this project would not have been possible without a vast community of friends, colleagues, mentors, and family. Before beginning the dissertation, I heard tales of its brutality, its crushing weight, and its endlessness. I heard stories of dropouts, madness, uncontrollable rage, and deep sadness. I heard rumors of people who lost time, love, and their curiosity. I was prepared to work 80 hours a week and to forget how to sleep. I was prepared to lose myself as so many said would happen. The support, love, and encouragement of those around me means I look back on writing this project with excitement, nostalgia, and appreciation. I am deeply humbled by the time, energy, and creativity that so many people loaned me. I hope one ounce of that collective passion shows on these pages. Without those listed here, and so many others, the stories I heard might have become more than gossip in the hallway or rumors over drinks.

I will be forever indebted to Rod Ferguson's simple yet life-altering advice: "write for one hour a day." Adhering to this rule meant that writing became a part of me like never before. It showed me that, like queerness, writing could be a way of life. It also meant I lived a life no one told me was possible as a graduate student—a life filled with short workdays, long bike rides, and friendships bigger than the classroom or conference. Rod helped me find my way when I got lost and showed me—no matter what—to follow the ethics of the work. The way out is in front of you; you just have to see it. Rod's patience, kindness, generosity, and brilliance will always be a model for me as I navigate a world that so often leaves people unable to laugh in the face of so much

stress, frustration, and despair. Perhaps most importantly, Rod taught me how to read, a task so simple it eludes me still. I hope to show others how to read as well.

In my second year, Regina Kunzel taught me how to write. I used to surround myself with stacks of books and mimic the authors who brought me to the page. Reg pushed me for years to center my own thoughts, words, and voice. It took that long to find the confidence, but now when I write all I need is a cup of coffee. Her own writing showed me the power of a sentence just four words long. I no longer mistake brilliance for density and how many breaths I have to take to read a single sentence out loud. This has also made me a better thinker. There is not time now, but one day I will attempt to write a comprehensive list of the awe-inspiring things she has helped me with, taught me, and shown me. (My future employers at the freethinking Hampshire College, a place I would not be headed without her, will probably let me do this for my tenure file.) I have no words for her dedication, compassion, generosity, and profound humility. I hope there is pizza and more two-person reading groups in our future. One day there will be time.

Jennifer Pierce championed me before I knew where I was going. A summer fellowship with her turned into my first publication, but more importantly, we spent a number of summer afternoons on the University's dime talking about Jenny and Max on *The L Word*. I was lucky enough to take the most courses with Jennifer. She showed me a model for teaching that will remain with me for years to come. She also showed me how to be bold, confident, and how to laugh at adversity. I hope I remain so strong. Kevin Murphy, my secret style guide for the job market, is a model for me in so many ways. Laurie Ouellette is an inspiration as a teacher and scholar.

A.J. Lewis read much of this project, giving it his time, energy, and vivid insight. Myrl Beam was always there when I needed him as a friend or scholar. I hope his compassion comes through here. Ryan Murphy and Michael Franklin were mentors and friends the whole way through—they gave me a path to follow. And thank you to Raechel Tiffe for her support, excitement, and wonderful food. I wouldn't be here without my “non-grad school friends” who kept me sane and grounded. Ian Brannigan and I have traveled the same path for the last 20 years; I'd be lost without him. With Owen and Henry, I always feel at home. Conrad and I have been through everything, and I owe him as much. Caitlin's warmth and joy have kept me going. Jaime and Jacob (and now Vera) are always there, and I know they always will be. Megan Holm always warmed the room even on the coldest and darkest nights. Eren and Naomi fueled me with coffee, food, angst, love, and support. I know Iowa City will always have a place for me. Marjorie Jolles was my first real teacher and has helped with every step of this journey. Matthew was always there with music and laughs. I am also always awed by how much Wolf has to give. For that, I thank her.

My twin sister Michelle cheered me on every step of the way. We have been together since our first breath, and the last seven years in Minneapolis together will always be with me. My parents, Michael and Marcia, were always there with questions, support, and encouragement even when I could only leave them confused. My brother Jeff will always be my intellectual sparring partner; he has made me a sharper thinker. Kevin is always lighthearted, even when things feel so heavy.

Finally, Allison Page has read, edited, and commented on every single thing I have written for the last decade. I hope her brilliance shines through. I owe her everything and more.

For Allison Page, Always and Already

Abstract

Fugitive Life: Race, Gender, and the Rise of the Neoliberal-Carceral State examines the forms of knowledge produced by anti-racist and queer women activists in the 1970s as they contested the demise of the Keynesian-welfare state and the unprecedented expansion of the prison system in the United States. As economic policies based on deindustrialization, deregulation, and privatization left cities in ruins, mass incarceration emerged as a solution to the unrest produced by a new wave of racialized poverty. In short, the social state of the mid-twentieth century turned into a penal state by the mid-1980s. Although some scholars have analyzed this process at the level of social and economic policy, what remains unexamined are the intimate ways in which gender and sexuality have been integrated into, and affected by the entrenchment of racialized state power in the form of mass incarceration. *Fugitive Life* turns to culture—the memoirs, communiqués, literature, films, prison writing, and poetry of leftist women activists in the 1970s—to provide an analysis of the centrality of race, gender, and sexuality to a new mode of state power that I term “the neoliberal-carceral state.” By contextualizing feminist, queer, and anti-racist activism within neoliberal economics and law and order politics, *Fugitive Life* offers a reinterpretation of post-1960s activism in relation to the emergence of neoliberalism and the rise of mass incarceration. Throughout the project, I document how leftist feminist and queer social movements theorized and challenged the ways that deindustrialization and privatization required incarceration. I argue that women activists in the 1970s anticipated and challenged the formation of the neoliberal-carceral state.

At the heart of *Fugitive Life* is a critique of the racialized and gendered dynamics at work between an emergent neoliberalism and the rise of the world’s largest prison system. For example, in the first chapter, I examine how imprisoned black feminist activists made sense of the prison in relation to the legacy of chattel-slavery and a changing economic system. In so doing, the chapter expands scholarship on incarceration and neoliberalism by connecting the sexual and gendered politics of nineteenth century chattel-slavery to late-twentieth century neoliberal economics. The second chapter examines how the queer organization the George Jackson Brigade and the Women’s Brigade of the Weather Underground connected the gendered production of poverty to the expansion of policing and penal power in their films, communiqués, and political statements. The third chapter examines the formation of what I term “neoliberal freedom”—a conception of freedom that requires the prison—in the writings of the economist Milton Friedman. I compare Friedman’s theorization of freedom to the ways underground and fugitive activists conceptualized freedom in their poetry and memoirs. The final chapter is a study of the writings of imprisoned lesbian activists held in a High Security control unit in Lexington, Kentucky. This chapter turns to prison writing in order to explore the relationship between the larger political and economic changes implemented under neoliberalism and their relation to sexuality and the queer female body. Most broadly, *Fugitive Life* repositions and expands studies of late-twentieth century social movements, the prison system, and neoliberalism in relation to race, gender, and sexuality.

Table of Contents

Introduction.....1

Chapter One
 Possessed by Death:
 The Neoliberal-Carceral State, Black Feminism, and the Afterlife of Slavery....19

Chapter Two
 The End of the Future:
 Law and Order, the Feminist Underground, and the Temporality of Violence....79

Chapter Three
 Life Escapes:
 Neoliberal Economics, the Fugitive, and Queer Freedom.....133

Chapter Four
 The Control to Come: Sexuality, Terror, and the Control Unit.....183

Epilogue
 “Being Captured is Beside the Point:”
 A Note on the Politics of Knowledge and Critical Prison Studies.....217

Bibliography.....224

Introduction

In 1971, Angela Davis edited a collection of essays and documents from a cell in Marin County Jail, *If They Come in the Morning: Voices of Resistance*. The text gathered the writings of political prisoners like Davis, Huey Newton, Bobby Seale, Erika Huggins, George Jackson, John Clutchette, and Ruchell Magee. It also included court statements and letters of support surrounding Davis's imprisonment. While the collection documents the various trials of black power activists in the late 1960s and early 1970s, it also marks a moment when activists tried to make sense of the profound repression they were subjected to under a new wave of incarceration. Davis described this crisis as such:

Political repression in the United States has reached monstrous proportions. Black and Brown peoples especially, victims of the most vicious and calculated forms of class, national and racial oppression, bear the brunt of this repression. Literally tens of thousands of innocent men and women, the overwhelming majority of them poor, fill jails and prisons; hundreds of thousands more...are subject to police, FBI, and military intelligence surveillance.¹

For Davis, the imprisonment of tens of thousands of poor people of color meant "fascism" had taken hold in the United States. Davis's co-editor Bettina Aptheker declared, "This is a fascist program. It is a genocidal program."² James Baldwin argued that Davis's isolation and loneliness reminded him of a "Jewish housewife in the boxcar headed to Dachau," describing prisons as "concentration camps" under which white Americans could measure their safety in "chains and corpses."³ These sentiments

¹ Angela Y. Davis and Bettina Aptheker, "Preface" in ed. Angela Davis, *If They Come in the Morning: Voices of Resistance* (New York: The Third Press, 1971), xiii.

² Bettina Aptheker, "The Social Function of Prisons" in ed. Angela Davis, *If They Come in the Morning: Voices of Resistance* (New York: The Third Press, 1971), 57.

³ James Baldwin, "An Open Letter to My Sister, Angela Y. Davis" in ed. Angela Davis, *If They Come in the Morning: Voices of Resistance* (New York: The Third Press, 1971), 19-23.

concerning racism and the prison formed a common sense amongst the radical and revolutionary left in the 1970s United States. Prisons, as Michel Foucault noted in an essay from the same year, were “a war having other fronts in the black ghettos, the army and the courts.”⁴ Incarceration was “an experience of [a] hostage, of a concentration camp, of class warfare, an experience of the colonized.”⁵ The title of the collection itself emphasized the profound violence the black power movement felt it was confronted with—as Baldwin exclaimed to Davis, “For, if they take you in the morning, they will be coming for us that night.”⁶

What is most breathtaking about this collection is what it tells us about the changes that occurred to the U.S. prison system just years after Davis and her cohort declared “fascism” had gripped the nation. Less than a decade later, a convergence between the intensely racialized politics of law and order and the poverty and unemployment created by deindustrialization produced the largest prison system in this world. The fact that over the next forty years the number of people in prison would expand exponentially from 200,000 in the 1970s to 2.5 million in 2000 would have been considered practically impossible and epistemologically unthinkable to the people contesting the post-civil rights expansion of the prison system. In fact, 1970s radicals and revolutionaries on the left thought that the worst had arrived and that a new world was dawning. Many of the collection’s authors considered the intensity of the era’s

⁴ Michel Foucault, “The Masked Assassination,” in *Warfare in the American Homeland Policing and Prison in a Penal Democracy*, ed. Joy James (New York: Duke University Press, 2007), 140.

⁵ *Ibid.*, 156.

⁶ Baldwin, 23.

police and penal violence as indicative of the “serious infirmities of the social order.”⁷ For Davis and her co-authors, the “bourgeois democratic state,” especially its judicial system, was “disintegrating” and the “revolutionary transformation of society” was close at hand. In other words, the increasing brutality of the police, courts, prisons, and an emerging economic crisis were reflective of a “profound social crisis, of systemic disintegration.”⁸ If we could speak to the past and try to issue a warning of what was coming, of the unprecedented regimes of capture and immobilization that we live with today, our warnings would be inconceivable.

The Cultural Politics of the Neoliberal-Carceral State

Davis situated her imprisonment within the mutually constitutive relationship between racism, incarceration, and a changing economic landscape. According to Davis, prisons were filled with poor people of color and were thus a technology used to contain resistant and surplus populations within a new formation of global capitalism. This insight forms a type of consensus within current scholarship on the prison system. For example, Ruth Wilson Gilmore writes, “As a class, convicts are deindustrialized cities’ working or workless poor.”⁹ Similarly, Loïc Wacquant argues that as social welfare policies were downsized in the 1970s and 1980s, the “invisible hand of the deregulated labor market became wedded to the iron fist of the prison.”¹⁰ According to Wacquant,

⁷ Davis and Aptheker, “Preface,” Xiii.

⁸ Davis and Aptheker, “Preface,” Xiii.

⁹ Ruth Wilson Gilmore, *Golden Gulags: Prisons, Surplus, Crisis, and Opposition in Globalizing California* (Berkeley: University of California Press, 2007), 7; See also, Loïc Wacquant, *Punishing the Poor: The Neoliberal Government of Social Insecurity* (Durham: Duke University Press, 2009); Christian Parenti, *Lockdown America: Prisons and Policing in an Age of Crises* (London: Verso, 1999).

¹⁰ Loïc Wacquant, “The Penalization of Poverty and the Rise of Neoliberalism,” *European Journal on Criminal Policy and Research* 9:1 (2001): 401-412.

the penal system functions as a apparatus to manage social insecurity and the social disorders created by deindustrialization, deregulation, and privatization.¹¹ In the late 1970s and early 1980s, criminalization became the strategy of choice in dealing with the globalization of capital and the resistance it engendered.¹²

Scholars in the last two decades have made clear the ways that the social state of the mid-twentieth century turned into a penal state by the mid-1980s. Yet, a young imprisoned black woman first documented this process more than forty years ago. And Davis was not the only one. As the prison and neoliberalism emerged as new modes of governance in the post-civil rights era, thousands of activists and prisoners reckoned with the changes occurring around them. Bettina Aptheker wrote, “It should be perfectly clear that thousands upon thousands of people currently in jail and prison have broken no laws whatsoever.”¹³ She went on to argue that the prison had become a mechanism “through which the ruling powers seek to maintain their physical and psychological control, or the threat of control, over millions of working people, especially young people, and most especially black and brown young people.”¹⁴ In this way, policing and penal technologies manage populations who are “actually or potentially disruptive” of the economic and social order.¹⁵

In short, many of the theories of incarceration and neoliberalism coming out of the academy today were first articulated in prison cells, underground writing groups,

¹¹ Ibid, 401.

¹² Julia Sudbury, “Celling Black Bodies: Black Women in the Global Prison-Industrial Complex,” *Feminist Review* 80 (2005): 166.

¹³ Aptheker, “The Social Function of Prisons,” 54.

¹⁴ Ibid, 54.

¹⁵ Ibid, 54.

black feminist collectives, and during queer protests. The work of these prisoners and activists is often the unacknowledged genealogy of critical work on incarceration's relationship to race, gender, sexuality, and capital taking place in the university. *Fugitive Life: Race, Gender, and the Rise of the Neoliberal-Carceral State* reinterprets a variety of texts that have circulated publicly for decades, but that have, for the most part, been ignored as philosophical or theoretical works in their own right. In this way, I offer a reinterpretation and re-narration of feminist, queer, and anti-racist post-civil rights activism by exploring how it responded to the rise of the prison and the rule of the market. It is my contention that we have much to learn from the writings, art, and film of these activists who saw what was coming before it took form.

While scholarship in the burgeoning field of critical prison studies has offered explanations for the dramatic and unprecedented rise of the carceral state in the 1980s and '90s, *Fugitive Life* pauses on the carceral state's moment of inception in the 1970s to consider how prisoners and activists reorganized their efforts to respond to a rising wave of incarceration animated by new mode of governance structured by the market. By narrating what scholars call the transition from the welfare state to the neoliberal state through the writings of prisoners and activists involved in feminist, queer, and anti-racist social movements, rather than through state actors and economic statistics, I am able to tell a different story about cultural, political, and economic power in the late twentieth century United States.¹⁶

¹⁶ David Harvey, *Conditions of Postmodernity: An Enquiry into the Origins of Cultural Change* (Malden: Blackwell Publishers Inc., 1990), 173-189.

The story of how these changes occurred at the level of state and corporate power has been told. The statistics on the expansion of the prison system have been gathered, analyzed, and cataloged. Scholars have detailed the intricacies of the criminalization of poverty through an analysis of new drug laws, three strikes laws, and mandatory sentencing. By placing communiqués, campaign speeches, prison writings, campaign advertisements, poetry, memoirs, economic manifestos, films, and novels at the center of the formation of the neoliberal-carceral state, *Fugitive Life* departs from the charts, graphs, and tables documenting the transition and instead asks what lies beyond the numbers and laws. I turn to the cultural-politics of law and order politicians, imprisoned black feminists, neoliberal economics, underground writing groups, queer fugitives and others to argue that culture is a site that indexes the processes, histories, ideologies, and epistemologies that have been central to the formation of the neoliberal state.

This turn to cultural-politics allows me to reperiodize the emergence of neoliberalism and mass incarceration. For example, the imprisoned writings of Angela Davis and Assata Shakur trace the market politics of the 1970s to the power of the market under chattel-slavery. Their writings and others allow me to document alternative genealogies for the emergence of neoliberalism in order to argue that the market's collusion with the carceral arose prior to the late 1970s and early 1980s. Neoliberalism did not become connected to the prison in the 1980s as Wacquant and others argue. Like the prison's constitutive relationship to race, mass incarceration was imagined as central to the rule of the free market long before deindustrialization, deregulation, privatization, and finance became new mechanisms of population management and governmentality.

Indeed, the earliest writings of neoliberal economists in the 1940s, '50s and '60s advocated the containment of racialized and gendered populations considered surplus or potentially rebellious to the rule of the free market. At the same time, law and order politicians like Barry Goldwater and Richard Nixon argued that police and prisons were necessary to the freedom of the liberal individual and the deregulated labor market. While neoliberal economists argued that the free market needed the prison, law and order politicians argued that the prison would protect the free market and an emergent neoliberal social order. In other words, in the earliest articulations of what law and order and neoliberalism would be—before a wave of new laws and policy changes took hold in the 1980s—neoliberalism was imagined as a carceral project and law and order envisioned as a neoliberal project.

By situating post-civil rights feminist, queer, and anti-racist activism within law and order politics and neoliberal economics, *Fugitive Life* also reframes 1970s leftist social movements. Within the dominant historical narrative, the 1970s mark the decline of the civil rights, black power, anti-war, and student movements as a result of infighting, state repression, and exhaustion. The 1970s are often characterized as the calm after the storm of the 1960s. However, although the social movements of the 1960s certainly changed by the 1970s, they did not disappear. The 1970s saw the emergence and explosion of women of color feminism, the gay liberation movement, new movements against racism led by prisoners, and the development of a vast network of underground political organizations. In brief, the 1970s witnessed the intensification of three types of social movements that were intertwined: aboveground movements like the

feminist movement, prison movements like the rebellion at Attica, and underground organizations like the Weather Underground and Black Liberation Army.

Fugitive Life argues that the writings, films, and art of post-civil rights women activists involved in these movements anticipated the formation of the neoliberal-carceral state. Embedded in their theories, poetry, communiqués, and prison writings is an analysis of power that accurately anticipated changes to economic and penal policy that would take place in during the next forty years. The title of Davis’s edited collection embodies this anticipatory logic. When James Baldwin wrote, “For, if they take you in the morning, they will be coming for us that night,” he was implying that the present was a sign of what was to come.¹⁷ The dawn of a new day did not mean things would be better. Time’s passage was not relief from the violence of yesterday; rather, what was happening to Davis was a promise of what the future would bring. If Davis had been taken, then no one was safe. Baldwin argued that the past and present were lessons about the future. He began his “An Open Letter to My Sister, Angela Davis” with a example of temporality’s repetition and stasis: “Dear Sister: One might have hoped that, by this hour, the very sight of chains on Black flesh, or the very sight of chains, would be so intolerable a sight for the American people, and so unbearable a memory, that they would themselves spontaneously rise up and strike off the manacles. But, no, they appear to glory in their chains; now, more than ever, they appear to measure their safety in chains and corpses.”¹⁸

¹⁷ Baldwin, 23.

¹⁸ Ibid, 19.

For Baldwin, hope that the United States had progressed beyond the time of slavery was only a fantasy. The present told a different story. The horrors of slavery were not an “intolerable sight” nor an “unbearable memory” to the American people; instead, slavery’s visual economy and policing technologies composed a lesson about what was happening to Davis and countless others. The stillness of time meant the present and past were not aberrations to the radical alterity of the future, but rather, were anticipatory reflections of what lay ahead. Instead of imagining the civil rights victories of the mid-1960s as central to a teleological story of American progress, many 1970s activists worked to theorize, visualize, and comprehend the new forms of governance that would emerge in the aftermath of segregation, the Vietnam War, and the Keynesian welfare state. This anticipatory logic embedded in their cultural-politics theorized the relationship between the prison and the market before neoliberalism and mass incarceration became actual policies.

For example, many of the contributors of *If They Come in the Morning* argued that the dismantling of the Keynesian welfare state and a wave of deindustrialization produced a massive surge of poverty and unemployment. Law and order policies then criminalized the forms of disorder produced by the neoliberal economic production of poverty. In effect, poor people of color were trapped between the abandonment of a crumbling welfare state and the power of an encroaching penal state. Many prisoners and activists argued that the free world started to feel like a prison. As Zayd Shakur wrote in 1970, “Prisons are really an extension of our communities. We have people who are forced at gunpoint to live behind concrete and steel. Other of us, in what we ordinarily

think of as the community, live at gunpoint again in almost the same conditions...It's the same system—America is the prison.”¹⁹ Shakur's conception of “prison” undoes normative conceptions of space by exceeding the walls of the prison proper. Within the post-civil rights landscape, a changing economic system became co-extensive with an emerging carceral apparatus. An assemblage of race, gender, capital, policing, and penal technologies produced a symbiosis between the de-industrialized landscape of the late twentieth century urban United States and the gendered racisms of an emerging prison-industrial complex. And as feminist color activists argued, diffuse structural networks of racism and sexism mimicked the steel bars of a cage. In this way, 1970s activists argued that the intimacy between the market and the prison was much deeper than has been articulated by scholars in the last two decades.

Finally, as I argue throughout the project, neoliberalism and the prison have been central to the making and remaking of race, gender, and sexuality. The prison has routinely been theorized as intensely racialized, yet its relationship to gender and sexuality has only begun to be explored. On the other hand, the market is often theorized as connected to race, gender, and sexuality but not *of* them—in other words, the market is frequently isolated and abstracted from these categories. *Fugitive Life* demonstrates that like the prison, the market does not only rely on race, gender, and sexuality, but is a racialized and gendered technology in and of itself. I provide an alternative narrative to the emergence of neoliberalism and mass incarceration by narrating both through the gender and sexual politics of post-civil rights activists. In this way, I document the

¹⁹ Zayd Shakur, “America is the Prison,” in *Off the Pigs! The History and Literature of the Black Panther Party*, ed. G. Louis Heath (Metuchen: Scarecrow, 1976), 247-280.

centrality of race, gender, and sexuality to the organization, operation, and formation of the neoliberal-carceral state. Throughout *Fugitive Life*, I argue that this process had particular, profound, and too often unexplored consequences for queer women, women of color, and poor women. For many activists and scholars, mass incarceration signals a profound crisis for men of color (which it does), but its effects on women and gender non-conforming people have too often been subsumed under the visibility of the violence against men of color inside and beyond the prison. To that end, *Fugitive Life* focuses mostly on the activism and cultural products of people who identified as women. I center race, gender, and sexuality as I explore the writings of Davis and others, and the ways they theorized the prison and market in the making and remaking of state power; subjectivity; knowledge; space and time; and the reorganization of life itself.

The Prisoner and the Fugitive

The late 1960s and early 1970s saw the emergence of two new voices within national debates about racism, imperialism, poverty, and civil rights—the prisoner and the fugitive. As more and more members of the 1960s liberation movements were imprisoned or went underground, a new body of knowledge emerged from both of these figures that negated national narratives of progress, equality, and justice. While *Fugitive Life* tells a story about post-civil rights feminist, queer, and anti-racist activism, it focuses on these two figures and two corresponding spaces: the prison and the underground. In response to police repression in the form of incarceration, sabotage, and assassination, and in order to deploy illegal tactics, hundreds of activists in the 1970s left behind families, friends, jobs, and their identities in order to disappear into a vast network of safe

houses, under-the-table jobs, and transportation networks. In fact, before she was imprisoned, Davis herself spent many months underground in order to hide from the FBI. While there has been a resurgence of interest in many of these groups (prompted by and reflected in the anxiety about Obama's connections to Weather Underground member Bill Ayers during the 2008 presidential election), their significance to the post-civil rights landscape—as structured by the prison and neoliberalism—has only begun to be explored.

The books of imprisoned authors like Eldridge Cleaver, George Jackson, and Malcolm X (which sold hundreds of thousands of copies) exposed something about the United States that only they could know. In the original introduction to Jackson's *Soledad Brother*, Jean Genet wrote that Jackson's prison writing exposed “the miracle of truth itself, the naked truth revealed.”²⁰ For Genet and many readers of this literature, the prisoner had access to a unique formation of knowledge which led to alternative ways of seeing and knowing the world. Indeed, scholars like Dylan Rodríguez, Michael-Hames Garcia, and Joy James have argued that the knowledge produced by the prisoner exposes a truth about the United States that cannot be accessed from elsewhere.²¹ The prisoner could name what others could not even see. At the same time, thousands of political fugitives wrote devastating critiques of the United States as they bombed and robbed their way to what they hoped would be a better world. Underground organizations like

²⁰ Jean Genet, “Introduction,” in George Jackson, *Soledad Brother: The Letters of George Jackson* (Chicago: Lawrence Hill Books, 1994), 332.

²¹ Dylan Rodríguez, *Forced Passages: Imprisoned Radical Intellectuals and the U.S. Prison Regime* (Minneapolis, University of Minnesota Press, 2006); Michael Hames-García, *Fugitive Thought: Prison Movements, Race, and the Meaning of Justice* (Minneapolis: University of Minnesota Press, 2004); Joy James, “Introduction,” *Warfare in the American Homeland: Policing and Prisons in a Penal Democracy*, in ed. Joy James (Durham and London: Duke University Press, 2007).

the Weather Underground, Black Liberation Army, and George Jackson Brigade did more than attack symbols of state violence; they also wrote poetry, stories, memoirs, communiqués, magazines, and made films. These groups understood culture as foundational to the production and survival of alternatives to things as they were. In this way, culture became a site for the emergence of alternative forms of knowledge.

I turn to the cultural products of imprisoned and underground activists as a record of what has been forgotten by hegemonic epistemologies. As Roderick Ferguson writes, “Epistemology is an economy of information privileged and information excluded” under which “national formations rarely disclose what they have rejected.”²² Yet, the prisoner and the fugitive index the histories and forms of knowledge that were erased and excluded by law and order and neoliberal economics. *Fugitive Life* explores the ways that imprisoned and underground activists responded to the changing operations of (and new technologies central to) racialized and gendered power under late capital. In addition, I contrast the forms of knowledge arising from the underground to the epistemologies central to build-up of the neoliberal-carceral state. In this way, I argue that the prisoner and the fugitive are figures that produced epistemologies that undermined the political and historical fictions underpinning this process. For example, while law and order politicians argued that policing and penal technologies were instruments of safety and liberty, and neoliberal economists argued that poverty was the outcome of individual pathology, Davis and countless others labored to name the racialized and gendered violence cloaked by these new discourses.

²² Roderick Ferguson, *Aberrations in Black: Toward a Queer of Color Critique* (Minneapolis: University of Minnesota Press, 2004), ix.

Chapter one, "Possessed by Death: The Neoliberal-Carceral State, Black Feminism, and the Afterlife of Slavery," examines the historical foundations of the neoliberal-carceral state. Since the 1960s, scholars, activists, and prisoners have argued that the contemporary prison exists on a historical continuum with nineteenth century chattel slavery. More recently, a growing body of work has made clear the connections between the post-1980s prison and neoliberal economic policies. While the prison's connection to slavery and the market has been well explored, the contemporary market's relationship to chattel slavery has largely been overlooked. If slavery's anti-black technologies inhabit and structure the prison, how do they live on in the operations of the market? What is the relationship between an anti-blackness inaugurated under the Atlantic slave trade and the methods of population management used under neoliberalism? How does the absence, death, and loss left behind by slavery connect to the formation of the contemporary neoliberal-carceral state? To answer these questions, I read two texts written by captive black women in the 1970s United States: Assata Shakur's "Women in Prison: How We Are" and Angela Davis's "Reflections on the Black Woman's Role in the Community of Slaves." Both texts were composed at the very moment of the neoliberal-carceral state's emergence and index the ways that black feminism developed under and critiqued this formation. I also include a discussion of Sherley Anne Williams's 1986 novel *Dessa Rose*. Although the novel was written in the mid-1980s, Williams cites Davis's essay—and the rise of the prison in the 1970s—as providing the inspiration for the novel. All three texts emerge from the late twentieth-

century prison (and an emergent neoliberal state) in order to theorize chattel slavery as a history of our social, political, and economic present.

Chapter two, “The End of the Future: Law and Order, the Feminist Underground, and the Temporality of Violence,” extends the first chapter’s concern with time to consider the relationship between the prison, the market, and the future. I begin by exploring how, in their campaign speeches and advertisements, law and order politicians understood the market and prison in relation to time and the future. For Richard Nixon and Barry Goldwater, the very possibility of a future depended on the immobilization of those rendered surplus or resistant to new economic regimes structured around privatization, deindustrialization, deregulation, and finance. In other words, embedded in the emergent discourses of the neoliberal-carceral state was a vision of the future—one where the freedom of individuality and the market required the mass immobilization of the prison. The first section of the chapter argues that by connecting the freedom of the individual to the governance of the prison, the politics of law and order were complicit with emerging neoliberal discourses of self-care, personal responsibility, and individualism.

In the last half of this chapter, I examine how underground women activists of the period understood the time and future of an emerging neoliberal-carceral state. Many 1970s activists did not see the prison and the market as separate systems of power. Instead, they understood them as deeply connected, if not at times, indistinguishable. I focus on the writings of underground revolutionary organizations that formed in direct response to the repression and violence of the law and order state. I analyze the

communiqués issued by these organizations—specifically the women’s brigade of the Weather Underground and the George Jackson Brigade—to consider what the future of neoliberalism and the prison meant for those enmeshed in the changing carceral and economic regimes of the 1970s. As I argue, the communiqués written by these groups can be understood as feminist and queer responses to the temporality of progress that supported law and order and the development of the neoliberal-carceral state. Whereas chapter one considered how the past is theorized in the writings of imprisoned (and previously underground) revolutionary black women, this chapter analyzes the writings of 1970s imprisoned radicals and underground revolutionaries, most of whom identified as women, in order to examine how they theorized the prison, the market, and time in relation to the state. It contrasts these revolutionary visions with the dreams of people like Nixon who understood the prison and the market as foundational to the security and order of the nation and its future.

The third chapter, “Life Escapes: Neoliberal Economics, the Fugitive, and Queer Freedom,” explores two paradigmatic notions of freedom in the 1970s that I call “neoliberal freedom” and “queer freedom.” In chapter two, I analyzed the politics of law and order to argue that law and order was symbiotic with, and productive of, neoliberal discourses that emphasized the relationship between the freedom of the individual and the freedom of the market. In this way, the prison as a discursive field, a set of fantasies, and a regime of dispersed institutional technologies aimed at policing and incapacitation became constitutive of the freedom of the market and individual. Chapter three continues to explore the ways that penal and policing technologies were imagined as

central to the life of the free market, but focuses on the writings of early neoliberal thinkers—in particular, Milton Friedman’s 1962 *Capitalism and Freedom*. Friedman was a Nobel Prize-winning American economist, statistician, and author who taught at the University of Chicago for more than three decades. As a leader of the Chicago school of economics, he has been perhaps the most important opponent to Keynesian economics, and is considered central to the emergence of neoliberal thought and policy. Despite Friedman’s centrality to neoliberal policy across the globe, scholars of neoliberalism and late twentieth century capitalism have largely ignored his writings. I argue that the emergence of neoliberal theories of freedom were, in part, a response to the liberation movements of the 1960s and ‘70s. While feminist, anti-racist, and queer liberation movements made demands that exceeded the material and epistemological possibilities of the social order, neoliberal freedom confined and restricted what freedom could be within the relations between the individual and the market. In addition, Friedman’s theory of freedom relied on the containment of populations he deemed not responsible enough to be free. In this way, neoliberal theories of freedom necessitated the prison. I compare Friedman’s theory of freedom to those produced by 1970s women fugitives. By reading memoirs of former political fugitives alongside Susan Choi’s novel *American Woman*, I argue for a queer conception of freedom where freedom is the very practice of running.

Chapter four, “The Control to Come: Sexuality, Terror, and the Control Unit,” documents the rise of control units under neoliberalism. Control units are prisons within a prison, where inmates are held in 6-by-9-foot rooms for 23 hours a day. After the demise of rehabilitation as an ideal of incarceration, control units became a new model

that guided the expansion of prisons. It is not just that the prison system expanded exponentially under the neoliberal shifts of the 1970s; control units also emerged as a unique new penal technology. In this way, I argue that control units are directly connected to the political and economic shifts of the 1970s. I explore one unit in particular, the “High Security Unit” in Lexington, Kentucky, which operated from 1986 to 1988. The isolation unit at Lexington was originally designed to hold sixteen women—those, according to the Bureau of Prisons, who were incorrigible flight risks—but Lexington ended up only detaining three women incarcerated for their involvement with the black liberation movement and Puerto Rican independence movement in the 1970s and early 1980s. This chapter turns to the prison writings of the women held at Lexington in order to explore the relationship between sexuality, the body, the expansion of control units as a model of punishment, and the larger social and economic changes implemented under neoliberalism. It also argues that Lexington offers a genealogy of the forms of punishment and incarceration central to the “war on terror.”

Chapter One

Possessed by Death: The Neoliberal-Carceral State, Black Feminism, and the Afterlife of Slavery

“Time does not pass, it accumulates.”²³
—Ian Baucom

In her 1978 essay “Women in Prison: How We Are,” Black Liberation Army member Assata Shakur wrote:

For many, prison is not that much different from the street... For many cells are not that different from the tenements... and the welfare hotels they live in on the street... The fights are the same except they are less dangerous. The police are the same. The poverty is the same. The alienation is the same. The racism is the same. The sexism is the same. The drugs are the same and the system is the same.²⁴

For Shakur, the regulations of a burgeoning neoliberal-carceral state possessed life in ways that rendered the free world an extension of the prison. An assemblage of race, gender, capital, policing, and penal technologies produced a symbiosis between the de-industrialized landscape of the late 20th century urban United States and the gendered racisms of an emerging prison-industrial complex. Diffuse structural networks of racism and sexism mimicked the steel bars of a cage. This is the complicity between freedom and captivity, the entanglements between the living and the living dead, and the hemorrhaging of a buried past into the imagined progress of the present. For Shakur, prison looked like and *felt* like nineteenth century chattel slavery: “We sit in the bull pen.

²³ Ian Baucom, *Specters of the Atlantic: Finance Capital, Slavery, and the Philosophy of History* (Durham: Duke University Press Books, 2005), 24.

²⁴ Assata Shakur, “Women in Prison: How We Are,” in ed. Joy James, *The New Abolitionists: (Neo)Slave Narratives and the Contemporary Prison Writing* (Albany: SUNY Press, 2005), 85.

We are all black. All restless. And we are all freezing.”²⁵ In the essay, affect continually forces the past to open directly onto the present.²⁶ The sensations and feelings of frozen skin speaks in a way that words cannot. In prison, shivering black flesh weighted with chains looked like slavery to Shakur. As a fugitive who now has political asylum in Cuba, she understands herself as a twenty-first century runaway slave, a “maroon woman.”²⁷

Although Shakur’s essay does not name neoliberalism explicitly, we can read it as a black feminist theorization of neoliberalism at the very moment of its emergence. Indeed, it is a narration of the drastic racialized and gendered restructurings of social and economic life in the 1970s United States from the perspective of someone detained for resisting those changes. Written by a captured member of the underground black liberation movement, the text names the discourses and (state) violence neoliberalism requires yet erases. Neoliberalism is most certainly an economic doctrine that prioritizes the mobility and expansion of capital at all costs, but its mechanisms exceed the liberation of the market from the repression of the state. As Shakur indicates, one of the conditions of possibility for the emergence of the neoliberal state is the kinship shared between the free world and the prison—an affinity structured and produced by an anti-blackness inaugurated under chattel-slavery. More over, as Shakur argues throughout the essay, the technologies of immobilization utilized by the neoliberal state specifically target black women, a process connected to the emergence of the black feminist

²⁵ Ibid, 79.

²⁶ See Brian Massumi, *Parables for the Virtual: Movement, Affect, Sensation* (Durham: Duke University Press, 2002).

²⁷ Christian Parenti, "Assata Shakur Speaks from Exile: Post-Modern Maroon in the Ultimate Palenque," interview from October 24, 2000, <http://www.assatashakur.org/maroon.htm> (accessed October 2nd, 2010).

movement in the late 1960s and early 1970s. By reading black feminist texts from the 1970s as implicit theories of neoliberalism, we can come to understand the formation and implementation of neoliberalism in a new light. Shakur not only connects an emergent neoliberalism to a rapidly expanding prison regime, she also links the contemporary prison to chattel slavery—an institutional, affective, and discursive connection apprehended by Angela Davis’s phrase, “From the prison of slavery to the slavery of prison.”²⁸

The connections made by Shakur between the prison and neoliberalism, and between slavery and the prison, have been thoroughly explored by many scholars.²⁹ Indeed, during the past two decades, a growing body of scholarship has affirmed and extended Shakur’s analysis of blackness, slavery, and the prison by exploring what Saidiya Hartman calls “the afterlife of slavery.”³⁰ By centering racial terror in a genealogy of the prison, scholars have come to understand the barracoons, coffles, slave holds, and plantations of the Middle Passage as spatial, discursive, ontological, and economic analogues of modern punishment that have haunted their way into the

²⁸ Angela Y. Davis, “From the Prison of Slavery to the Slavery of Prison: Frederick Douglas and the Convict Lease System,” in *The Angela Y. Davis Reader*, ed. Joy James (Wiley-Blackwell, 1998), 74-96.

²⁹ On the prison and slavery see: Angela Davis, “From the Prison of Slavery to the Slavery of Prison: Frederick Douglas and the Convict Lease System,” in *The Angela Y. Davis Reader*, ed. Joy James (Oxford: Blackwell Publishers, 1998); David Oshinsky, *Worse Than Slavery: Parchman Farm and the Ordeal of Jim Crow Justice* (New York: Free Press, 1996); Alex Lichtenstein, *Twice the Work of Free Labor: The Political Economy of Convict Labor in the New South* (London: Verso, 1996); Loïc Wacquant, “Deadly Symbiosis: When Ghetto and Prison Meet and Mesh,” *Punishment and Society* 31:1 (2001): 95-134; Ruth Wilson Gilmore, *Golden Gulags: Prisons, Surplus, Crisis, and Opposition in Globalizing California* (Berkeley: University of California Press, 2007); Loïc Wacquant, “The Penalization of Poverty and the Rise of Neoliberalism,” *European Journal on Criminal Policy and Research* 9:1 (2001): 401-412; Loïc Wacquant, *Punishing the Poor: The Neoliberal Government of Social Insecurity* (Durham: Duke University Press, 2009); Christian Parenti, *Lockdown America: Prisons and Policing in an Age of Crises* (London: Verso, 1999); Dylan Rodríguez, *Forced Passages: Imprisoned Radical Intellectuals and the U.S. Prison Regime* (Minneapolis: University of Minnesota Press, 2006), 271-297.

³⁰ Hartman, *Lose Your Mother*, 6. Hartman writes, “This is the afterlife of slavery—skewed life chances, limited access to health and education, premature death, incarceration, and impoverishment.”

present.³¹ If the carceral becomes a functional surrogate for slavery's production of social and living death, then Shakur's text also hints at another connection that has garnered less attention—slavery's haunting possession of neoliberalism. While the prison's connection to slavery and the market has been well explored, the contemporary market's relationship to chattel slavery has largely been overlooked. If slavery's anti-black technologies inhabit and structure the prison, how do they live on in the operations of the market? What is the relationship between an anti-blackness inaugurated under the Atlantic slave trade and the methods of population management used under neoliberalism? How does the absence, death, and loss left behind by slavery connect to the formation of the contemporary neoliberal-carceral state? What is the connection between the necropolitics of chattel-slavery and the biopolitics of neoliberalism?

To answer these questions, I read two texts written by captive black women in the 1970s United States: Assata Shakur's "Women in Prison: How We Are" and Angela Davis's "Reflections on the Black Woman's Role in the Community of Slaves." Both texts were composed at the very moment of the neoliberal-carceral state's emergence and index the ways that black feminism developed under and critiqued this formation. Throughout the chapter, I examine how Shakur and Davis theorize the relationship between the carceral, the market, the population, and the body. While Davis's essay explores black women's experiences of terror and resistance under chattel slavery in order to contest the discourse of the black matriarch, Shakur's essay describes black women's experiences of gender, sexuality, race, violence, and incarceration in the early

³¹ Dennis Childs, "'You Ain't Seen Nothin' Yet': Beloved, the American Chain Gang, and the Middle Passage Remix," *American Quarterly* Vol. 61:2 (June, 2009): 273-275.

1970s. I also include a discussion of Sherley Anne Williams's 1986 novel *Dessa Rose*. Although the novel was written in the mid-1980s, in the author's note, Williams cites Davis's essay—and the rise of the prison in the 1970s—as providing the inspiration for the novel. Williams uses fiction to recover the histories of enslaved black women Davis could not discover in the written record. Williams turns Davis's brief description of an uprising on a slave coffle led by a pregnant black woman into a novel that theorizes the racialized, gendered, affective, and economic politics of chattel slavery and its regimes of incarceration, torture, and terror. All three texts emerge from the late twentieth-century prison (and an emergent neoliberal state) in order to theorize chattel slavery as a history of our social, political, and economic present. Yet the texts do not undo normative conceptions of time by deploying the conventions of fact; rather, they use fiction, memory, and imagination to connect the forgotten, the lost, and the dead to the now. These texts insist that the absence of memory shapes the contours of the present. While many projects on the legacy of slavery utilize demographic data to measure slavery's extension into our present in concrete terms, I attempt to engage the past through its forgetting. I leave behind the world of facts, proof, and Truth in order to connect the powers of the market across time and space through non-normative epistemologies that rely on affect, memory, and imagination. As a matter of fact, it was the reason and rationality of mathematics, demographics, and insurance that produced millions of corpses in the service of making millions of commodities. To be clear, this chapter has three goals. First, it connects the powers of market under slavery to powers of the market under neoliberalism by exploring how black feminists made sense of the afterlife of

slavery under an emergent neoliberal state. Second, it uses black feminist engagements with loss, to assert that death and loss undo to the progress of time so that the past lives on, and possesses the present. By engaging death, loss, and forgetting, the texts I analyze connect penal and economic technologies in the 1970s United States to the carceral nature of the market under chattel slavery. Finally, by constructing a critical genealogy of the market through the writings of black feminists working within and under the neoliberal-carceral state, I argue that under neoliberalism, the market supplements and mimics the prison.

Possession, Death, and the Afterlife of Slavery

In *A Map to the Door of No Return: Notes to Belonging*, Dionne Brand writes of the Middle Passage,

The door [of no return] signifies the historical moment which colours all moments in the Diaspora. It accounts for the ways we observe and are observed as people, whether it's through the lens of social injustice or the laws of human accomplishment. The door exists as an absence. A thing in fact which we do not know about, a place we do not know. Yet, it exists as the ground we walk... Where one stands in a society seems always related to this historical experience. Where one can be observed is relative to that history. All human effort seems to emanate from this door.³²

For Brand, the Middle Passage and chattel-slavery compose the original template for modern power. The door of no return is the site from which all disciplinary and biopolitical regimes emanate. It (and not it alone) determines the ways people are regulated, visualized, mobilized, positioned, and organized. Yet, the deathly touch of terror and the warm embrace of inclusion are not just stained from the original scene.

³² Dionne Brand, *A Map to the Door of No Return: Notes on Belonging* (Toronto: Vintage Canada, 2002), 24-25.

What began at the door is also transmitted, transformed, renewed, and repositioned in our present day.³³ This is what Saidiya Hartman calls the “afterlife of slavery,” where premature death, incarceration, limited access to healthcare and education, and poverty are structured by the logics and technologies of chattel-slavery.³⁴ Under this analytic, the past does not give way to the present, slowly dissolving under the bright shining light of progress; slavery’s afterlife is the past’s possession of the present. The past holds the present captive—structuring, surrounding, and inhabiting it. The fabrication of concrete and compartmentalized conceptions of time and space dissolves under the crushing weight of the blood stained gate. But this possession does not just take the form of the tactile, visible, and known. Part of the afterlife of slavery emanates from an absence that cannot be recovered or repaired. The door of no return is not a place, it is a gap that founds the now—it is history as the unknown. The present rests upon this rupture, upon the unknowable, upon the forgotten, and upon the dead.

In this chapter, I use the term possession as a modification of the concept of haunting. In *Ghostly Matters: Haunting and the Sociological Imagination*, Avery Gordon argues that haunting describes how that which seems to be *not* there—something that is absent or missing—is often a “seething presence... acting on and meddling with taken for granted realities.”³⁵ A ghost is one way something lost, disappeared, or dead makes itself known. Engaging a haunting means to consider the apparitions lingering outside the frame of disciplinary knowledge, to make contact with the reality of fictions and the

³³ Jenny Sharpe, *The Ghosts of Slavery: A Literary Archeology of Black Women’s Lives* (Minneapolis: University of Minnesota Press, 2003), 2.

³⁴ Hartman, *Loose Your Mother*, 6.

³⁵ Avery Gordon, *Ghostly Matters: Haunting and the Sociological Imagination* (Minneapolis: University of Minnesota Press, 1997), 8.

fictions of reality, to reckon with “endings that are not over” and past events that “loiter in the present.”³⁶ If haunting names the lingering presence of the dead in the realm of the living—the present absence of what is there and yet hidden, the feeling that there is something in the room with you even when your eyes tell you otherwise—then *possession* is when the ghost does not haunt, but rather, takes hold. Possession is when the ghost inhabits and controls. To be haunted is to see the ghost that has been waiting for your field of vision to change. By contrast, a possessive spirit is not so passive and patient. Unlike a ghost, a spirit does not wait; it grabs hold of you first, perhaps without your knowledge. What seizes you are not the murmurs of the oppressed or the whispered demands of those killed by state violence and terror—possession is the deathly grip of the dominant. Possession is a “psychological state in which an individual's normal personality is replaced by another;” “domination by something (as an evil spirit, a passion, or an idea);” or “something owned, occupied, or controlled.”³⁷ To be possessed is to be under the control of something more powerful than the imagined free will of the liberal individual.

We can witness possession in the relationship between race, gender, and death as theorized by black feminists in the 1970s. For example, in her 1968 essay “The Black Revolution in America,” Grace Lee Boggs argues that American capitalism was born out of the labor of black slaves and has since used white workers to “defend the system and...keep Blacks in their place at the bottom of the ladder, scavenging the old jobs, old homes, old churches, and old schools discarded by whites...thereby contributing to the

³⁶ Ibid, 139.

³⁷ <http://www.merriam-webster.com/dictionary/possession>

overall capital of the country.”³⁸ She goes on to outline a regime of biopolitical management animated by this history:

They [black youth] also recognize that although a particular struggle may be precipitated by an individual incident, their struggle is not against just one or another individual but against a whole power structure comprising a complex network of politicians, university and school administrators, landlords, merchants, usurers, realtors, insurance personal, contractors, union leaders, licensing and inspection bureaucrats, racketeers, lawyers, policemen—the overwhelming majority of who are white and absentee, and who exploit the black ghetto the same way the Western powers exploit the colonies and neo-colonies in Africa, Asia, and Latin America.³⁹

Within a theory of power as possession, slavery’s relationship to the present is more than the haunting of a ghost. Slavery, for Boggs, is not lurking behind contemporary formations of power. Instead, the “complex network” of biopolitical regulation and management outlined by Boggs is given life by an anti-blackness as old as liberal freedom. Contemporary biopolitics are possessed by discourses and technologies produced under slavery that were carried into the future (our present) by race, gender, sexuality, and anti-blackness. As Omise’eke Tinsley writes, “The brown-skinned, fluid-bodied experiences now called *blackness* and *queerness* surfaced in intercontinental, maritime contacts hundreds of years ago: in the seventeenth century, in the Atlantic Ocean.”⁴⁰ Extending Ruth Wilson Gilmore’s definition of racism as “state-sanctioned or extralegal production and exploration of group-differentiated vulnerability to premature death,” we can understand race and death as a possessive spirit that works as one, born

³⁸ Grace Lee Boggs, “The Black Revolution in America,” in *The Black Woman: An Anthology*, ed. Toni Cade Bambara (New York: Washington Square Press, 1970), 278.

³⁹ Boggs, 276.

⁴⁰ Omise’eke Natasha Tinsley, “Black Atlantic, Queer Atlantic: Queer Imaginings of the Middle Passage,” *GLQ* 14:2-3 (2008): 191.

out of the genocide of conquest and slavery.⁴¹ Being placed at the “bottom of the ladder” by an expansive network of racialized management and control is Boggs’s way of describing the uneven distribution of value and disposability produced by slavery’s ongoing role in the present. Although death is sometimes a natural biological phenomenon, it is more often manufactured and distributed by regimes of power far removed from ones last breath or final heartbeat. Race is one such technology; it is a mechanism for distributing life and death, and for black people, race and white supremacy are motivated by a past of subjection, subjugation, torture, terror, and disposability that has not ended.⁴² Race possesses life in both the biological and biopolitical sense, ending or extending biological life for individuals and populations. While race sometimes haunts, it more often limits life chances by inhabiting and controlling individuals, institutions, and populations. In short, we are possessed by race, and death and life are the outcome.

The relationship between race and possession is also evident in the writing of prisoners and activists in the 1970s who connected the contemporary prison to chattel-slavery. Within this body of work, the contemporary prison is animated by logics, technologies, and discourses constructed under nineteenth-century U.S. slavery. For countless prisoners and activists, race (and anti-blackness) were instruments that transcended space and time so that the past could invade and contort the present in its image. For instance, in his best-selling collection of prison writing *Soledad Brother*

⁴¹ Ruth Wilson Gilmore, *Golden Gulag Prisons, Surplus, Crisis, and Opposition in Globalizing California* (New York: University of California Press, 2007), 28.

⁴² Michel Foucault, *Society Must Be Defended: Lectures at the Collège de France, 1975-1976* (New York: Picador, 1997), 254.

published in 1970, George Jackson described the ways that the prison's connection to slavery reverses, compresses, and undoes the progress of time:

My recall is nearly perfect, time has faded nothing. I recall the very first kidnap. I've lived through the passage, died on the passage, lain in the unmarked shallow graves of the millions who fertilized the Amerikan soil with their corpses; cotton and corn growing out of my chest, "unto the third and fourth generation," the tenth, the hundredth.⁴³

Here, Jackson describes the relationship between memory, time, and possession. His captive body is metaphorically infested with the cotton and corn grown under the prison of the plantation. Time did not wash away the horrors of slavery, but rather, modified and intensified them. Jackson both lives the past and continues to live its afterlife. He feels possessed by the forms of death produced under slavery, and throughout his writing connects this to his "living death" in prison. This possession is not temporally constrained; neither the law nor the state can exorcise black bodies of this death sentence. Instead, Jackson argued that the U.S. "must be destroyed" and that anything less would be "meaningless to the great majority of the slaves."⁴⁴ Although an extensive review of Jackson's discussion of slavery is beyond the scope of this project, his ideas and declaration that "I am a slave to, and of, property" were not unique among the black liberation movement.⁴⁵ In fact, Jackson's writing was emblematic of larger political, social, and economic changes occurring in the 1960s and 1970s, and paradigmatic of the political thought of the black liberation movement. The work of Shakur and Davis are one of the lines of flights that depart from the thought of Jackson and the black liberation

⁴³ George Jackson, *Soledad Brother: The Letters of George Jackson* (Chicago: Lawrence Hill Books, 1994), 233-234.

⁴⁴ George Jackson, *Blood in My Eye* (Baltimore: Black Classic Press, 1972), 10.

⁴⁵ *Ibid.*, 7.

movement. Indeed, Davis dedicates “Reflections” to Jackson’s life (cut short by his violent death) and his struggle against his own misogyny. In addition, Davis offers a literal embodiment of how the theories, histories, and epistemologies produced by the black feminist and black liberation movements have entered the university.

During the past few decades, some scholars have followed the intellectual lead of prisoners and activists in the 1960s and 1970s by exploring the legal, discursive, and institutional relationships between chattel-slavery and the modern prison. Most critically, the connection between slavery and the prison is formalized and institutionalized by the Thirteenth Amendment to the U.S. Constitution which reads: “Neither slavery nor involuntary servitude, except as punishment for a crime whereof the party shall have been duly convicted, shall exist within the United States, or any place subject to their jurisdiction.”⁴⁶ Joy James refers to this as an “enslaving anti-enslavement narrative,” since the Thirteenth Amendment recreates and repositions slavery inside the prison, even as it abolishes it in the “free world.”⁴⁷ This was made clear during congressional debates about the meanings of emancipation, when Senator Charles Sumner presented to Congress a notice from the sheriff of Anne Arundel County in Maryland:

Public Sale.—The undersigned will sell at the court-house door, in the city of Annapolis, at twelve o’ clock, on Saturday, 8th December, 1866, a negro man named Richard Harris, for six months, convicted at the October term, 1866, of the Anne Arundel county circuit court for larceny, and sentenced by the court to be sold as a slave. Terms of sale, cash.⁴⁸

⁴⁶ It is worth noting that the amendment’s gesture of freedom also formalizes U.S. empire. Quoted in Joy James, “Introduction: Democracy and Captivity,” in *The New Abolitionists: (Neo)Slave Narratives and the Contemporary Prison Writing*, ed. Joy James (Albany: SUNY Press, 2005), xxi.

⁴⁷ *Ibid.*, xxii.

⁴⁸ Quoted in Colin Dayan, *The Law is a White Dog: How Legal Rituals Make and Unmake Persons* (Princeton: Princeton University Press, 2011), 62.

Just six years later, the Supreme Court declared in *Ruffin v. Commonwealth* (1871) that prisoners were civically dead (dead to the law) and “slaves of the state.”⁴⁹ The power of the law converted the slave into a prisoner and the prisoner into a slave. In this way, the law criminalized race, racialized crime, and allowed slavery to live on, or possess, the law. And so, with the end of one form of slavery came new mechanisms to control, exploit, and contain black bodies, labor, and freedom. As the historian David Oshinsky writes, “Law enforcement now meant keeping ex-slaves in line.”⁵⁰

After the passage of the Emancipation Proclamation, the convict-lease system emerged as one mechanism in slavery’s aftermath that extended and renewed the confinement and exploitation of black people. Throughout the south, black people (former slaves) were rounded up and charged with “crimes” that in the past would be punished by the torture and terror of the master. The theft of a pig, “insulting gestures,” cohabitating with whites, “mischief,” being unemployed, and vagrancy were now crimes that would be punished by the state. The law of the master was now the law of the land: “An offense against Mr. Shields had become an offense against the state.”⁵¹ Former slaves were arrested and leased to private contractors to be worked until death. What was once personal property was made public and since black bodies were no longer *owned* by private individuals but rather *leased* by the state, many contractors felt free to work convicts to death. As one private contractor put it, “Before the war, we owned the

⁴⁹ Ibid, 61. For an extensive discussion of *Ruffin v. Commonwealth* and of civil death’s relation to the prison also see: Caleb Smith, *The Prison and the American Imagination* (New Haven: Yale University Press, 2009).

⁵⁰ David Oshinsky, *Worse than Slavery: Parchman Farm and the Ordeal of Jim Crow Justice* (New York: Free Press Paperback, 1996), 33.

⁵¹ Oshinsky, 21-32.

negroes. If a man had a good negro, he could afford to keep him...But these convicts we don't own 'em. One dies, get another."⁵² Without private investment and ownership by the master, black bodies were subject to even more extreme forms of torture, terror, and violence. The legal construction of new forms of freedom ushered in new mechanisms for producing human disposability. Black pain, injury, and death did not slow the accumulation of capital in the same way as they did under plantation slavery; one could just "get another." But the convict-lease system was just one mechanism among a massive regime of racialized power and violence that allowed the spirit of slavery to live on.

Like the writing of Boggs and Shakur, the sociologist Loïc Wacquant has extended this analysis of the relationship between race, the carceral, and death to encompass the twentieth century as a whole. He argues that the prison is part of a "carceral continuum" that traverses time (slavery, the convict-lease system, Jim Crow, and the early ghetto) and space (the prison, schools, welfare, and the hyper-ghetto) to manage and contain populations rendered surplus or disposable to the racial state and neoliberal capital.⁵³ In this way, an anti-blackness established under chattel-slavery possesses and structures a variety of institutions over space and time. Thus, we might modify Foucault's famous question, "Is it surprising that prisons resemble factories,

⁵² Quoted in Michael A. Hallett, *Private Prisons in America: A Critical Race Perspective* (Champaign: University of Illinois Press, 2006), 49.

⁵³ Loïc Wacquant, "Deadly Symbiosis: When Ghetto and Prison Meet and Mesh," *Punishment and Society* Vol. 31(1), 97.

schools, barracks, hospitals, which all resemble prisons?” to include the plantation, the slave ship, the coffer, and the auction block.⁵⁴

Although the connections between slavery and the prison are important to this project, I am also interested in more expansive understandings of the afterlife of slavery. In particular, I am concerned with theories that can help make the connection between the market under chattel-slavery and the market under neoliberalism. In other words, the afterlife of slavery structures much more than the prison or even more than Wacquant’s “carceral continuum.” For instance, Christina Sharpe argues that our very subjectivity is indebted to, and born out of, the “discursive codes of slavery and post-slavery.” For Sharpe, engaging and analyzing a “post-slavery subjectivity” means examining subjectivities constituted by trans-Atlantic slavery and connecting them to present (and past) “mundane horrors that aren’t acknowledged to be horrors.”⁵⁵ This is one of the main projects of black feminism, as exemplified by Boggs’ engagement with the seemingly innocuous institutions of insurance, state bureaucracy, and the university.⁵⁶ This project is also central to Hortense Spillers’s classic essay, “Mama’s Baby, Papa’s

⁵⁴ Michel Foucault, *Discipline and Punish: The Birth of the Prison* (New York: Vintage Books, 1977), 228. For instance, the historian Robin Blackburn argues that the plantation acted a model for the modern factory. He writes, “Elements of the ‘industrial revolution’ were anticipated by the New World plantation. The implacable, easily invigilated, dangerous, and deeply unhealthy regimes of the sugar mill was a dark foreshadowing of the early cotton mill. Both mercilessly consumed the lives of men, women, and children.” See, Robin Blackburn, *The American Crucible: Slavery, Emancipation, and Human Rights* (London: Verso Books, 2011), 67.

⁵⁵ Sharpe, 3.

⁵⁶ A number classic black feminist texts that engage the legacy of slavery include: Dorothy Roberts, *Killing the Black Body: Race, Reproduction, and the Meaning of Liberty* (New York: Vintage Books, 1997); Patricia Hill Collins, *Black Feminist Thought: Knowledge, Consciousness, and the Politics of Empowerment* (New York: Routledge, 2010); Angela Davis, *Women, Race, and Class* (New York: Random House Books, 1983); Hortense Spillers, “Mama’s Baby, Papa’s Maybe: An American Grammar Book,” *Diacritics*, Vol. 17:2 (Summer, 1987): 64-81.

Maybe: An American Grammar book,” where she connects slavery to the life of the symbolic world. She writes:

Even though the captive flesh/body has been ‘liberated,’ and no one need pretend that even the quotation marks do not matter, dominant symbolic activity, the ruling episteme that releases the dynamics of naming and valuation, remains grounded in originating metaphors of captivity and mutilation, so that it is as if neither time nor history, nor historiography or its topics, show movement, as the human subject is ‘murdered’ over and over again by the passions of a bloodless and anonymous archaism, showing itself in endless disguise.⁵⁷

Like Jackson and Shakur, Spillers argues that slavery ruptures the progress of time. The ways meaning and value are institutionalized have been determined by the violence and terror of slavery. Slavery is a death sentence enacted across generations, one that changes name and shape as time progresses. Freedom presupposes and builds on slavery so that post-slavery subjectivities are shaped by forms of power that resemble and sometimes mimic power under slavery (force, terror, sexual violence, compulsion, torture) while they are also confined by the post-emancipation technologies of consent, reason, will, and choice.⁵⁸ Frank Wilderson summarizes this more expansive understanding of the afterlife of slavery: “The imaginary of the state and civil society is parasitic on the Middle Passage. Put another way, No slave no world.”⁵⁹ According to Wilderson, slavery connotes an ontological (not experiential) status for blackness, one that is shaped not by exploitation and alienation, but by accumulation and fungibility (the

⁵⁷ Spillers, 68.

⁵⁸ Saidiya Hartman, *Scenes of Subjection: Terror, Slavery, and Self-Making in Nineteenth-Century America* (Oxford: Oxford University Press, 1997), 121.

⁵⁹ Frank Wilderson, *Red, White & Black: Cinema and the Structure of U.S. Antagonisms* (Durham: Duke University Press, 2010), 11.

condition of being owned and traded.).⁶⁰ In this way, slavery does not lay dormant in the past, but became attached to the political ontology of blackness.⁶¹

What is most crucial for my project on the relationship between the afterlife of slavery and neoliberalism is that as freedom navigated the late nineteenth and twentieth centuries, it was not innocent and it did not come alone. Something from the past held on to freedom as it maneuvered time and space. Freedom was possessed by its opposite, a ghost wished away by liberal thought that did not so easily disappear. In the 1970s, when the market produced the freedom of capital mobility, individuality, and choice, and the prison manufactured the freedom of safety and security, the spirit of slavery dictated the movements and meanings of that freedom. Indeed, the spirit of slavery lives on in more ways than one can imagine: in the shade of tree-lined suburban streets, in definitions and measures of value, in the prosperity and health of some, and in the hail of the police as one walks down the street. It guides bullets and bombs, makes visible what we see, and vanishes what is right in front of us. It is laced in the cement and steel of the prison, solidified in dreams of liberation, and embedded in psychic life. Although it is sometimes recognizable, it also lives on in what we do not know and cannot remember—in the lives erased, expunged, ended or that were simply never recorded to begin with. Whether it comes as spectacle or something one cannot see or feel, it is always there. The spirit of slavery does more than meddle in the present; rather, it has intensified, seduced, enveloped, and animated contemporary formations of power. Possession names

⁶⁰ Ibid, 14.

⁶¹ Wilderson refers to himself and small group of scholars as “Afro-Pessimists.” Afro-pessimists engage the “void of [black] subjectivity” that arises out of the loss, death, and ruin of slavery and the Middle Passage. More so, they argue that the discursive, libidinal, political, and institutional landscape of the United States (and for Wilderson the world) is sutured together by an anti-black solidarity produced during slavery.

the ways that the operations of corporate, state, individual, and institutional bodies are sometimes beyond the self-possessed will of the living. Something else is also in control, something that may feel like nothing even as it compels movement, motivates ideology, and drives the organization of life and death. In this way, slavery is not a ghost lingering in the corner of the room—rather, its spirit animates the architecture of the house as a whole. The past does not merely haunt the present; it *composes* the present. As Toni Morrison writes, “All of it is now, it is always now.”⁶²

Black Feminism and an Unthinkable History of the Present

In the closing section of Shakur’s essay “What of Our Past? What of Our History? What of Our Future?” she seamlessly connects the past, present, and future in an attempt to develop the psychological force needed to build a “strong black women’s movement.”⁶³ Black feminism is a movement that emerged amid the crises of global capitalism, white supremacy, heteropatriarchy, and state power that spanned the 1960s and 1970s. Neoliberalism is the state and corporate response to these crises.⁶⁴ Black feminism also emerged out of the failures of white feminism to center (or even think about) race and white supremacy and the inability of the black nationalist and black liberation movements to theorize and analyze gender, sexuality, and heteropatriarchy. In this way, the white feminist and black nationalist movements were complicit with the forms of power they imagined they opposed. When white feminism failed to critique the white supremacy of the state, and black nationalists were unable to critique

⁶² Toni Morrison, *Beloved* (New York: Penguin, 1987), 210.

⁶³ Shakur, “Women in Prison: How We Are,” 86.

⁶⁴ Anna M. Agathangelou, M. Daniel Bassichis, and Tamara L. Spira, “Intimate Investments: Homonormativity, Global Lockdown, and the Seductions of Empire,” *Radical History Review* 100 (Winter 2008): 137.

heteropatriarchy, both formations solidified racialized and gendered discourses that contradicted (and undid) their aspirations for freedom and liberation.

Following Grace Hong, we can place Shakur and Davis's essays within the epistemological formation "women of color feminism" that arose in the 1970s and 1980s to mark the contradictions of late twentieth century U.S. capitalism. Women of color feminism emerged and expanded alongside the neoliberal-carceral state, and in the case of Shakur and Davis's work, from within the prison. By analyzing race, gender, class, sexuality, and the state as interlocking and colluding mechanisms of power, women of color feminism can name the ways multiply-determined difference is simultaneously central to and yet incessantly disavowed in the production and reproduction of capital. Most critically, it understands race, gender, and sexuality not as static categories of identification, but as processes that produce value and disposability for individuals, populations, and forms of knowledge.⁶⁵

For Hong, women of color feminism names that which cannot be apprehended under normative ideals or hegemonic epistemologies. As a way of knowing, women of color feminism names the repressed, the erased, and the expunged at the very moment of their formation and articulation. For more than 40 years, black feminists have argued that slavery is central to the economic, political, and social present in contrast to dominant epistemologies, which relegate slavery to a quarantined and dormant past. In so doing, black feminism is one epistemological formation that is able to challenge the ways that the normal and banal are mobilized to obscure violence, terror, and death. By showing

⁶⁵ Grace Hong and Roderick Ferguson, "Introduction," in ed. Grace Hong and Roderick Ferguson, *Strange Affinities: The Gender and Sexual Politics of Comparative Racialization* (Durham: Duke University Press, 2011), 13.

how slavery's afterlife shapes the present, black feminists have made visible forms of violence that are hidden by their routineness and normality. Black feminist scholars have worked tirelessly to make visible what often goes unseen and unsaid, to reckon with the endings that are not over and to make connections between past and present that are unthought. Black feminism engages "the shadows and what is living there," naming what has never entered the archives that constitute evidence and fact.⁶⁶ As we will see, the work of Davis, Shakur, and Williams analyzes what is unthought, unknown, or illegible with in dominant forms of analysis.

If chattel slavery's foundational relationship to the contemporary distribution of life and death is often under theorized, overlooked, or erased within normative epistemologies (and within progressive, radical, feminist, and queer formations), its connection to capitalism is an epistemological impossibility. According to Walter Johnson, under the historical terms that frame western political economy, understanding slavery as capitalism is unthinkable because there are no adequate epistemological instruments available to make sense of such a connection.⁶⁷ In both Smithian and Marxist economics, slavery is an un-theorized foundation to the history of capitalism, "an un-thought (even when present) past to the inevitable emergence of the present."⁶⁸ Slavery is understood to have a temporal relation to capitalism instead of a spatial one. That is, slavery is theorized as pre-capitalist, as opposed to animating, colluding with, or

⁶⁶ Avery Gordon, *Ghostly Matters: Haunting and the Sociological Imagination* (Minneapolis: University of Minnesota Press, 1997), 18; and Hong, *The Ruptures of American Capital*, xxx.

⁶⁷ Michel-Rolph Trouillot, *Silencing the Past: Power and the Production of History* (Boston: Beacon Press, 1995), 82.

⁶⁸ Walter Johnson, "The Pedestal and the Veil: rethinking the Capitalism/Slavery Question" *Journal of the Early Republic*, 24 (Summer 2004), 300.

being indistinguishable from capitalism.⁶⁹ The problem of slavery's status as the unthinkable history of capitalism is not isolated to the shortcomings of economic theory—it stems from western liberal epistemologies. As Michel-Rolph Trouillot argues, the Haitian Revolution was unthinkable in Europe and the United States because it challenged the ontological ordering of the planet under racism and colonialism. According to Trouillot, in 1791 there was not one public debate on record in England, France, or the United States on the right of slaves to achieve self-determination, let alone the right to do so through armed resistance.⁷⁰ Simply, slavery did not present an ethical dilemma for the white world; its moral crises were unthought.⁷¹

In a similar way, the slave occupies the position of the unthought within dominant epistemologies. While the structural position of the worker has animated much of the left for the last two hundred years, the positionality and demands of the slave elude hegemonic and resistant forms of thought. For example, Boggs writes that black people remain “invisible” in the white radical imagination because white Marxists regard black militants as unfinished products who will arrive at the understanding that racism arises from capitalism and that the working class in the “irreconcilable foe” of capitalism. By

⁶⁹ Because slavery did not use wage-labor, many Marxists have argued that it was wasteful and inflexible and thus does not meet a strict definition of capitalism. Marx himself did not consider slavery capitalist because, for him, wage-labor exchanging against capital was the essence of capitalism. Under this theory, the forms of domination and subjugation used on the plantation are understood as pre-capitalist and “extra-economic.” In the teleology of some forms of Marxism, industrial capitalism would supersede the pre-capitalist mercantilism of the plantation. Plantations were understood as an aberration from the rational, efficient, commercial calculations of capitalism. Yet, as Robin Blackburn points out the rational calculations used to measure “tight-packing” on slave ships, reproduction, health and life spans, insurance, finance and profit, and so on demonstrates the absolute modernity of the slave trade. For Blackburn, the slave trade anticipates and inaugurates many of the practices central to modern capitalism. For useful discussion of this debate see, Robin Blackburn, *The Making of New World Slavery: From the Baroque to the Modern 1492-1800* (London: Verso, 1997), 309-400.

⁷⁰ Trouillot, 87-88.

⁷¹ Wilderson, 17.

doing so, the needs, demands, insights, and theories of the black freedom struggle are made “invisible” and are thus unthought. Yet, the slave is not just rendered invisible when unthought, the slave is often unthinkable even when she is present. For instance, in *Commonwealth*, their third book on biopolitics, empire, and capitalism, Michael Hardt and Antonio Negri write:

As a first approximation, then, think of this form of class struggle as a kind of maroonage. Like the slaves who collectively escaped the chains of slavery to construct self-governing communities and quilombos, biopolitical labor-power subtracting from its relation to capital must discover and construct new social relationships, new forms of life that allow it to actualize its productive powers. But unlike the maroons, this exodus does not necessarily mean going elsewhere. We can pursue lines of flight while staying right here, by transforming the relations of production and mode of social organization under which we live.⁷²

For Hardt and Negri, the forms of class struggle required under the biopolitics of contemporary capitalism are *like* the tactics mobilized by slaves, even though in the end, the essence of maroonage (escape) is not required; the multitude can change the conditions of power by staying right where they are. By constructing equivalence across time and positionality, Hardt and Negri erase the specificity of chattel slavery—the literal steel chains used to torture and immobilize slaves are compared to the metaphorical chains used by capital to manage the labor of the multitude. In this way, Hardt and Negri reproduce the fungibility of the slave (the slave will be whatever it is most useful for the slave to be). This is what Frank Wilderson calls “the ruse of analogy” where “grammars of suffering” that are irreconcilable are made equivalent. Simply, the alienation and exploitation of the multitude (or the worker) is not comparable to the slave’s expulsion

⁷² Michael Hardt and Antonio Negri, *Common Wealth* (Cambridge: Harvard University Press, 2009), 152-153.

from humanity.⁷³ Thus, the very attempt to empathetically identify with the slave results in the slave's obliteration. As Hartman writes, "Only if I can see myself in that position can I understand the crisis of that position."⁷⁴ In order to empathize with the slave, Hardt and Negri insert the multitude into the position of the slave, thus eradicating the slave. The slave becomes a worker, and is thus no longer a slave.⁷⁵ For Johnson and Trouillot, slavery's connection to capitalism and freedom is unthinkable due to the epistemological boundaries of liberal Western thought. However, as evidenced by Hardt and Negri, even if the slave is not forgotten, even when she enters the realm of the thinkable, even when the slave is present, she is often erased. One can stare directly at the slave and not see her. When the slave is made equivalent with what she is not, she is disappeared. As such, the slave and slavery's structural relation to the national order and capital is unthinkable and frequently unthought.⁷⁶ Subsequently, race and white supremacy are constructed as appendages to the state and capital, as opposed to foundations.

If slavery's relationship to capitalism and the present more broadly is unthinkable and unthought, then black feminism is uniquely situated to engage such epistemological impossibilities. According to Hong, women of color feminism necessarily engages the erasures inherent in regimes of knowledge. As an analytic, it confronts what is

⁷³ Wilderson, 37.

⁷⁴ Frank Wilderson and Saidiya Hartman, "The Position of the Unthought," *Qui Parle* Vol. 13, No. 2 (Spring/Summer, 2003): 189.

⁷⁵ Orlando Patterson argues that the constitutive element of slavery is natal alienation by way of social death. As such, a slave does not enter into a transaction of exchange but is rather subsumed by direct relations of force. Death, accumulation, and fungibility structure the slave. Slavery for Patterson is the "permanent, violent domination of natively alienated and generally dishonored person." Orlando Patterson, *Slavery and Social Death: A Comparative Study* (Cambridge: Harvard University Press, 1982), 1-14. Also see, Frank Wilderson, III, "Gramsci's Black Marx: Whither the Slave in Civil Society," *We Write* 2:1 (January 2005): 1-17.

⁷⁶ Hartman and Wilderson, 185.

unthinkable and unknowable.⁷⁷ For instance, in the author's note to *Dessa Rose*, Williams writes, "This novel, then, is fiction; all the characters, even the country they travel through, while based on fact, are inventions. [But] what is here is as true as if I myself had lived it."⁷⁸ For Williams, fiction remembers forcefully forgotten memories and histories.⁷⁹ Fiction functions as a type of truth. It functions as an "imaginative archive."⁸⁰ To fully make sense of the present we must engage this archive. Yet Williams recovers the past, not to fill a historical void—the void cannot be filled—but to confront fragmentation, displacement, and loss as processes foundational to the production of knowledge. This is a process that embraces the fictions of fact, and the facts buried in fiction.⁸¹ In this way, what is foreclosed as unknowable—what we do not and will never know—saturates what can be known and is fundamentally constitutive of what remains.⁸² Katherine McKittrick describes this analytic when she writes:

Reconstructing what has been erased, or what is being erased, requires confronting the rationalization of human and spatial domination, reconstruction requires 'seeing' and 'sighting' that which is both expunged, and 'rightfully erasable.' What you cannot see, and cannot remember, is part of a larger geographic project that thrives on forgetting and displacing blackness.⁸³

⁷⁷ Grace Hong, *The Ruptures Of American Capital: Women Of Color Feminism And The Culture Of Immigrant Labor* (Minneapolis: University of Minnesota, 2006), xxx-xxxiv.

⁷⁸ Sherley Anne Williams, *Dessa Rose* (New York: William Morrow and Company, Inc., 1986), III

⁷⁹ Lisa Lowe, *Immigrant Acts: On Asian American Cultural Politics* (Durham: Duke University Press, 1996) 22

⁸⁰ Tinsley, 193.

⁸¹ Lowe, 29. Also see Avery Gordon, *Ghostly Matters: Haunting and the Sociological Imagination* (Minneapolis: University of Minnesota Press, 1997).

⁸² Lisa Lowe, "The Intimacies of Four Continents" Ed. Ann Laura Stoler, *Haunted by Empire: Geographies of Intimacy in North American History* (Durham: Duke University Press, 2006) 206-207.

⁸³ Katherine McKittrick, *Demonic Grounds: Black Women And The Cartographies Of Struggle* (Minneapolis: University of Minnesota Press, 2006) 33.

Within this epistemological economy, the unthinkable, the unseen, and the unknowable produce the thinkable and the possible. Slavery bears a particular relationship to the to Mckittrick's theorization of the production of blackness through the forgotten. As Saidiya Hartman writes, "Was the experience of slavery best represented by all the stories I would never know?" and "How does one write about an encounter with nothing?"⁸⁴ In her memoir *Lose Your Mother: A Journey Along the Atlantic Slave Route*, Hartman returns to the slave dungeons on the Gold Coast hoping to find ancestors and a history. What she finds is the dust and waste of those who entered the door of no return. She finds the emptiness left by slavery's regimes of unimaginable violence and terror, the nothingness left by the deaths of 60 million or more. All that is left is sunlight shining through a barred window. For Hartman, even as slavery's afterlife is crushing, visible, and pervasive, it also looks like dust floating in the air. Slavery's mark on the now manifests as the prison, as poverty, as policing technologies, in insurance ledgers, and in the organization of urban space, but it also emerges in the space cleared by so much death. In short, slavery's afterlife emerges in the gaps between the written down, the forgotten, and the never will be. By engaging the unknowable, black feminism can help make connections between past and present. These are connections that have been lost or that can only be remembered through imagination.

Davis's essay is an attempt at making these connections. Davis refutes the liberal and black nationalist concept of the black matriarch by analyzing the ways that black women resisted the social and living death of enslavement. As I explore later, her essay also theorizes the power of the market and the prison across space and time, but these

⁸⁴ Hartman, "Lose Your Mother," 15-16.

connections are made through an engagement with loss, forgetting, and death. The essay is an act of historical recovery, but it is also an implicit meditation on loss. In the author's note to the essay, Davis apprehends the relationship between her lack of knowledge, the prison, and slavery when she acknowledges the difficulty of writing "Reflections of the Black Woman's Role in the Community of Slaves" while incarcerated:

The chief problem I encountered stemmed from the conditions of my incarceration: opportunities for researching the issue I wanted to explore were extremely limited. I chose, therefore, to entitle this piece "reflections..." It does not pretend to be more than a collection of ideas which would constitute a starting point—a framework within which to conduct rigorous reinvestigation of the black woman as she interacted with her people and with her oppressive environment.⁸⁵

The administration would not allow Davis access to the materials she required to produce "rigorous" scholarship. As a result, the essay is partial; her ability to know fully was rendered impossible. We can read Davis's description of life as an imprisoned scholar as a theorization of the prison as an institution that regulates the production of knowledge. The prison arose not only as a system of bodily immobilization, but also as a regime of power that produces, manages, and regulates knowledge. In addition, her incomplete recovery of the histories of enslaved black women speaks to the ways that slavery was a regime of racialized economic exploitation and terror, but like the prison, was also a regime of power that regulated, produced, disciplined, and eradicated knowledge. Even as Davis was held within the "slavery of prison" she could only reflect—or imagine—the connections between the past that brought her to her imprisoned present. Imagination

⁸⁵ Angela Davis, "Reflections on the Black Woman's Role in the Community of Slaves" in *The Angela Davis Reader*, ed. Joy James (Malden: Blackwell Publishers Inc, 1998), 111.

and reflection were necessary for two reasons. First, the prison denied her access to research materials; second, the facts, testimonies, stories, and records she needed to compose a factual account of black women under slavery were never recorded to begin with. As Jenny Sharpe writes of enslaved black women, “We have much to learn, but can never fully know.”⁸⁶ In fact, Williams was motivated to write *Dessa Rose* because of the necessary partialness of Davis’s essay. The novel recovers the histories of enslaved black women Davis was unable to discover; it recovers what does not exist in the written record of slavery. Williams writes in the author’s note of *Dessa Rose*:

Dessa Rose is based on two historical incidents. A pregnant black woman helped to lead an uprising on a coffle (a group of slaves chained together and herded, usually to market) in 1829 in Kentucky. Caught and convicted, she was sentenced to death; her hanging, however, was delayed until after the birth of her baby. In North Carolina in 1830, a white woman living on an isolated farm was reported to have given sanctuary to runaway slaves. I read of the first incident in Angela Davis' seminal essay, "Reflections on the Black Woman's Role in the Community of Slaves" (The Black Scholar, December 1971). In Tracking Davis to her source in Herbert Aptheker's American Negro Slave Revolts (New York, 1947), I discovered the second incident. How sad, I thought then, that these two women never met.⁸⁷

Williams’s use of fiction to recover slavery’s production of loss is not unique. In fact, *Dessa Rose* was published just one year before Toni Morrison’s *Beloved*. While *Dessa Rose* did not receive the same critical acclaim and cultural celebration as *Beloved*, each text remembers the past through a mixture of fact, memory, and imagination. Both novels critique the limitations of realist forms and objective history to recover and circulate the forgotten. They can be considered examples of what Sherryl Vint calls “the postmodern slave narrative,” a form that compels us to question the discourses embedded

⁸⁶ Sharpe, xxvi.

⁸⁷ Williams, iii.

within realistic representations of slavery in traditional history.⁸⁸ Slave narratives were often shaped and edited to be palatable for sympathetic white readers. White desire for the horrors of slavery to be “delicate” and “veiled” determined what entered the written record. But, even when the truth was altered, there was still doubt. Harriet Jacobs (Linda Brentt) begins her *Incidents in the Life of a Slave Girl* by assuring readers that “this narrative is no fiction. I am aware that some of my adventures may seem incredible, but they are, nevertheless, strictly true. I have not exaggerated the wrongs inflicted by slavery; on the contrary my descriptions fall short of the facts.”⁸⁹ Jacobs insists she is telling the truth even as her truth is undone by what she leaves out. The absences she produces by amputating pieces of the truth exist to please the white readers who would doubt the veracity of her story had she not left anything out. In other words, had she told the truth, her life would be unreal, so she censors the truth to make her life seem more realistic. The fiction of her fact is produced by the desire for a fiction one can pretend is fact. Truth is evacuated so it is digestible to the sympathetic white imagination.

Elsewhere, Jacobs observes, “No pen can give adequate description of the all-pervading corruption produced by slavery.”⁹⁰ While some facts are too awful to speak, others are too horrifying to capture with words. The violence and terror of slavery exceeds representation. It is both unspeakable and unknowable. But where facts fail, the imagination steps in. Morrison and Williams reject conventional distinctions between fact and fiction, arguing instead that there is a truth of the slave’s experience that has

⁸⁸ Sherryl Vint, “Only by Experience”: Embodiment and the Limitations of Realism in Neo-Slave Narratives,” *Science Fiction Studies*, Vol. 34, No. 2 (Jul. 2007): 241.

⁸⁹ Linda Brentt, *Incidents in the life of a Slave Girl* (Mineola: Dover Publications, 2001), 2.

⁹⁰ Cited in Hartman, *Scenes of Subjection*, 107.

been left out of both traditional slave narratives and official discourses on slavery.

Morrison calls her imaginings a kind of "literary archeology" that recovers a "truth about the interior life of people who didn't write it (which doesn't mean that they didn't have it)."⁹¹ If we are to truly reckon with the history of slavery and make sense of its afterlife, we must engage the unspeakable and unknowable; this is done in literature. Fiction is where the facts we must remember lay waiting.

For Davis and Williams, prison and slavery produce the absence of memory, or to paraphrase Sharpe, a story that was not recorded from the start—a story that only exists as an absence.⁹² The epistemological loss that *Dessa Rose* recovers through fiction is central to our ability to make sense of the now. Through the recovery of a never recorded past, Williams connects the prison to slavery, but also offers a genealogy of the powers of the market that leads to the coffle, the sweat box, the auction block, and the plantation. It is by engaging what has been lost and how it was left behind that Williams and Davis make sense of the present—a present in which life is lived in loss because abolition did not redress the crimes and horrors of slavery, but only located its death sentence elsewhere.⁹³ The absence produced by slavery is part of the foundation of the present, a process that all three texts engage. For this reason, it is worth exploring *Dessa Rose*'s theorization of history and slavery before turning to the market and our neoliberal present.

⁹¹ Cited in Vint, 241.

⁹² Sharpe, xi.

⁹³ Stephen Best and Saidiya Hartman, "Fugitive Justice: The Appeal of the Slave," *Representations* 92 (Fall, 2006): 2-3.

Dessa Rose addresses the relationship between death, forgetting, history, and slavery by remembering the past through fiction and critiquing the production of knowledge about slavery and slaves. For instance, Dessa, the novel's protagonist, is incarcerated in the basement of a sheriff's farm after helping to lead an uprising on a slave coffle in which five white men were killed, and for which 31 slaves were executed and 19 branded or flogged. Dessa was sold to the coffle after she attacked her former Master for killing her lover (another slave named Kaine). The novel follows Dessa from when she attacks her Master, to the uprising on the coffle, to her incarceration, and then to her escape and refuge on a old rundown plantation where a white woman let's runaway slaves live. Dessa's logic for attacking her Master inverts slavery's logic of disposability; "I kill white mens...I kill white mens cause the same reason Masa kill Kaine. Cause I can."⁹⁴ It is her reasoning that makes her so terrifying to the police and to a researcher who comes to interview her.

While detained for her participation in the uprising on the coffle, barely visible in the shadow of the cellar, Dessa is interviewed and interrogated by a scholar researching the management of captive populations for his newest book *The Roots of Rebellion in the Slave Population and Some Means for Eradicating Them*. The scholar, Adam Nehemiah (or Nemi), needs to understand Dessa's history in order to develop more effective methods for quelling rebellion. Summarizing the life of his research subject, the "devil woman" who "attacked white men and roused others niggers to rebellion," Nemi writes:

These are the facts of the darky's history as I have thus far uncovered them:

⁹⁴ Williams, 9.

The master smashed the young bucks banjo.
The young buck attacked the master.

The master killed the young buck.
The Darky attacked the master—and was sold to the Wilson slave coffle.⁹⁵

Nehemiah's conversion of Dessa's life into five lines, "The facts of the darky's history," represents the forms of historical truth that the novel as a whole sets out to contest. This is a history where black will and agency are intelligible only as criminal transgression. A history where Dessa's attack on her captor (master)—the murderer of her lover—can only be understood as what Nemi calls "a fantastical fiction."⁹⁶ Black will, love, and killing rage are not intelligible to the historical record Nemi is composing. The facts are too outrageous—something for romance novels, if novels, as Nemi points out, were about black people. The only aspects of Dessa's life worth remembering are those that explain why she incited rebellion on the coffle. In this way, Nemi mobilizes the power of knowledge for discursive capture and bodily containment. Indeed, after Dessa escapes from the basement where he interviews her for his book, Nemi becomes obsessed with tracking and capturing Dessa. When he finds her at the end of the novel, his scholarship becomes proof of who she really is: "I know it's her...I got her down here in my book...it's all here...She walks on the insides of her feet from being on the chain. Her hair fit like a cap on her head underneath that scarf. I know her...Science. Research. The mind of the darky."⁹⁷ The history Nemi has produced abolishes Dessa's personhood and attempts to recapture her body. For Dessa, if chains can be broken and white men killed,

⁹⁵ Williams, 24.

⁹⁶ Ibid, 24.

⁹⁷ Ibid, 176.

racial knowledge is a prison that knows no bounds. Nemi's words are history as an apparatus of capture—a history that is produced through racial torture and terror.

In his pursuit of the most rational and effective methods for population management, Nemi punches, threatens with death, and starves the chained Dessa: “Nonetheless he has prevailed upon Hughes to institute the saltwater treatment: no food and nothing but heavily salted water to drink. They had gotten results; he glanced at where his journal, still open to the day's entry, lay at the makeshift table.”⁹⁸ Nemi's research journal is full of knowledge gained through the torture of Dessa. But what Dessa does not tell Nemi, and thus keeps out of the historical record, is what composes the rest of novel. If Nemi's facts silence and capture the slave, fiction can make the ghosts of slavery speak.⁹⁹ Reflection and imagination can point to something else that will never be known or that was never allowed to be.

When Dessa speaks, she refuses slavery's politics of accounting and methods of measuring value by naming the forgotten, by remembering what Nemi could not and would not see as having value or significance for the historical record. *Dessa Rose* remembers the dead whose names were never written down and thus names the absences that shape out present. For instance, in a fight with Rufel, the white woman who lets runaway slaves stay on her farm provided they work her fields for free and who cannot remember the name of the enslaved woman who raised her, Dessa recalls the names of the dead “until speech became too painful.”¹⁰⁰

⁹⁸ Williams, 17.

⁹⁹ Sharpe, xii.

¹⁰⁰ Williams, 87.

Dessa heaved herself to her knees, flinging her words in the white woman's face. 'Mammy gave birth to ten chi'ren that come in the world living.' She counted them off on her fingers. 'The first one Rose after herself; the second one died before the white folks named it. Mammy called her Minta after a cousin she met once. Seth was the first child lived to go into the fields. Little Rose died while mammy was carrying Amos—carried off by the diphtheria. Thank God, He spared Seth.' Remembering the names now the way mammy used to tell them, lest they forget, she would say; lest her poor, lost children *die to living memory* as they had in her world...Even buried under years of silence, Dessa could not forget.¹⁰¹

Here, Dessa contests the ways that racial capitalism's financialization of life produces death and loss. She remembers what Nemi's history and the market's ledgers erase and forget. We can contrast Dessa's remembering of names and lives recorded nowhere else with the entanglement of death, knowledge, and the market in the ledgers of slave ships and plantations. According to Ian Baucom, the slaves who died in the hold of a ship or the turbulence of the sea are unknowable: "We know almost nothing of them...Not as individuals. As 'types' they are at least partially knowable, or imaginable."¹⁰² An unimaginable number of slaves did not survive the passage. However, their deaths and value live on in the records of an emergent global capitalism and the ontology of an ascending racial order.

February 4: One slave purchased: a man.
February 5: The captain orders the crew to check and clean their guns;
purchases one woman
February 7: One woman.
February 9: One woman.
February 13: Two men.
February 14: Canoe sent upshore for water; one man and one woman.
February 15: One man.
February 17: First child purchased, a boy; the captain also buys a woman.¹⁰³

¹⁰¹ Williams, 87.

¹⁰² Baucom, 11.

¹⁰³ Ibid, 12.

Or simply the name of death.

Dysentery.

Insanity.

Consumption.

Ditto.

Ditto.

Ditto.

Ditto.¹⁰⁴

As evidenced by Williams and Davis, an engagement with slavery's afterlife means we must make sense of what we know and how we know it, and who we are and how we got here, but it also means making sense of that which never was. It means looking at dust for a trace of the past and connecting the present to the absence of memory. Slavery lives on in what we can see and feel, but also in what feels like nothing, in the absence left by the millions who lie at the bottom of the ocean or under rows of cotton and rice. Within such an analytic—one provided by black feminism—one must see what is not there, feel the trace of a form of power that cannot be named, and as Williams argues, one must remember what was never written down. This is the project of *Dessa Rose*. If one of the purposes of fact is to constrain thought, limit its power to the proof of records and documented events, then imagination is the tool required to confront the unknowable. If history is more than a flash or revelation, if it is a piling up, if time does not pass but accumulates, than one must be able to search the wreckage, but also see what was destroyed along the way.¹⁰⁵

By remembering the never recorded details, intricacies, and intimacies of the life of a rebel slave, Williams positions fiction as an archive of facts that have been

¹⁰⁴ Vincent Brown, *The Reapers Garden: Death and Power in the World of Atlantic Slavery* (Cambridge: Harvard University Press, 2008), 48.

¹⁰⁵ Baucom, 333.

disappeared while also mobilizing fact to contest the fictions produced by the neoliberal-carceral state. Williams's fiction and Davis's reflective essay contest the knowledge (and lack of knowledge) produced by Nemi's research and slavery more broadly. By engaging the unthinkable, the unthought, and the forcefully forgotten, black feminism levels a critique of the regimes of knowledge that structure the state and capitalism. *Dessa Rose* contests the power of white supremacy, the market, and speculative reason to produce the unknowable by remembering the past through imagination. In addition, it apprehends the assemblage of biopolitical and necropolitical power composed by the life of chattel-slavery and its afterlife in the prison and beyond. Davis and Williams connect the absence of death and forgetting to the ground we stand on. As the power of the market resurged in the 1970s and 80s, Williams reminds us where that power came from and what it was able to do. By operating within another epistemological economy, black feminism is able to make connections between the prison and slavery, and as we will see, neoliberalism and slavery. Davis and Williams offer us a history of the present that does not exist elsewhere. They refuse to let the unknowable relegate slavery to the realm of the unthinkable. They engage the past through its very forgetting—a forgetting that is foundational to the neoliberal-carceral state.

The Ghosts of Neoliberalism

In the chapter of his 1962 text *Capitalism and Freedom*, “Capitalism and Discrimination” Milton Friedman argues that the free market and capitalism have been the “major source of opportunity for Negroes” and have allowed them to make “greater

progress then they otherwise could have.”¹⁰⁶ Throughout the text, Friedman argues that the liberal individual is not tethered to the past nor encumbered by the movements of power. Because the free market only considers “economic efficiency,” all are equal in the realm of the market. Critically, for Friedman, the market is where racism will be undone. Freedom will prosper when the market is liberated from the regulations of the state. In the world of *Capitalism and Freedom*, the subject is abstracted from history and the social world. “Individual freedom” and economic freedom will produce political freedom. The market is a technology free of coercion and power that will produce freedom for the liberal individual. According to Friedman, the history of the West (and the U.S. in particular) are exceptional in world history because the free market produced freedom in the nineteenth and twentieth centuries—a time when much of the world was supposedly lost to “tyranny, servitude, and misery.”¹⁰⁷ In this way, the free market is central to the imagined freedom foundational to U.S. exceptionalism. This story is made possible by what it forgets. The discourses of personal responsibility, individuality, and choice produced by Friedman require the expulsion of the past from the present. Friedman’s text, and the neoliberal discourses it inspired, quiet the whispered demands of the dead, cover the tracks that link the prisoner to the slave, and relegate slavery to the realm of the unthought.

We can witness this process in the “Statement of Principles” for the Mont Pelerin Society, an early neoliberal policy group (whose members included Milton Friedman, Friedrich von Hayek, and Ludvig von Mises). They write:

¹⁰⁶ Milton Friedman, *Capitalism and Freedom* (Chicago: University of Chicago Press, 2002), 109.

¹⁰⁷ Friedman, 9.

The central values of civilization are in danger... Even that most precious possession of Western Man, freedom of thought and expression, is threatened by the spread of creeds which, claiming the privilege of tolerance when in the position of a minority, seek only to establish a position of power in which they can suppress and obliterate all views but their own.

The group holds that these developments have been fostered by the growth of a view of history which denies all absolute moral standards and by the growth of theories which question the desirability of the rule of law. It holds further that they have been fostered by a decline of belief in *private property and the competitive market; for without the diffused power and initiative associated with these institutions it is difficult to imagine a society in which freedom may be effectively preserved* (my emphasis).¹⁰⁸

Here, the Mont Pelerin Society argues that the freedom of “Western Man” is produced by the existence of private property and the diffuse operations of a free, unregulated market. Freedom, civilization, and Man are threatened by state intervention, welfare, and the chaos that follows the absence of law. A free market is not just freedom for the circulation and accumulation of capital, but is also foundational to the freedom of Man. Friedman et al. understand the market to be a regime of dispersed power that will produce freedom. Written in 1947, the statement precedes the hegemony of neoliberal policy that would begin in the 1970s and 1980s, yet the document indexes the racialized anxieties and amnesia that institute neoliberalism as a theory and biopolitical project. Although neoliberalism is commonly understood as a class project to restore power to a capitalist ruling class, the “Statement of Principles” shows how this process was also *always already* a racial project to stabilize and restore the power of whiteness.

Civilization and Western man are discourses that necessarily invoke and require the barbarism, savagery, backwardness, and sexual depravity of the racial Other. The

¹⁰⁸ Quoted in David Harvey, *Neoliberalism: A Brief History* (Oxford: Oxford University Press, 2007), 20.

definition of freedom deployed by the Mont Pelerin Society is parasitic on an unspoken but present Other. As Christina Sharpe writes, “The desire to be free requires one to be witness to, participate in, and be silent about scenes of subjection we rewrite as freedom.”¹⁰⁹ The invocation of freedom always rests upon an inheritance that relies on (and a performance that reproduces) unfreedom. Liberal freedom is routinely defined against unfreedom and slavery. Freedom is also defined against the prison and the prisoner (who is also a racial Other) as we saw with the Thirteenth Amendment. In other words, the white body’s investment with freedom is constructed against (and through) the social, civil, and living death of black people and people of color. This is the symbiosis between the political ontology of white life and the social death of blackness, or what Hartman calls “the complicity of slavery and freedom,” where freedom found its authority and dignity in the symbol of slavery while slavery extended itself into the limits, excesses, and subjections of freedom.¹¹⁰

In addition, the “Statement of Principles” is structured by an anxiety about losing the freedom of whiteness. It argues that the market is *the* technology that must be mobilized to protect and secure the sanctity of white life. As I discuss more fully later in the chapter, the authors of the statement understand that the market is a racialized mechanism that protects Western Man. The powers of the market collude with the powers of race, relegating some to spaces of prosperity, safety, and security, and others to spaces of disposability, death, and dying. Without the dispersed powers of the market, the freedom that Friedman et al. seek to preserve—a freedom that has always been

¹⁰⁹ Sharpe, 22.

¹¹⁰ Wilderson, *Red White and Black*, 20-21; Hartman, *Scenes of Subjection*, 115.

produced by racialized and gendered subjection and terror—will disappear. The statement implicitly argues that the racial subjection produced by the market must continue if freedom is to live on. Unspoken (but necessary) in this process is that the Others to Western Man will be relegated to spaces of unfreedom and death. In this way, the “Statement of Principles” rests upon a willful forgetting of the forms of racial terror and subjection that make freedom possible, most critically chattel-slavery. It is through a willful forgetting of slavery and racial terror that the market can be theorized as a technology of freedom. When proponents of neoliberalism pushed for the freedom of the market, they also expanded the market’s powers of racial subjection. Yet they acknowledge this fact when they argue that the market will free Western Man and presumably, leave others *unfree*. Thus, the freeing of the market gave new life to white supremacy in the era of the post-Civil Rights revival of the racial state. If the market frees Western Man while leaving others unfree, then there is another genealogy of the market that leads us not to freedom, but to the slave ship, plantation, coffle, and auction block—a genealogy that undoes the neoliberal narrative of freedom and progress.

Proponents of neoliberalism are not alone in the forced forgetting of slavery and racial subjection. This body of knowledge shares an epistemological kinship with the movements and theories that seek its destruction. Slavery’s status as an unthinkable history of the present is also evident in critical scholarship on neoliberalism. More specifically, slavery as the unthought structures the ways that critical theories of neoliberalism understand the relationship between the economic, the social, the population, and the body. For instance, in his germinal book *Neoliberalism: A Short*

History, David Harvey argues that neoliberalism produces the “financialization of everything” by intensifying the market’s hold over daily life.¹¹¹ For Harvey and many scholars, neoliberalism is understood through a historical teleology in which capitalism is regressing to a point never before witnessed. For instance, Harvey writes, “Neoliberalization has unquestionably rolled back the bounds of commodification and greatly extended the reach of legal contracts.”¹¹² Neoliberalism is understood to have broken the liberal division between the social, economic, and political so that the economic reaches beyond its supposed isolated domain. As Aihwa Ong argues, under “neoliberal governmentality,” market-driven truths and calculations infiltrate the domain of politics.¹¹³ Within this narrative, the 1970s signal a change in the relationship between the market and life.

For Michel Foucault, an economic rationality became a way of producing knowledge about (while also regulating) marriage, raising and educating children, health, and criminality. The economic was mobilized to make sense of the social; at the same time, the market was promoted as the appropriate device for production of the social good.¹¹⁴ Under 1970s neoliberalism, everything could be filtered through the scientific rationality of the economist. In this way, the market became a mechanism and a paradigm for regulating all aspects of life. The economic became a model of “social

¹¹¹ See also David Harvey, *Neoliberalism: A Brief History* (Oxford: Oxford University Press, 2007), 33; *Neoliberalism and Everyday Life*, ed. Susan Braedley and Meg Luxton (Montreal: McGill-Queen's University Press, 2010); Wendy Brown, “American Nightmare: Neoliberalism, Neoconservatism, and De-Democratization,” *Political Theory* 34:6 (December, 2006): 690-714.

¹¹² Harvey, 166.

¹¹³ Aihwa Ong, *Neoliberalism as Exception: Mutations in Citizenship and Sovereignty* (Durham: Duke University Press Books, 2006) 4.

¹¹⁴ Michel Foucault, *The Birth of Biopolitics: Lectures at the College De France, 1978-1979* (New York: Palgrave Macmillan, 2010) 268. Also see, David Harvey, *Neoliberalism: A Brief History* (Oxford: Oxford University Press, 2007), 3.

relations and existence itself, a form of relationship of the individual to himself, time, those around him, the group, and the family.”¹¹⁵ For Foucault, neoliberalism pushes the economic into the social so that they become indistinct. When neoliberalism converts the social into the economic, when the market infiltrates the political, we witness “the end of liberal democracy” and the “twilight of equality.”¹¹⁶

Marxist theories understand neoliberalism to be a counter mobilization by the state and capital against the labor movement. Within this narrative, neoliberalism is a global strategy of accumulation that funnels capital back to the ruling class. This narrative of the primacy of class and capital over race and white supremacy holds even when slavery is considered. In his article, “Neoliberal Political Economy, Biopolitics and Colonialism: A Transcolonial Genealogy of Inequality,” Couze Venn argues that a genealogy of neoliberalism’s biopolitics must account for colonialism and slavery. Yet, even when slavery is thought, it still disappears. Venn writes, “The Triangular Trade is but one among a host of other examples that demonstrates that, underlying the process of accumulation, we find the deliberate and planned establishment of dispositifs to ensure wealth transfer to the rich and powerful.”¹¹⁷ For Venn, slavery, *like* neoliberalism, is a transnational project of wealth accumulation. It is a global project for the production of a ruling class. The body of the slave is theorized as a form of wealth abstracted from race and gender. Slavery is about class and wealth, not the production of a transnational racial

¹¹⁵ Ibid, 242.

¹¹⁶ Lisa Duggan, *The Twilight of Equality: Neoliberalism, Cultural Politics, and the Attack on Democracy* (Boston: Beacon Press, 2003); Wendy Brown, “Neo-liberalism and the End of Liberal Democracy,” *Theory & Event* Vol. 7:1 (2003).

¹¹⁷ Couze Venn, “Neoliberal Political Economy, Biopolitics and Colonialism: A Transcolonial Genealogy of Inequality,” *Culture & Society* vol. 26 no. 6 (November 2009): 206-233.

ontology. By equating slavery with other mechanisms mobilized to redistribute wealth, slavery's anti-blackness is expelled from capital's operations, even as, in the words of Hortense Spillers, "the socio-political order of the new world" was inaugurated by approaching the black body with a structuring logic of force, accumulation, and death. In short, slavery's connection to neoliberalism remains unthinkable even when it is addressed.

The predominant narrative about the relationship between the market, the body, population, and life under neoliberalism rests upon the unthinkable of slavery. That is, the theories and epistemologies mobilized to make sense of neoliberalism are incapable of connecting slavery to neoliberalism's biopolitics. My argument is not that slavery is *like* neoliberalism, but that the racialized and gendered logics, discourses, and biopolitical power of the market under slavery possess and structure the market under neoliberalism. Indeed, if "[n]eoliberalism is merely the most recent [form of] governmentality that relies on market knowledge and calculations for a politics of subjection and subject-making" then what is the role of slavery's production of global capital, race, and technologies of subjection in this process?¹¹⁸ If neoliberalism requires the expulsion of the past from the present, how can a genealogy of neoliberalism that centers slavery alter how we understand neoliberalism's operations? What histories of the market and the economic can black feminism provide so that we tell a different story about neoliberalism?

Through its engagement with the unknowable and unthinkable, black feminism makes possible a critical genealogy of neoliberalism and biopolitics that can account for chattel slavery. By doing so, we can understand anti-blackness as foundational to

¹¹⁸ Ong, 4.

neoliberalism. In addition, we can adjust our understanding of the relationship between the market, the body, and the population. Because black feminism is a formation that makes sense of the management of populations through an engagement with the production of terror and death, it can help us tell different story about neoliberalism, one where the past lives on in the present, one where “all of it is now.”

Dorothy Roberts’ analysis of the torture of contemporary prisoners using a restraint chair (also know as the “slave chair” or “devil’s chair”) offers a model for the project I am attempting. Roberts argues that a chain of racialized technologies used to torture (chairs, chains, rope, bars, and so on) blur the distinction between past and present. For Roberts, torture has been a primary mechanism for the production of race and the racial state in the United States, and something as mundane as a chair is mobilized to produce a racial order. A chair is one node in a vast network of spatial-temporal power and violence that produces race as life and death. The design and use of the chair is more than haunted by slavery’s methods of population management and control: slavery’s power possesses and animates the chair (in name and operation). The chair has a life of its own; the chair has an affect. Through its investment with biopolitical power, the chair disassembles time and space so that the past does not linger in the present, but becomes indistinguishable from it. Terror forces the past to emerge within the present. We can understand the market in a similar capacity; the market functioned as a biopolitical and carceral technology under chattel slavery, and these logics continue to animate aspects of its operation. The market possessed the body, managed populations, and mimicked the carceral. By engaging a black feminist

genealogy of slavery and the market—one composed by imprisoned black feminists writing within an ascendant neoliberal state—we can understand the necropolitics of slavery as possessing the biopolitics of neoliberalism. In other words, it is not only the slavery of prison that is central to neoliberalism, but also the prison of the market.

Biopower, Slavery, and the Prison of the Market

In the passage that inspired Williams to write *Dessa Rose*, Davis captures the relationship between race, gender, punishment, and the market that was central to slavery:

During the same year [as the dissection and execution of a black woman charged with starting a fire], a group of slaves, being led from Maryland to be sold in the South, had apparently planned to kill the traders and make their way to freedom. One of the traders was successfully done away with, but eventually a posse captured all the slaves. Of the six leaders sentenced to death, one was a woman. She was first permitted, for *reasons of economy*, to give birth to her child. Afterwards, she was publicly hanged (my emphasis).¹¹⁹

For Davis, enslaved black women were subjected to particular forms of racial terror, torture, and discipline. These forms of punishment, and the accompanying racial logics concerning the management of black life, were animated by the rationality of the market. The unnamed pregnant rebel's death was prolonged, not to preserve the life of an unborn child, but rather to extract the capital growing in her body. In this way, slavery did not commodify labor, it commodified life itself—producing what Hartman calls "the subject of accumulation."¹²⁰ As Davis shows, slavery's disciplinary and biopolitical regulation of black life was animated by the dictates of the market. Profit, punishment, race, gender,

¹¹⁹ Davis, "Black Women in the Community of Slaves," 121.

¹²⁰ Hartman and Wilderson, 84.

and death, were inextricably intertwined. The market helped drive the punishment of the insurgent black body while also taking hold of it with demands for value and profit.

Skin, iron, and capital were linked as race and death were produced for profit. White supremacy wedded the market to flesh and bone, a process that is central to the Achille Mbembe's concept of necropolitics. He writes:

Any historical account of the rise of modern terror needs to address slavery, which could be considered one of the first instances of biopolitical experimentation...This power over the life of another takes the form of commerce: a person's humanity is dissolved to the point where it becomes possible to say that the slave's life is possessed by the master. Because the slave's life is like a "thing," possessed by another person, the slave's existence appears as a perfect figure of a shadow.¹²¹

Under the logic of the Atlantic slave trade, the market's arithmetic of accumulation was sutured to the flesh, inhabiting the bodies and lives it stripped down to the sum of their biological parts for sale within the freedom of the market. This process marked the violent nexus between the market, discipline, and the production of life. The market was not a zone of freedom, but a zone of death and terror. The historian Stephanie Smallwood writes:

The violence exercised in the service of human commodification relied on scientific empiricism always seeking to find the limits of human capacity for suffering, that point where material and social poverty threatened to consume entirely the lives it was meant to garner for sale in the Americas. In this regard, the economic enterprise of human trafficking marked a watershed in what would become an enduring project in the modern world: probing the limits up to which it is possible to discipline the body without extinguishing the life within.¹²²

¹²¹ Mbembe, 21.

¹²² Stephanie Smallwood, *Saltwater Slavery: A Middle Passage from Africa to American Diaspora* (Harvard University Press, 2008), 35-36.

The aim of this early biopolitical project was not to punish and torture, but rather, to slow the depletion of life in the name of economic efficiency. White supremacy and the market produced the shadow life of the slave within space between life and death. Violence and death were the mechanisms mobilized, and required, to turn human beings into things. While torture and terror were the outcomes for captives, their pain, panic, dread, and horror were unintelligible the rational calculations and concerns of the market. The market decided how many rocks a body could ingest, how many bodies a ship could swallow, and where the line between life and death would reside. Out of social, living, and biological death, the human commodity would live, so that bodies, value, and a racial order would circulate the globe.

Through this circulation, the market more than dictated the slave's living death, more than determined how the most value could be extracted from the frailty of a dying child or the rage of women close to insurrection—it transformed people into money and in some cases, a form of credit. According to Ian Baucom:

They were not just selling slaves on the far side of the Atlantic, they were lending money across the Atlantic. And, as significantly, they were lending money they did not yet possess or only possessed in the form of slaves. The slaves were thus treated not only as a type of commodity but as a type of interest-bearing money. They functioned in this system simultaneously as commodities for sale and as reserve deposits of a loosely organized, decentered, but vast trans-Atlantic banking system....¹²³

This is the unimaginable power of the market. The market was mobilized to manage every aspect of life and to transform it so that black flesh was fully fungible with other

¹²³ Baucom, 61.

captive bodies, gold, rum, or animals.¹²⁴ Yet, the slave was not just equivalent to other commodities, as Baucom argues, she became money. The body and soul of the slave were socially and biologically killed and brought back to life through a possession of the racial powers of the market.¹²⁵

For the slave, economic rationality possessed every moment of life's terror and death's release. Liberal distinctions between the public and private, and the economic, political, and social were fabrications for the slave, illusions that depended on their erasure from the realm of the human. This erasure made possible the alchemy of the market so that with its social, economic, and discursive mechanisms, the market could transform a human being into an object and test the limits of that object's biological life.¹²⁶ In *Dessa Rose*, Nathan, a slave who aided in the coffle uprising, narrates the ways value, gender, race, and terror were intertwined when he describes Dessa's punishment after she attacks her Master (captor) for murdering her lover.

I seen her when she come out that sweatbox they put her in. Know what that is, Mis'es? It's a closed box they put willful darkies in, built so's you can't lie down in it or sit or stand in it. It do got a few holes in it so you can breathe, but plenty people done suffocated in em. They whipped her, put her in that, let her sweat out in the sun... They lashed her about the hips and legs, branded along the inside of her thighs... They'd just about whipped that dress off her and what hadn't been cut off her--dress, drawers, shift--was hanging around her in tatters or else stuck in them wounds. Just from the waist down, you see, cause *they didn't wanna 'impair her value*... I don't know how long they had her in that box. Her face was swolled; she was bloody and dirty, cramped from laying up in

¹²⁴ Walter Johnson, *Soul by Soul: Life Inside the Antebellum Slave Market* (Cambridge: Harvard University Press, 2001), 58.

¹²⁵ Baucom's text demonstrates how even corpses remained valuable because of insurance policies. The dead were still money.

¹²⁶ *Ibid.*, 63.

there. I didn't think she could stand up; but she did...She stood up. (my emphasis)¹²⁷

Nathan's description apprehends the ways slavery tested the boundary between life and death, torturing the body, murdering the soul, but preserving biological life. The merger of white supremacy and the market animated the power of the sweatbox. The market and the carceral are indistinguishable in the disciplining of Dessa. Wilson's goal in torturing Dessa was not death, "he didn't believe in damaging goods," rather "what he done then was mostly for show, impress the mistress with how slaves ought to be handled...He wasn't trying to kill her."¹²⁸ Dessa's incarceration in the sweatbox was the performative and pedagogical merging of race, terror, and the market. An assemblage that produced social and living death as it flirted with biological death. Yet, death was not the goal because the market set limits on how far white desire for pain could go. Wilson's production of black suffering for his wife, other slaves, and himself had to be balanced with his longing for the accumulation of capital. The violence of chattel-slavery was not just driven by the need for capital; the pleasures of terror were also central to the maintenance and reproduction of the social order. But the pleasures brought on by black pain had to be balanced with the production of value. The value of the unnamed pregnant rebel's child trumped the desire for her death; "I had been spared death till I could birth a baby the white folks wanted to keep slaved."¹²⁹

By speaking the unspeakable and remembering the forgotten, this passage shows us that the market was central to slavery's carceral technologies. The market possessed

¹²⁷ Williams, 99.

¹²⁸ Ibid, 100.

¹²⁹ Ibid, 138.

the body with a logic of accumulation, fungibility, death and determined what form punishment and discipline would take. By indexing a genealogy of the market's relationship to the body of the slave, the work of Davis and Williams can help us understand neoliberal biopolitics in a new capacity. As capital changed from a Fordist-Keynesian regime to a neoliberal regime of "flexible accumulation" in the 1970s, a number of scholars have argued that we witnessed the transition from the formal to the real subsumption of life and labor under capital.¹³⁰ The 70s mark the moment when capital enveloped "life itself." Yet, as evident in the writing of black feminists in the 70s, this process goes back to the plantation, and is informed, animated, and possessed by this past.

While the economics of slavery possessed bodies and populations with its logic of accumulation and disposability, the market fatally haunted black life, tracking and managing it everywhere captives could find a moment of respite. Under chattel-slavery, the market possessed the body but also restricted, controlled, and incarcerated it. The market under slavery was a prison itself. For Dessa, freedom did not lie outside the sweatbox, off the coffle, or beyond the plantation. The carceral nature of white supremacy and the market made it so that Dessa could literally not imagine freedom; "You could scape from a master, run away, but that didn't mean you'd scaped from

¹³⁰ See Patricia Clough, "The Affective Turn: Political Economy, Biomedica, and Bodies" in ed. Melissa Gregg and Gregory Seigworth, *The Affect Theory Reader* (Durham: Duke University Press, 2011), 220-221; Michael Hardt and Antonio Negri, *Common Wealth* (Cambridge: Harvard University Press, 2009), 229-230; David Harvey, *The Condition of Postmodernity* (Malden: Blackwell Publishers, 1990), 125-197.

slavery. I knew for myself how hard it was to find some place to go.”¹³¹ There was no place to go because everyplace was a marketplace. Smallwood writes:

Those who managed [to escape] found that, here again, the most powerful force opposing their desperate efforts to return to a place of social belonging was not the physical constraint of prison walls and iron shackles, but rather the market itself.¹³²

Smallwood, like Shakur and Williams, understands the market as a powerful extension of various technologies of capture: chains, shackles, bars, prisons, and ships. Although penal technologies were central to detaining and immobilizing captive Africans, white supremacy and the market *made* them slaves. Whether they burrowed under prison walls, killed a crew and overtook a ship, or quietly swam away, fugitive flesh was easily recognized as a commodity on the run. An expansive grid of captivity engendered by race and commodification meant that there was no outside to the prison of slavery.¹³³ As Smallwood notes, “The market was everywhere, always shining a light on the captive’s ‘exchangability.’”¹³⁴ The market fused chattel and blackness together at the level of discourse, skin, and ontology, ensuring the mark of commodification held stronger than iron and steel. The market produced a regime of surveillance wherein black flesh became ontologically inseparable from slavery’s chattel logic. Thus, the terror of social and living death would follow captives into what was ostensibly the free world. Blackness meant slave, and the market would follow wherever commodified flesh could hide. This fabrication of blackness as ontological, as more than political, as more than the profound

¹³¹ Ibid, 140.

¹³² Smallwood, 53.

¹³³ Frank B. Wilderson III, *Red, White & Black: Cinema and the Structure of U.S. Antagonisms* (Durham: Duke University Press Books, 2010), 111.

¹³⁴ Smallwood, 56.

uneven distribution of death and dying, meant that the necropolitics of race would live on well past the “non-event of emancipation” weaving slavery and subjection into the very texture of freedom.¹³⁵ Race and white supremacy carried slavery’s chattel logic into the future. Accordingly, traces of slavery’s necropolitics live on in discourse, institutionality, and ontology.

Chattel slavery is central to the contemporary politics of the market in addition to the politics of life and death in general. Indeed, terror’s constitutive relationship to the production and management of race began on the “floating dungeon” of the slave ship. As a paradigmatic technology of modernity, the slave ship—a machine that was simultaneously a prison, a factory, a market, and an instrument of warfare—and its social relations inaugurated the economic, discursive, and institutional life of transnational capitalism.¹³⁶ The carceral, the imperial, and the industrial were intertwined in the biopolitical regulation of black life, the expansion of capital, and the production of blackness, whiteness, and white supremacy. The slave trade produced methods for controlling populations; disciplining, torturing, and immobilizing the body; regulating health and hygiene; and extending the market beyond the economic. Additionally, it produced regimes of race and racism wherein blackness was subjected to “open and

¹³⁵ Hartman, *Scenes of Subjection*, 116.

¹³⁶ Marcus Rediker, *The Slave Ship: A Human History* (New York: Viking, 2008), 9. See also, Johnson, “The Pedestal and the Veil: Rethinking the Capitalism/Slavery Question,” *Journal of the Early Republic* 24 (2004): 299-308; Cedric Robinson, “Capitalism, Slavery and Bourgeois Historiography” *History Workshop Journal* 23:1 (1987): 122-140; Seth Rockman, “The Unfree Origins of American Capitalism,” in *The Economy of Early America: Historical Perspectives and New Directions*, ed. Cathy Matson (University Park: The Pennsylvania State University Press, 2006), 335-363; Stuart Hall, “Race, articulation and societies structured in dominance” in *Sociological Theories: Race and Colonialism* (Paris: UNESCO, 1980), 305-345.

absolute vulnerability,” making white life dependent upon black (living) death.¹³⁷ In short, the slave trade inaugurated methods for ranking life and measuring value that have yet to be undone.¹³⁸

We can position slavery and its various technologies of domination (ship, plantation, sexual violence, management of birth) as preceding Giorgio Agamben’s argument that the concentration camp is the paradigmatic figure of modernity.¹³⁹ In *Homo Sacer: Sovereign Power and Bare Life*, Agamben argues that the juridico-political structure of the camp is a “hidden matrix of the politics in which we are still living.”¹⁴⁰ For Agamben, the camp is the “new biopolitical *nomos* of our planet,” and our future resides in our ability to recognize the ways that the camp inhabits and drives the architecture of cities, airports, and the distribution of life and death across the globe. The camp is not a historical anomaly but a temporal and spatial structure that is continually brought back to life. That is, it may change name and shape but its function remains the same. As with Agamben’s call to see space, time, and power in a new way in order to make visible the camp’s possession of our everyday, I am arguing that we must learn to see the spirit of slavery in spectacles of racialized violence and death. In addition, we must also learn to recognize it in the operations that go by the names freedom, humanity, and democracy. Such a project requires an understanding that the biopolitics and necropolitics of slavery are not relegated to an amputated past, nor do they reside in a

¹³⁷ Jared Sexton, “People of Color Blindness: Notes on the Afterlife of Slavery,” *Social Text* 103 (2010): 44.

¹³⁸ Hartman, *Lose Your Mother*, 6.

¹³⁹ Achille Mbembe, “Necropolitics,” *Public Culture* 15:1 (2003): 21.

¹⁴⁰ Giorgio Agamben, *Homo Sacer: Sovereign Power and Bare Life* (Stanford: Stanford University Press, 1998), 175.

time progress will soon leave behind. Rather, the slave trade's logics and technologies have intensified, expanded, and become more insidious. The past does more than repeat: it envelops, seduces, and multiplies.¹⁴¹

All of it is Now: Black Feminism and the Terror of Neoliberalism

In many ways, Shakur's "Women in Prison: How We Are" is a ghost story, a story of those dead to the law, dead to the world, and living a death in life.¹⁴² It is a story that confronts what goes unseen by virtue of its banality and thinks what is unthought within the analytics of black nationalism, white feminism, late liberalism, and white radicalism. Shakur's essay is about the people who constitutively haunt a new phase in the life of global capitalism. The imprisoned women of color in the text compose the "detritus" of neoliberalism—the human waste necessary to its success.¹⁴³ Shakur writes:

There are no criminals here at Riker's Island Correctional Institution for Women (New York), only victims. Most of the women (over 95 percent) are black and Puerto Rican. Many were abused as children. Most have been abused by men and all have been abused by 'the system'... Many are charged as accessories to crimes committed by men. The major crimes that women here are charged with are prostitution, pick pocketing, shoplifting, robbery, and drugs... The women see stealing or hustling as necessary for the survival of themselves and their children because jobs are scarce and welfare is impossible to live on.¹⁴⁴

Shakur describes the effects of this process on the body of a woman named "Spikey":

She is in her late thirties. Her hands are swollen. Enormous. There are huge, open sores on her legs. She has about ten teeth left. And her entire

¹⁴¹ Baucom, 24.

¹⁴² On prison and death see: Caleb Smith, *The Prison and the American Imagination* (New Haven: Yale University Press, 2009); Dylan Rodríguez, *Forced Passages: Imprisoned Radical Intellectuals and the U.S. Prison Regime* (Minneapolis: University of Minnesota Press, 2006); Colin Dayan, *The Story of Cruel and Unusual* (Cambridge: MIT Press, 2007).

¹⁴³ Julia Sudbury, "Celling Black Bodies: Black Women in the Global Prison Industrial Complex," *Feminist Review* 80 (2005): 162-179.

¹⁴⁴ Shakur, "Women in Prison: How We Are," 81.

body is scarred and ashen. She has been on drugs about twenty years. Her veins have collapsed. She has fibrosis, epilepsy, and edema.

For Shakur, prison, deindustrialization, and welfare animate a network of management and control that specifically targets black women. Throughout the essay, Shakur describes the late-twentieth-century post-industrial city as a place emptied of jobs, littered with abandoned buildings, and surrounded by policing and penal technologies. Indeed, the effects of neoliberalism's economic and policing technologies are written on the decaying bodies of Shakur's fellow captives. Yet caged bodies do not decompose of their own volition; they are produced by the regimes of power that detain and envelope them. For Shakur, open sores and missing teeth are traces of power's touch, holes left by its mundane routines. Her description of bodily disintegration captures the diffuse violence and quotidian routines of domination that order black life but that are invisible in their banality. Terror eludes detection by operating behind rational categories—naturalized by social science and the state—like crime, poverty, and pathology.¹⁴⁵ Neoliberalism's management of life and death is not just evident in spectacles of warfare, state violence, or mass starvation. The mark of its operation sometimes looks like swollen hands and scarred flesh.

For Shakur, the affective, economic, racial, and gender politics of chattel-slavery returned under an emerging neoliberal-carceral state. The spirit of slavery animated the bars of prison cells and the coldness that surrounded captured black bodies; it seeped past the razor wire and concrete walls of the prison, structuring poverty on the street,

¹⁴⁵ Saidiya Hartman, "The Time of Slavery," *The South Atlantic Quarterly* 101:4 (2002): 722. Regina Kunzel alerted me to the ways that the social sciences and the state naturalize crime and poverty and thus obfuscate the terror with which they are intertwined.

regulatory violence in the welfare office, and the unfreedom that governs an anti-black world. Shakur describes this when she writes in her autobiography, “The only difference between here and the streets is that one is maximum security and the other is minimum security. The police patrol our streets just like guards patrol here. I don’t have the faintest idea how it feels to be free.”¹⁴⁶ Shakur goes on to connect this carceral regime to the poverty produced by an emergent neoliberal state:

The rest of the women who weren’t doing time for the numbers were in for some kind of petty theft, like shoplifting or passing bad checks. Most of those sisters were on welfare and all of them had barely been able to make ends meet. The courts had shown them no mercy. They brought in this sister shortly after I arrived who was eight months pregnant and had been sentenced to a month for shoplifting something that cost less than twenty dollars.¹⁴⁷

Here, Shakur names the connections between carceral and policing apparatuses and the market’s production of poverty. By centering women of color in her analysis of this landscape, Shakur apprehends the ways that gendered and racialized methods of survival performed in the empty lots abandoned by capital become crimes to fill prisons, which in turn fill empty spaces.¹⁴⁸ In the late 1970s, criminalization became the weapon of choice in dealing with the social problems produced by the globalization of capital and the resistance it engendered.¹⁴⁹ The imprisoned women of color—the “butches,” “fems,” “bulldaggers,” and “stud broads”—centered in Shakur’s analysis show the ways that heterosexism, white supremacy, and neoliberalism collude to immobilize poor (queer)

¹⁴⁶ Shakur, “Women in Prison: How We Are,” 60

¹⁴⁷ Sjakur, 54.

¹⁴⁸ Ruth Wilson Gilmore, *Golden Gulags: Prisons, Surplus, Crisis, and Opposition in Globalizing California* (Berkeley: University of California Press, 2007).

¹⁴⁹ Sudbury, “Celling Black Bodies: Black Women in the Global Prison Industrial Complex,” 162-179; Ruth Wilson Gilmore, “Globalisation and US Prison Growth: From Military Keynesianism to Post-Keynesian Militarism,” *Race & Class* 40:2/3 (1998/99): 171-188.

women of color. Shakur's writing highlights the centrality of gender, sexuality, and race to the ways that the neoliberal-carceral state renders socially and civically dead human beings "who come from places where dreams have been abandoned like the buildings."¹⁵⁰ Thus, we can understand heterosexism, racism, and the prison as colluding technologies that exist in the shadow of the abandoned buildings that litter Shakur's post-industrial landscape. In other words, the very foundations of neoliberalism's theories, techniques, and operations rest upon racialized and gendered logics, even as white supremacy and heterosexism are incessantly disavowed in its distribution of life and death. Although it produces the neutral discourses of equality, diversity, freedom, and opportunity, neoliberalism necessitates force, punishment, warfare, immobilization through incarceration, and the uneven distribution of social and biological death.¹⁵¹ State violence is not the exception to neoliberalism, but rather, is its condition of possibility. Simply, the neoliberal state requires the management, regulation, and immobilization of surplus or expendable populations.

When a guard tells her that the Thirteenth Amendment did not abolish slavery, but rather, transferred it to the prison, Shakur connects deindustrialization and the market under neoliberalism to slavery and the prison:

Well, that explained a lot of things. That explained why jails and prisons all over the country are filled to the brim with Black and Third World people, why so many black people can't find a job on the streets and are forced to survive the best way they know how. Once you're in prison, there are plenty of jobs, and, if you don't want to work, they beat you and

¹⁵⁰ Shakur, "Women in Prison: How We Are," 85.

¹⁵¹ Lisa Duggan, *The Twilight of Equality? Neoliberalism, Cultural Politics, and the Attack on Democracy* (Boston: Beacon Press, 2003), 1-21.

throw you in the hole...Prisons are a profitable business. They are a way of legally perpetuating slavery.¹⁵²

Within this analytic, the market mimics and colludes with the prison's anti-blackness. Through the racialized and gendered production of poverty and criminality, the market functions as a type of prison. If a critical genealogy of the prison leads us back to the coffle, the plantation, the sweat box, and the slave ship, the market also leads back to slavery's economic, ontological, and epistemological technologies.

Because slavery returns to possess the present, for Shakur, it also returns to drive resistance. Shakur uses memory and imagination in order to recall histories of "fierce determination" and struggle: "I can imagine the pain and strength of my great-great grandmothers who were slaves and my great-great grandmothers who were Cherokee Indians trapped on reservations."¹⁵³ Shakur draws on the affective force of the dead to help combat the changing contours of global capitalism, white supremacy, and institutionalized sexism. She remembers "women who delivered babies, searched for healing roots, and brewed medicines. Women who darned socks, and chopped wood, and layed bricks. Women who could swim rivers and shoot the heads off a snake...fierce women who could stop you with a look out the corners of their eyes."¹⁵⁴ Shakur is forced to rely on memory and imagination because she is in prison, and because histories of slaves and slavery have been rendered unknowable. This is the space produced by stories that were never recorded and lives that never existed beyond the confines of social death.

¹⁵² Shakur, "Women in Prison: How We Are," 64.

¹⁵³ Shakur, "Women in Prison: How We Are," 86.

¹⁵⁴ Ibid, 86.

Using memory and vision, Shakur names and makes visible the disappeared and the destroyed. She apprehends the ways that the socially dead of now and then form the foundation of the neoliberal-carceral state. Neoliberalism rests upon the emptiness left by those who have captured, detained, or killed. Through their absence, 2.5 million people in prison and jail order the world we inhabit. Capital moves freely across space where millions of bodies should be. This space is produced by the demise of the golden age of capitalism and the destruction of social movements militantly pursued throughout the 1970s. The disappeared are the required refuse of neoliberalism.¹⁵⁵ Neoliberalism generates order, choice, freedom, and prosperity through the disappearance of millions of people. For Shakur, captive black women are at the center of this equation.

By centering racialized genders in her analysis of the 1970s United States, Shakur captures the necessity of Wacquant's "carceral mesh" to the implementation of neoliberalism.¹⁵⁶ She writes, "My sisters on the streets, like my sisters at Riker's Island, see no way out" because "we were, and still are, in a much more terrible jail."¹⁵⁷ For Shakur, the spaces of the prison, ghetto, and home are neither compartmentalized nor discrete; rather, they collude with each other, composing an expansive grid of captivity that immobilizes and disposes of racialized and gendered populations. If Shakur's "jail" captures some, it also immunizes other bodies from such routine abjection and social death, thus securing capital, whiteness, and white life. The market is central to this regime of power. It is complicit in the process of producing surplus life, life that will be policed and imprisoned. White supremacy, (hetero)sexism, and the market

¹⁵⁵ Gilmore, "Globalisation and US Prison Growth," 186.

¹⁵⁶ See Wacquant, "Deadly Symbiosis: When Ghetto and Prison Meet and Mesh."

¹⁵⁷ Shakur, "Women in Prison: How We Are," 86-87.

overdetermine the presence of Shakur and her fellow captives in prison. Shakur's conception of "jail" undoes normative conceptions of space by exceeding the walls of the prison proper. Her conception of power is not just disciplinary, but also biopolitical. Power does not just restrict the body; it possesses it. Power manages life, bodies, and populations from the inside; power bends space, and also bends time because this jail—this network of management and immobilization—is animated by the spirit of slavery. Slavery's production of social and biological death did not end with emancipation, did not cease with end of segregation, and refused to heed under civil rights legislation. Its logic and power exceeds the realm of law. The past comes back not just to haunt, but to structure and drive the contemporary operations of power.

By centering anti-black technologies and discourses, Shakur challenges normative conceptions of space and time to demonstrate the ways that neoliberalism's mechanisms of control are expansive in the spatial and temporal sense. Neoliberal-carceral technologies track, manage, and immobilize rebellious or surplus life—a process that is driven and informed by technologies inaugurated under the Atlantic slave trade. *We were, and still are, in a much more terrible jail.* In her essay, those resisting the massive restructuring of capitalism in the 1970s are part of a five-century-long struggle against slavery and white supremacy, while the forces opposing them are part of that same history. For Shakur, Davis, and Williams, we do not seize hold of the past in order to make sense of the present; sometimes the past grabs hold of you first. One does not choose what of the past is relevant to the now—possession is not so simple. The spirit of

slavery has its own desires that exceed our control or even our conscious thought. But for the demonic to be exorcised, you must first know that you are possessed.

Chapter Two

The End of the Future: Law and Order, the Feminist Underground, and the Temporality of Violence

In October 1967, Richard Nixon published an article in *Reader's Digest* titled "What Has Happened to America?" In the article, Nixon lamented that just a few years prior, the "nation seemed to be completing its greatest decade of racial progress" and was "entering one of the most hopeful periods in American History."¹⁵⁸ Yet the progress of the early 1960s dissolved into a "blazing inferno" of "urban anarchy" where "snipers," "looters," and "arsonists" led an "armed insurrection" that exceeded the disciplinary capacities of the police. For Nixon, the urban uprisings of the late 1960s were not symptomatic of "the deep racial division between Negro and white." Instead, they were the omen of a culture that no longer respected authority and the rule of law. The warning signs of this disrespect for law and order were embedded in the weakness of lenient judges, "opinion makers" who blamed society for crime and not the criminal, and most critically, in the actions of those "who defy the law in the pursuit of civil rights." As Nixon argued, the right to protest outside the limits of the law should not exist, because "[i]n a civilized nation no man can excuse his crime against the person or property of another by claiming that he, too, has been a victim of injustice."¹⁵⁹ For Nixon, anti-racist and anti-imperialist activism threatened the most basic and "primary civil right" of all Americans: the right to be free from "domestic violence."

¹⁵⁸ Richard Nixon, "What Has Happened to America?" http://www.wadsworth.com/history_d/templates/student_resources/0030724791_ayers/sources/ch29/29.4.nixon.html (March 2012).

¹⁵⁹ Ibid.

Central to Nixon’s campaign of “law and order” was a discourse about the relationship between time and violence. As he argued, “We cannot have patience with urban violence. Immediate and decisive force must be the first response. *For there can be no progress unless there is an end to violence and unless there is respect for the rule of law.*”¹⁶⁰ Here, the violence of the period’s liberation movements threatened to unravel the progress of time’s passage so that freedom, the social order, and the nation itself would be propelled backwards into the barbarity of lawlessness or destroyed altogether. Simultaneously, by contrasting the “immediate and decisive force” of the state to “urban violence,” Nixon rendered state violence invisible, making it the precondition for the progress of time and the nation. Revolutionary violence stopped time, while state violence allowed progress to unravel a future filled with freedom, security, and peace. This representation of temporality and its connection to police and the prison would be central to remaking the racial state in the post-civil rights era. Most profoundly, the progress of time was conceptualized as a form of security in and of itself—if time stopped or changed directions, then the nation’s order and integrity would be threatened. Police and prisons would protect time’s steady march forward and thus would also secure the nation and its future. As Nixon argued in more than 70 speeches during his 1968 campaign, law and order was the solution to the crises of state and capital brought on by the 1960s social movements: law and order would undo the ruin of Western time.¹⁶¹ In short, progress and the future needed the security, rule, and order of police and prisons.

¹⁶⁰ Nixon, “What Has Happened to America?”

¹⁶¹ Lee Bernstein, *America Is the Prison: Arts and Politics in Prison in the 1970s* (Chapel Hill: University of North Carolina Press, 2010), 25-27.

In this chapter, I continue to consider time in relation to how radical and revolutionary activists theorized the formation of the neoliberal-carceral state in the 1970s United States. In chapter one, I argued that the neoliberal-carceral state is possessed by the racialized, gendered, and financial logics of chattel-slavery. More specifically, I focused on neoliberalism to argue that the market is a system of dispersed biopolitical control symbiotically enmeshed with the prison and animated by the anti-blackness of chattel-slavery. This chapter builds on the concerns of the first by asking, if time does not pass, but accumulates, then what did the future of the prison and neoliberalism look like from the 1970s when both formations were rising to a new level of dominance? In particular, I explore what I call the “temporality of violence.” As I document, racialized and gendered forms of violence undo homogenous conceptions of time. Possession is one temporality of violence where the past takes hold of the present. Yet, possession also has profound implications for the future. When one centers racialized and gendered forms of violence in a theory of history, time does not flow evenly, progressing into a better or unknown future. Instead, violence can slow time, reverse it, loop it, make it stop or rush by in a moment of terror; it can also make it disappear forever. This chapter explores different conceptions of the relationship between time, race, gender, and violence. It examines two contrasting visions of how neoliberalism and the prison were connected to time and the future: I analyze the rhetoric of late 1960s law and order politicians and the epistemologies of 1970s underground revolutionaries.¹⁶² Specifically, I examine how a discourse about time and the future was

¹⁶² The concerns and questions that initially animated this chapter arose out of a debate in queer studies about hope and the future. Scholars in this debate have turned to psychoanalysis, pop culture, performance,

used by proponents of law and order to suture the freedom of the market to the incapacitation of the prison. In addition, I explore how underground revolutionary activists named this process through a non-normative engagement with temporality. While the last chapter considered how the past is theorized in the writings of imprisoned (and at one time underground) revolutionary black women, this chapter analyzes the writings of 1970s imprisoned radicals and underground revolutionaries, most of whom identified as women, in order to examine how they theorized the prison and the market in relation to time and the future. It contrasts these revolutionary visions to the dreams of people like Nixon who understood the prison and the market as foundational to the security and order of the nation and its future. Indeed, for Nixon and others, the very possibility of a future depended on the immobilization of those rendered surplus or resistant to new economic regimes structured around privatization, deindustrialization, deregulation, and financialization. In other words, embedded in the emergent discourses of the neoliberal-carceral state was a vision of the future—one where the freedom of

and the aesthetics of art, film, and literature to examine the relationship between sexuality, race, and time. Yet, what is often missing are the theories and histories of radical and revolutionary activists who contested the unbearable weight of the present in the hope of creating something else. It is my hope that by turning the theories, experiences, and tactics of people attempting to end a world that could thrive on so much death and destruction we might see a way out of the crushing present “that is not enough” and a future that will be a premature ending for so many. I hope that by centering the prison in a theory of time, we might understand the future from the perspective of those who have been cast into a spatial regime that contorts, distorts, suspends, and abolishes time and the future. Finally, I hope to contribute to this debate by considering a variety of different conceptions of the future: neoliberal, revolutionary, statist, queer, feminist of color, and black liberationist. Some of the key texts of this debate include: Lee Edelman, *No Future: Queer Theory and the Death Drive* (Durham: Duke University Press, 2004); José Esteban Muñoz, *Cruising Utopia: The Then and There of Queer Futurity* (Durham: Duke University Press, 2009); Judith Halberstam, *The Queer Art of Failure* (Durham: Duke University Press, 2010); Heather Love, *Feeling Backward* (Cambridge: Harvard University Press, 2007); Sara Ahmed, *Happiness* (Durham: Duke University Press, 2010); Kara Keeling, “Looking for M—: Queer Temporality, Black Political Possibility, and Poetry from the Future,” *GLQ* 15:4 (2009): 565-582; Lisa Duggan and José Esteban Muñoz, “Hope and Hopelessness: A Dialogue,” *Women and Performance: A Journal of Feminist Theory* 19:2 (2009): 275-283.

individuality and the market required the mass immobilization of the prison. By contrasting statist and underground forms of knowledge about the prison and market, I argue that underground activists produced a theory of time and history that understood law and order as a way for the prison and market to colonize the future.

In order to provide a context for my reading of law and order and the writings of underground revolutionaries, I begin by outlining a critical theory of time through a reading of the 1983 feminist film *Born in Flames*. The film was released just after the demise of the revolutionary left and at the very moment that the neoliberal-carceral state was solidified under the policies of the Reagan administration. The film engages revolutionary notions of time and critiques of the state by following an underground army of women as they fight against the failures of a fictional leftist revolution in the United States. The film raises pressing questions about the relationship between time, violence, race, and gender; central to its plot are the competing temporalities of state, non-state, and revolutionary forms of violence. The film helps us think about what I am calling “state time” and “revolutionary time.” These competing temporalities are central to my analysis of 1970s revolutionary movements and the politics of law and order.

The Future and the Accumulation of Time in *Born in Flames*

Born in Flames begins on the tenth anniversary of the “Social Democratic War of Liberation,” the “most peaceful revolution the world has known,” which created a socialist-democratic government in the United States. While labor celebrates the victory with parties and parades, an underground army of women (“dominated by blacks and lesbians”) is organizing against the “ethical humanism” of a “system that names itself

falsely.”¹⁶³ The film explores this fictional leftist revolution through an assemblage of brief (and sometimes seemingly random) clips that document the media, the FBI, and activists as they negotiate new regimes of state power. The main narrators of the film are the members of the underground “women’s army,” the state media, and the FBI. The film’s narrative arc documents the interplay between revolutionary action and state repression. As the Women’s Army makes clear through its actions, the new form of state power inaugurated by the non-violent “War of Liberation” reformulates and reproduces pre-revolutionary racialized and gendered forms of regulation, management, and violence. Like the 1970s law and order state, this fictional revolutionary state replicates the past through discourses of reform, progress, and patience. The women’s army changes tactics and goes underground in response to the increasing repression of the state in the form of disinformation, incarceration, and assassination. This process sees the women’s army starting anti-rape bicycle patrols, helping women with child care, going on strike, starting pirate radio stations, taking over television stations, and finally, in the very last scene of the film, bombing the World Trade Center. We can understand *Born in Flames* as responding to the destruction of the radical and revolutionary left, the failures of white feminism (director Lizzie Borden wanted to imagine multiracial feminist activism in film because she felt like it was impossible in the real world), and the politics of law and order.

Time is central to the film’s politics and narrative. Unlike traditional dystopic science fiction films that are often set decades (if not centuries) in the future and that attempt to paint a picture of what life will be if an aspect of the present is not undone, the

¹⁶³ *Born in Flames*, DVD, directed by Lizzie Borden (1983; New York, NY: First Run Features, 2006).

dystopia of *Born in Flames*—one marked by surveillance, assassination, incarceration, state racism, heterosexism, and sexual violence—is the truth of our past and present. In other words, the future within the film is not the future that awaits us, but the present and past we are and have been living. *Born in Flames* does not show us what is coming, but what is here—what has always been here. This is evident in the ways that the film blends cinematic techniques and undoes the fabricated division between fact and fiction. Many of the actors were activists, musicians, and artists, and often improvised their lines by riffing off of real life experiences. For example, in a well known speech from the film, “Honey,” a black feminist radio host, changes the words to a Malcolm X speech so that the speech addresses the concerns of black women. In an interview, Borden describes the film as inhabiting a “border line between what is present and therefore documentary and what would be fiction, and therefore science fiction.”¹⁶⁴ The film is an ostensible documentary of the near future, but also uses fiction to produce forms of knowledge that exceed the epistemological boundaries of normative notions of activism, power, and time.

In one of the first lines of the film, a state newscaster covering the celebration of the revolution’s tenth anniversary says that the news program will look “at the progress of the last ten years, and will look forward to the future.”¹⁶⁵ Progress is central to the discourses produced by the revolutionary state and is *the* liberal conception of time that the Women’s Army attempts to undo. Indeed, progress, patience, and reform are the temporalities used by the state to justify and erase the violence that continues under the names of justice, equality, and democracy. Under the name of progress, the future is

¹⁶⁴ Lizzie Borden and Betsy Sussler, “Born in Flames,” *Bomb* 7 (1983): 27.

¹⁶⁵ *Born in Flames*.

described by the state as a space of safety and security. In this formulation, the future is not an ontological place, but is a discourse constructed to obscure the violence of the present and temper the rage of those who refuse to wait for the future's warm embrace to arrive. According to the state media, the Women's Army is not "interested in the progress of all of us" because their actions and demands contradict the teleology of state development and reform.¹⁶⁶ The state declares change will come, to be patient, to trust in the progress of time. Critically, this narrative is not just produced by the state, but also by the white feminist editors of the *Socialist Youth Review*, a prominent independent journal that is supportive of the revolutionary state. When asked about the actions of the Women's Army, and more specifically about the continuation of sexual violence under the revolution, the editors respond:

Well, I think statistics will show you that the percentage of rape and prostitution at this point is lower than it was in pre-revolutionary society and that obviously it's an advancement, it's a step forward. It's impossible to talk about the complete, you know, abolition [of sexual violence], because this is not the nature of this government, they don't abolish... it's a question of a gradual move toward something, and I think everything is leading up to the point where those things will no longer exist.¹⁶⁷

Here, white feminism aligns itself with the state through its adherence to liberal Western notions of time and history. This is a notion of history where the passage of time washes away the violence of then and now so that the future is free from the horrors of the past. In this way, the past is constructed as a space of racial alterity, an aberration to the progress of the future. Sexual violence will be left behind by the progress of the revolution. Time will temper terror. Yet, the very ability of the editors to believe in the

¹⁶⁶ Ibid.

¹⁶⁷ *Born in Flames*.

progress of time is tied to the immunity of whiteness from structural forms of racial violence, regulation, and social death. For instance, when Adelaide Norris, the black lesbian leader (according to the FBI) of the Women's Army goes to the editors of the Socialist Youth Review to ask for their support, their conversation highlights the divergent temporalities of black feminism and white feminism. This divergence derives from the relationship between race, time, and violence. When Norris tells the editors, "You're oppressed too and it's pathetic that you can't even see it!" they respond, "There are problems, we know. But things are so much better than they were before. Things are not going to happen over night. It's important that the party remains strong so progress can be made."¹⁶⁸ Norris's response sutures gender and race to a different theorization of time:

You know the way my mom brought us up; there were eight of us and she took care of the domestic work all by herself. And abortions; she couldn't even think of abortions. And daycare—humph—we took care of ourselves, no one took care of us. And there are plenty of women who are living now in the same manner: Black women, Latina women, young women living in that same lifestyle.¹⁶⁹

For the editors, the future of the revolution will be free of racialized and gendered violence because the reforms sutured to time's progression will undo the horrors of the present. But for Norris, gendered racism built into the banality of everyday life undoes the imagined progress of time so that time's passage is merely the modification and intensification of older modes of subjection and subjugation. Or as she puts it, "There are plenty of women who are now living in the same manner." The lives of women of color in the present are the same as their lives in the past. For those bearing the brunt of white

¹⁶⁸ *Born in Flames*.

¹⁶⁹ *Ibid.*

supremacy and heteropatriarchy, the past, present, and future are not distinct temporal spaces. In other words, *Born in Flames* documents the amplification, modification, and protraction of the past in the present, where the past is not an isolated aberration of what is here, but rather, is an anticipation of the present and future. The past is an image of the future because the future will be a repetition of the past. In this way, the film critiques normative notions of time and a liberal conception of history central to state power. This same critique was issued by underground revolutionary organization contesting the rise of the neoliberal-carceral state. Engaging critical theories of time and violence is central to understanding the film's commentary on time and the future.

In *Specters of the Atlantic: Finance Capital, Slavery, and the Philosophy of History* Ian Baucom argues for a conception of history that undoes liberal notions of progress, change, and time. Baucom's theory of history centers the massacre of 132 slaves aboard the slave ship *The Zong* in 1781. Over three days, the slaves were handcuffed and thrown overboard in order to collect the insurance money that sealed their value even in death. For Baucom, the massacre is *the* paradigmatic event of modernity. It encompasses the racial, financial, and epistemological regimes that have not only failed to dissolve with the passage of time, but instead, have intensified so that our current moment finds itself anticipated and enveloped by this event. As Baucom argues, "Time does not pass, it accumulates."¹⁷⁰ Time does not wash away what has happened, dissolving terror and violence into the progress of the future, nor is the past passively sedimented in the present. Rather, the past returns to the present in expanded

¹⁷⁰ Ian Baucom, *Specters of the Atlantic: Finance Capital, Slavery, and the Philosophy of History* (Durham: Duke University Press, 2005), 24.

form so that the present “finds stored and accumulated within itself a nonsynchronous array of past times.”¹⁷¹ The present is possessed by the logics and protocols of racial capitalism’s past—by a perfectly routine massacre that was and is repeated endlessly across space and time in the (post)colony, prison, frontier, torture room, plantation, reservation, riot zone, and on and on. Racial terror returns from a past that is not an end to take hold—of bodies, institutions, infrastructure, discourse, and libidinal life—and does not let go. In this way, the past and present are not ontologically discrete categories, but rather, are complex human constructs. The present is not a quarantined, autonomous thing.¹⁷² What was begun does not end but instead intensifies so that the past and present become indistinguishable.

Baucom’s theory of time as accumulation has profound implications for how we understand the future. Traditionally, the future is a space and time we do not know, a place of possibility, progress, and hope. The emptiness of the future is imagined as a space of seamless progress: a myth of Marxist teleology, a capitalist dream, a fantasy of nationalism and colonialism. When we imagine the future as the outcome of the passage of time, the past falls away and the present disappears so that the future becomes relief from the devastating weight of everything that has come before.¹⁷³ Yet, if time does not pass but accumulates, then the future is not the triumph of a tendency inscribed in the present. It is not the dissolution of the past or the undoing of the present. If time does

¹⁷¹ Ibid, 29.

¹⁷² Baucom, 323-324.

¹⁷³ For example, José Muñoz argues that the way out of the crushing weight of today is to hold on to the future because now is not enough. According to Muñoz, the future is queernesses domain. Queerness is a “warm illumination of a horizon imbued with potentiality” that allows us to think the then and there when here and now is not enough. For Muñoz, the call for no future is only available to those who have a future to deny. He worries that abandoning the future to a heteronormative white world will only lead to the deaths of more queer people of color. Muñoz, 1.

not pass but accumulates, then the future is not liberated from the constraints of yesterday, but rather, is the place where the wreckage of then and now lives on. When we think of time against the temporal regimes of the state, heteronormativity, the nation, and capital, time drags, reverses, compresses, and accumulates. Engaging queerness as a force that distorts and undermines normative logics of sequence is to know that the conditions of possibility for the atrocities of the past have not faded, but rather, have intensified.¹⁷⁴ It is to deploy what Jasbir Puar calls an “antecedent temporality” where one can see, feel, and engage the ghosts that are not yet here, but will be tomorrow and the next day and the next.¹⁷⁵ If time does not pass but accumulates, then the past is where the future is anticipated, recollected, and demonstrated.¹⁷⁶ If there is no progress, but instead repetition, modification, intensification, reversals, and suspensions, then we know what the future will be. The future will be what was before.

Following Baucom, we can understand the Women’s Army as working against a notion of history as progress, and in its place, engaging the repetitions, accumulations, and intensifications of time as it circulates, suspends, and speeds up. For them, the progress of state revolution means “cutbacks in daycare centers, ending of free abortions, forced sterilization of minority women, discrimination against single women and lesbians in housing, and firing of single women in favor of men with families.”¹⁷⁷ The revolution is a new formation that reproduces and expands past forms of white supremacist and

¹⁷⁴ Elizabeth Freeman, *Time Binds: Queer Temporalities, Queer Histories* (Durham: Duke University Press, 2010), 27.

¹⁷⁵ Jasbir Puar, *Terrorist Assemblages: Homonationalism in Queer Times* (Durham: Duke University Press, 2009), xx.

¹⁷⁶ Baucom, 213.

¹⁷⁷ *Born in Flames*.

heteropatriarchial regulation and subjection. Isabel, from the feminist radio station Radio Regazza, describes the revolutionary state as such:

Angry unemployed people are rioting in the streets and the city is on fire with their rage. Now what do you think the government plans to do about this situation besides beating them over the head with billy clubs? Do they plan to supply them with jobs, with training programs, or with decent housing? Nah, uh uh. You know what they're going to do? The same bloody tactic they pulled before the revolution, remember, and I'm here to warn you, *it's going to happen again*. They're already starting a shuffle board, an act on a grand scale where all the poor and the unemployed will be shoved economically into the ghetto.¹⁷⁸

Isabel's declaration that "it's going to happen again" deploys an anticipatory logic that theorizes the past and present as a "preemption of future possibilities."¹⁷⁹ The future and the present compress, collude, and collide because the temporality of state violence is a time of repetition, intensification, and accumulation. Franz Fanon's concept of "historicity" is instructive here. For Fanon, the past is ontologically sutured to race so that when "I discovered my blackness...I was battered down by tom-toms, cannibalism, intellectual deficiency, slave-ships, and above all else, above all: 'Sho' good eatin.'"¹⁸⁰ For Fanon, white supremacy functions as a type of temporal prison where black liberation is delayed and destroyed by the capacity of past traumas (rooted in colonization and slavery) to affect, shape, and possess the present. Fanon looks to the past of European colonization and sees a mirror of the future, an "endless past/present of colonial

¹⁷⁸ Ibid. my emphasis

¹⁷⁹ Patricia Ticineto Clough and Craig Willse, "Beyond Biopolitics: The Governance of Life and Death" in ed. Patricia Ticineto Clough and Craig Willse, *Beyond Biopolitics: The Governance of Life and Death* (Durham: Duke University Press, 2011), 2.

¹⁸⁰ Franz Fanon, *Black Skin, White Masks* (New York: Grove Press, 1967), 112.

domination.”¹⁸¹ In other words, white supremacy is not just a spatial technology that inhabits infrastructure and institutions; it is also a temporal regime that refuses to abide by the progress of the law, language, or the passage of time. As Kara Keeling writes, “The past constricts the present so that the present is simply the reappearance of the past.”¹⁸² And as Isabel makes clear, the state (whether pre or post-revolutionary) limits the possibilities of the present and future by binding both in a closed circuit of reverberation, magnification, and accumulation. When time accumulates it possesses, detains, and immobilizes. This is time as a form of capture. Isabel knows what is coming because it has already happened—in the past that is the future that has already arrived. There is not relief from knowing the past has vanished because the past is a warning of what is coming. *It’s going to happen again.*

Throughout *Born in Flames*, countless members of the Women’s Army declare, “this is our time.” The time of *the* revolution was not the time to abolish white supremacy and heteropatriarchy. It was a time that left behind and captured poor (queer) women of color through the progress of democracy and equality. In this way, “our time” (or revolutionary time) and state time are two competing temporalities of violence in the film. State time extends and expands the violence of the past, while “our time”—a time of the underground, a revolutionary time—is a temporal regime that exceeds and undoes state time. Again, Fanon proves useful for understanding these differences. In *The Wretched of the Earth*, Fanon describes a “time lag, or a difference of rhythm, between

¹⁸¹ Darieck Scott, *Extravagant Abjection: Blackness, Power, and Sexuality in the African American Literary Imagination* (New York: New York University Press, 2010), 76.

¹⁸² Kara Keeling, *The Witch’s Flight: The Cinematic, The Black Femme, and The Language of Common Sense* (Durham: Duke University Press, 2007), 26.

the leaders of a nationalist party and the mass of the people.”¹⁸³ According to Fanon, the rank and file of anti-colonial rebellions demand the complete and utter *immediate* destruction of the forms of power that render them “more dead than alive,” while both colonial and nationalist governments attempt to manage, temper, and restrain the demands of those who have no more time to give to the promises of a future that is always coming, but never arrives.¹⁸⁴ For example, in the film, the state promises that “in the future” there will be jobs, an end to sexual violence, and racial and gender equality. But for Fanon, the “hopeless dregs of humanity” (or the wretched of the earth) are filled with an “uncontrollable rage” and thus exist in a temporal regime apart from that of the party or the nation. This is a time of intensity and immediacy (“the slaves of modern times are impatient”), where the future of the present as it is means no future at all.¹⁸⁵ Like the financial, epistemological, and racialized legacies of slavery Baucom sees intensifying in our current moment, Fanon diagnoses the future of colonialism as the accumulation of the social, biological, and living death of the native. The native lives a death in life produced by the racism of slavery and colonialism. The future’s horizon is the accumulation of past forms of racial terror and violence. In this way, Baucom and Fanon draw connections between race and time that are crucial to questions of time and futurity. The relationship between race, gender, death, and the future is central to the immediacy and spontaneity of the Women’s Army and is foundational to the film’s critique of the state, time, and the future. We can turn to the *Fanonian-inspired prison*

¹⁸³ Franz Fanon, *The Wretched of the Earth* (New York: Grove Press, 1963), 107.

¹⁸⁴ *Ibid.*, 51.

¹⁸⁵ Fanon, 74.

writings of George Jackson to further explore the relationship between death, race, and time.

In his 1972 text *Blood in My Eye*, published shortly after he was shot and killed by guards at San Quentin prison, Jackson wrote of racism, death, and revolution:

Their line is: ‘Ain’t nobody but black folks gonna die in the revolution.’ This argument completely overlooks the fact that we have always done most of the dying, and still do: dying at the stake, through social neglect or in U.S. foreign wars. The point is now to construct a situation where someone else will join in the dying. If it fails and we have to do most of the dying anyway, we’re certainly no worse off than before.¹⁸⁶

Here, Jackson argues that the social order of the United States is saturated with an anti-blackness that produces, in the words of Ruth Wilson Gilmore, “the state-sanctioned or extralegal production and exploitation of group-differentiated vulnerability to premature death.”¹⁸⁷ Jackson’s text is littered with polemical insights that link race and death in a way that preemptively echoes Michel Foucault’s declaration that racism is the process 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.”¹⁸⁸ When Jackson, Gilmore, and Foucault define race as the production of premature death, they make a connection between race and the future. Race is the accumulation of premature death and dying. For Jackson, race fractures the future so that the future looks like incarceration or the premature death of malnutrition, disease, and exhaustion. For Jackson, the future was the not the hopefulness of unknown possibilities. It was the devastating weight of knowing that

¹⁸⁶ George Jackson, *Blood in My Eye* (Baltimore: Black Classic Press, 1972), 6.

¹⁸⁷ Ruth Wilson Gilmore, *Golden Gulags: Prisons, Surplus, Crisis, and Opposition in Globalizing California* (Berkeley: University of California Press, 2007), 28.

¹⁸⁸ Michel Foucault, *Society Must Be Defended: Lectures at the Collège de France, 1975-1976* (New York: Picador Press, 2003), 254.

death was coming cloaked in abandonment, neglect, incarceration, or murder. In other words, according to Jackson, death was always already rushing toward the present of blackness. Within Jackson's analysis, the state is the primary mechanism for unevenly distributing racialized regimes of value and disposability.¹⁸⁹ Following the writing of Fanon, Jackson argued that for this relationship to be abolished, "The government of the U.S.A and all that it stands for, all that it represents, must be destroyed. This is the starting point, and the end."¹⁹⁰

Critically, Jackson did not understand the end of the future of the social order as particularly different from his present because "I've lived with repression every moment of my life, a repression so formidable that any movement on my part can only bring relief."¹⁹¹ Jackson's understanding of the future arose from his critique of reform. Derived from his correspondence with Angela Davis, Jackson argued that the essence of fascism was reform—more specifically, "economic reform."¹⁹² Every reform that modified or improved the operations of global capitalism and white supremacy only extended the life of the social order. And the life of the social order, according to Jackson and Fanon, is parasitic on the control, exploitation, incarceration, and premature

¹⁸⁹ In last line of *No Future: Queer Theory and the Death Drive*, Lee Edelman similarly connects the future to premature death when he references the murder of Matthew Shepard. He writes, "Somewhere, someone else will be savagely beaten and left to die—sacrificed to a future whose beat goes on, like a pulse or a heart—and another corpse will be left like a mangled scarecrow to frighten the birds who are gathering now, who are beating their wings, and who, like the death drive keep on coming."¹⁸⁹ For Edelman, the future will necessarily continue to produce a world that is unlivable for queer people. In this way, the polemics of black liberation and Edelman's anti-social thesis share an affinity around the theorization of the future as overdetermined by premature death, yet they diverge in how they imagine death's relationship to race and power. For Edelman, the future looks like repetition of the death of Matthew Shepard (a white gay man) while for Jackson it looks like the premature death of incarceration, the ghetto, and chattel-slavery's haunting contortion of the present. Lee Edelman, *No Future: Queer Theory and the Death Drive* (Durham: Duke University Press, 2004), 154.

¹⁹⁰ Jackson, 54.

¹⁹¹ *Ibid*, 7.

¹⁹² *Ibid*, 118.

death of black people. The creation of a new world could not rely on “long term politics” because patience, reform, and change meant nothing to “the person who expects to die tomorrow.”¹⁹³ For Jackson, the imminence of tomorrow is a time those without a future cannot risk. The future was not coming and so the present could not wait.

The time lag between those without a future who demand this is “our time” and the time of the state that declares your time is the future, is most striking in the final scenes of *Born in Flames*. Toward the end of the film, the president of the United States delivers a national televised address to announce a new reform that will pay women for housework. Simultaneous with the announcement, a cadre of the Women’s Army storms the state-run TV station and interrupts the president’s address with a video that exposes the imprisonment and murder of their leader, Adelaide Norris. Norris was murdered in part because of how she understood the relationship between time and violence. This is evident in internal discussions within the Women’s Army concerning the use of violence. When Hilary Hurst and Norris, the two leaders of the Women’s Army, discuss the role of violence in the actions of the Women’s Army, they have competing visions of the relationship between time and violence. When Hurst tells Norris, “The reality of having to deal with taking up arms, Adelaide, is really heavy, I mean whether we can accept or be responsible for the potential violence thrust upon us, from our own violence thrust out...” Norris simply replies, “*I’m telling you it’s already happening. It’s here. It’s that time.*”¹⁹⁴ Norris’s response invokes two forms of violence. First, she implies that the state violence with which Hurst is concerned will come if they take up arms has already

¹⁹³ Ibid, 10.

¹⁹⁴ *Born in Flames*.

arrived (indeed Norris will be imprisoned and murdered within a few days of this conversation). She also indicates that the time is right to intensify their efforts through the deployment of violence. The time is right for counter-violence, because state violence is already the past, present, and future. Norris mobilizes a black feminist analytic where there is no outside to the forms of violence, terror, and subjugation produced by white supremacy and heteropatriarchy. As a queer black woman, Norris does not encounter violence in isolated moments of exceptional transgression. Space nor time will bring relief because there is no contingent relationship between blackness and violence.¹⁹⁵ This fact leads to a politics of impatience, immediacy, and spontaneity by the Women's Army. When the future is not relief, but intensification and accumulation, then the present is all that is left. "Our time" is a time of the present, an anticipatory time that sees the *no future of the future* as it is. For the activists in *Born in Flames*, the end of the present (and the no future that is coming) lies with the divergent temporalities and tactics of difference as theorized by women of color feminism. In fact, this is what makes the Women's Army such a powerful threat to the state—they produce a politics and temporality that is illegible to the analytics of state power. The FBI cannot determine the structure of the Women's Army: "The internal organization, which is represented by a circle, is about a thousand individuals, women. It's subdivided into small cells, each one of which selects its own leader on a rotating basis. And this is the problem: we cannot find who's in charge at any given time."¹⁹⁶ The Women's Army challenged the state's ways of knowing and seeing by operating through difference, disjuncture, and

¹⁹⁵ Frank Wilderson, *Red, White, and Black: Cinema and the Structure of U.S. Antagonisms* (Durham: Duke University Press, 2010), 88.

¹⁹⁶ *Born in Flames*.

dissonance. Revolutionary time (or “our time”) unravels state time. In addition, *Born in Flames* theorizes the underground as a space that challenges that state’s ability to capture the future. This heterotopic space produces possibilities that lie beyond the order, stability, legibility, and rationality central to the state utopias of socialism, neoliberalism, and law and order. The discourses of temporality (progress, reform, patience) used by the fictional revolutionary state in *Born in Flames* were similarly deployed by the law and order state of the 1970s U.S. Thus, *Born in Flames*’ fictional engagement with state time and revolutionary time offers a productive entry point for understanding how time was used to suture the market to the state revolution that was law and order. The film’s theorization of time as accumulation and anticipatory time will also help us understand how underground activists theorized the rise of the neoliberal-carceral state as a formation that captured the future by capturing bodies.

The Future of the Neoliberal-Carceral State

To read the writings of early neoliberal thinkers and the speeches of the proponents of law and order is to confront the utopic dreams of the dominant. In the visions of economic and political leaders of the mid-twentieth century, the prison would usher in a post-civil rights utopia aimed at producing the safety and security of white life, while neoliberalism would inaugurate a “utopia of endless exploitation.”¹⁹⁷ The power of the market and the prison would accumulate with time’s movement to determine and

¹⁹⁷ Pierre Bourdieu, “The Essence of Neoliberalism,” <http://mondediplo.com/1998/12/08bourdieu/>, (August, 2012).

capture the future. As Pierre Bourdieu argues, neoliberalism relies on a “utopic vision” of the world where the abstract rationality of the market is pure, perfect, and always “implacably unrolling the logic of predictable consequences.”¹⁹⁸ Similarly, David Harvey argues that neoliberalism operates at two levels: the theoretical and the material. Neoliberalism’s theoretical vision is a “utopian project” aimed at reorganizing global capitalism in order to liberate the accumulation of capital from any and all constraint.¹⁹⁹ Inherent to this theoretical utopianism is the flourishing of freedom, choice, and individuality. Neoliberalism’s material project is to restore power to the “economic elite.”²⁰⁰ According to Harvey, the utopianism of neoliberalism works to obscure the violence, force, and exploitation of its materialist politics. Neoliberalism’s utopic futurity is an epistemological diversion from the violence of its materialist politics. We can place the utopianism of neoliberalism within the utopic politics of the modern state more broadly. As James Scott argues, the modern state’s utopian aim is to reduce the disorderly, chaotic, always changing social order under its purview into a mirror of the administrative knowledge central to its observations and governance.²⁰¹ The state works to produce temporal and spatial intelligibility with the goal of manufacturing the orderly administration and regulation of the nation’s population, resources, and infrastructure. By disrupting and dismantling spaces, populations, and epistemologies that are illegible to its regimes of knowing and governance, the modern state creates a utopia of visibility

¹⁹⁸ Ibid.

¹⁹⁹ Ibid.

²⁰⁰ David Harvey, *Neoliberalism: A Brief History* (Oxford: Oxford University Press, 2007), 19.

²⁰¹ James C. Scott, *Seeing Like a State: How Certain Schemes to Improve the Human Condition Have Failed* (New Haven: Yale University Press, 1998), 82.

and legibility that is open to policing and control.²⁰² Law and order was an insurgent mode of state building that attempted to dismantle and eradicate people, spaces, and forms of knowledge that exceeded or challenged the future of the post-civil rights state. In this way, it created space for the construction of a “neoliberal utopia.” As I suggest, one genealogy of the utopic fantasies of neoliberalism lies in the politics of law and order. Critically, state time was used to justify and inaugurate this process while also rendering revolutionary time illegible.

While many scholars have turned to the politics of “law and order” in the 1960s and 1970s to better understand the rise of mass incarceration, I want to consider the connections between law and order and an ascendant neoliberalism.²⁰³ In what follows, I connect neoliberalism and law and order by noting the ways law and order produced the freedom of the individual and the market through discourses and practices of imprisonment and policing. Individuality and the freedom of the market were named as the *raison d'être* for an unprecedented expansion of the prison system. As many scholars have observed, individuality is foundational to neoliberalism and is constructed as arising from the governance of the market. As Stuart Hall observes, “However, anachronistic it may seem, neo-liberalism is grounded in the idea of the ‘free, possessive individual’ . It sees the state as tyrannical and oppressive. The state must never govern society, dictate

²⁰² Ibid.

²⁰³ For example, see: Michael, M. Flamm, *Law and Order: Street Crime, Civil Unrest, and the Crisis of Liberalism in the 1960s* (New York: Columbia University Press, 2005); Michelle Alexander, *The New Jim Crow: Mass Incarceration in the Age of Colorblindness* (New York: The New Press, 2010); David Garland, *The Culture of Control: Crime and Social Order in Contemporary Society* (Chicago: University of Chicago Press, 2001); Jonathon Simon, *Governing Through Crime: How the War on Crime Transformed American Democracy and Created a Culture of Fear* (New York: Oxford University Press, 2007); Lee Bernstein, *America is the Prison: Art and Politics in Prison in the 1970s* (Chapel Hill: The University of North Carolina Press, 2010).

to free individuals how to dispose of their property, regulate a free-market economy or interfere with the God-given right to make profits and amass personal wealth.”²⁰⁴ Or as Margaret Thatcher succinctly put it, “There is no such thing as society... There is only the individual and his [sic] family.”²⁰⁵ The processes of deregulation, deindustrialization, and privatization beginning in the 1970s required the production of an “exhaustively rational” subject whose value was measured by their capacity for self-care and personal responsibility.²⁰⁶ In this way, neoliberalism produces a subject who is regulated through a strict adherence to individuality. Individuality is marked as the sign of freedom, choice, and power, but the neoliberal subject is opened to regulation, governance, and domination through the freedom it is offered and avows. The neoliberal subject is at once required to make its own life and is always already regulated in this making. This is what biopower and discipline realize together and what neoliberal governmentality achieves beginning in the 1970s.²⁰⁷ Thus, the power of neoliberalism does not just appear in moments of spectacular repression or brutality. The invitation of inclusion or the warm embrace of recognition, freedom, and choice are also technologies of power’s subjection. That is to say, power may feel like a fist or a bullet—it might be shocking or dull, numbing or terrifying—but it will also feel soft, loving, affirming, or like the exhilaration of freedom and liberation.²⁰⁸ As Foucault argues, power wraps the subject in its embrace,

²⁰⁴ Stuart Hall, “The Neoliberal Revolution,” *Cultural Studies* 25:6 (November, 2011): 706.

²⁰⁵ Quoted in Hall, 707.

²⁰⁶ Wendy Brown, “American Nightmare: Neoliberalism, Neoconservatism, and De-Democratization,” *Political Theory* 34:6 (December, 2006): 694.

²⁰⁷ *Ibid.*, 705.

²⁰⁸ Avery Gordon, *Ghostly Matters: Haunting and the Sociological Imagination* (Minneapolis: University of Minnesota, 1997), 1.

“intensifying areas, and electrifying surfaces.”²⁰⁹ It does more than discipline or torture the body in order to reproduce its capacities: it titillates and seduces, it caresses the body, it sets one free, it says yes, and it asks for more. Neoliberalism seduces the subject with promises of uninhibited freedom and choice, even as the seduction is performed in the name of management and regulation.

As I will argue, the politics of “Law and Order” connected the regulatory freedom of individuality to the freedom of the market and the incapacitation and death of new policing and penal technologies. In this way, neoliberal discourses of individualism, freedom, and choice emerged, in part, out of the discourses used to justify the expansion of the prison. And the discourses used to justify the intensification of incarceration were also discourses about time’s progressive unfolding into the future. This is why a theory of the neoliberal-carceral state is necessary: the prison and neoliberalism collude at the level of the population and body, but also at the levels of discourse and affect. We can witness this relationship in the ways Richard Nixon and Barry Goldwater connected the prison to the freedom of the market and the individual (what we might think of as a proto-neoliberal subject). Critically, race and white supremacy were central to this process. For example, in Goldwater’s 1964 acceptance speech for the Republican presidential nomination, we can see an early connection between the liberation of the individual and the need to contain the insurgent black body:

We must, and we shall, set the tide running again in the cause of freedom...Freedom balanced so that liberty lacking order will not *become the slavery of the prison cell*; [freedom] balanced so that liberty lacking order will not become *the license of the mob and of the jungle*...The

²⁰⁹ Michel Foucault, *The History of Sexuality Volume 1: An Introduction* (New York: Vintage Books, 1978), 44.

growing menace in our country tonight, to personal safety, to life, to limb and property...particularly in our great cities, is the mounting concern...Security from domestic violence... is the most elementary and fundamental purpose of any government...²¹⁰

Goldwater ended his speech by speaking of the future:

In our vision of a good and decent future, free and peaceful, there must be room, room for the liberation of the energy and the talent of the individual, otherwise our vision is blind at the outset.²¹¹

Goldwater spoke at the precipice of the rise of a variety of social movements that, as *Businessweek* put it in 1968, were going to crumble the social and economic order.²¹²

Like Nixon four years later, Goldwater argued that there must be a counter mobilization by the state against this threat if the individual was to be free. Personal freedom would require the unfreedom of the carceral state and its attendant methods of policing and security. Critically, this vision was a racial project of undoing anti-racist liberatory movements in order to clear space for the (white) individual. *Dylan Rodríguez* has argued that law and order was a project of “white liberation” against U.S. based third world, black, and indigenous liberation movements and their accompanying urban insurrections.²¹³ Yet, it is not only the deployment of carceral violence that was deeply racialized, but also the attendant use of individuality. As Wendy Brown points out, individuality is the constitutive sign of civilization, while “the mob” or group signifies a condition of barbarism, degeneracy, lawlessness, and blackness. The individual is

²¹⁰ Barry Goldwater, “1964 Acceptance Speech,” <http://www.washingtonpost.com/wp-srv/politics/daily/may98/goldwaterspeech.htm> (March 2012).

²¹¹ *Ibid.*

²¹² Max Elbaum, *Revolution in the Air: Sixties Radicals Turn to Lenin, Mao, and Che* (London: Verso, 2002), 1.

²¹³ Dylan Rodríguez, *Forced Passages: Imprisoned Radical Intellectuals and the U.S. Prison Regime* (Minneapolis: University of Minnesota Press, 2006), 20-21.

governed by choice, autonomy, reason, democracy, and consent, while the mob is ruled by violence, culture, religion, intolerance, and immorality.²¹⁴

According to Goldwater, the absence of order inherent to the mob produces “the slavery of prison” for those subjected to the mob’s tyrannical power. Within this formulation, the prison and slavery signified the constraining force of antiracism and the civil rights movement on the freedom of whiteness.²¹⁵ The racial nightmare of urban uprisings—represented by the mob and jungle—threatened white lives, bodies, and property. Significantly, under the rule of the mob, violence is the norm, rather than the exception. This intrinsic violence is in need of the liberating force of liberalism, since violence is not constitutive of liberal rule, but is its exception. In this way, the mob and the jungle not only invoke a radical alterity to liberalism, but also represent the enemy within liberalism and the enemy to civilization.²¹⁶ This was an enemy in need of containment. Critically, the threat of the jungle and mob were also threats to time—to the “good and decent” future that was the Goldwater’s promise to a white electorate. Goldwater promised to stave off the “slavery of prison” that was the dystopic future of whiteness. For Goldwater, the freedom of whiteness—of health, body, and property—was under threat, and its future rested on the containment of “domestic violence” or political rebellion. Goldwater vowed to protect the future of the individual and the market from the threat of the mob and the racial nightmare of the jungle: “We

²¹⁴ Wendy Brown, *Regulating Aversion: Tolerance in the Age of Identity and Empire* (Princeton: Princeton University Press, 2006), 149-176.

²¹⁵ Twenty years later Thatcher would similarly invoke the specter of white victimization through a metaphor of slavery: “Let me give you my vision: a man’s right to work as he will, to spend what he earns, to own property, to have the State as servant not as master: these are the British inheritance. They are the essence of a free country and on that freedom all our other freedoms depend.” Quoted in Hall, 706.

²¹⁶ Brown, *Regulating Aversion*, 166.

Republicans seek a government that attends to its inherent responsibilities of maintaining a stable monetary and fiscal climate, encouraging a free and a competitive economy and enforcing law and order.”²¹⁷ As Goldwater made clear, the free market needed the racial power of the prison. The freedom of the individual and market would require new policing and penal technologies. The age of the prison would set the market and the individual free.

In his 1968 acceptance speech as the Republican nominee for president, Richard Nixon expanded Goldwater’s argument that individuality needed a massive policing apparatus by connecting the need for law and order to the failures of the welfare state. After declaring, “Just as we cannot have progress without order, we cannot have order without progress,” Nixon called for the end of the welfare state in order to inaugurate an era governed by private enterprise and personal responsibility:²¹⁸

For the past five years we have been deluged by Government programs for the unemployed, programs for the cities, programs for the poor, and we have reaped from these programs an ugly harvest of frustrations, violence and failure across the land. And now our opponents will be offering more of the same—more billions for Government jobs, Government housing, Government welfare. I say it's time to quit pouring billions of dollars into programs that have failed in the United States of America.

To put it bluntly, we're on the wrong road and it's time to take a new road to progress.²¹⁹

Goldwater made a similar argument, “Telling people again and again that the federal government will take care of everything for them leads to the decline of personal

²¹⁷ It’s worth noting that in the same gesture that he argues for a “free” economy, Goldwater also argues that the government must maintain a “stable monetary and fiscal climate.” Thus, a free market requires an active and powerful state in the economic and penal sphere. Barry Goldwater, “1964 Acceptance Speech,” <http://www.washingtonpost.com/wp-srv/politics/daily/may98/goldwaterspeech.htm> (March 2012).

²¹⁸ Richard Nixon, “Acceptance Speech, Delivered before the Republican National Convention, August 8, 1968,” <http://www2.vcdh.virginia.edu/HIUS316/mbase/docs/nixon.html> (March 2012).

²¹⁹ Ibid.

responsibility which is the base cause of the rise in crime and the disregard for law and order.”²²⁰ By connecting the need for new policing and penal technologies to the dismantling of the welfare state, Nixon and Goldwater argued that the state should protect those valuable to the accumulation of capital and dispose of those resistant or surplus to the new regimes of extraction, production, and distribution.²²¹ The state’s capacity to assist those vulnerable to premature death (whether through poverty, hunger, homelessness, and so on) would be abolished while its apparatuses of regulatory and disciplinary violence (police, prison, surveillance) would be expanded. By narrating this transition through the discourses of law, order, and progress, Nixon and Goldwater produced an epistemology that could justify and render invisible new forms of racial violence. As Jodi Melamed points out, neoliberalism requires systems of knowledge that can reason and rationalize its uneven distribution of life and death.²²² In his study of law and order, Michael Flamm describes this when he writes, “Above all, [law and order] enabled many white Americans to *make sense* of a chaotic world filled with street crime, urban riots, and campus demonstrations.”²²³ By helping white people make sense of a changing social order, law and order created an epistemology that did not just monopolize force by erasing state violence and constructing non-state violence as illegitimate; it also took hold of rationality in order to naturalize, normalize, and render invisible the violences of abandonment and imprisonment. Suturing state violence to the

²²⁰ Quoted in Michael, M. Flamm, *Law and Order: Street Crime, Civil Unrest, and the Crisis of Liberalism in the 1960s* (New York: Columbia University Press, 2005), 42.

²²¹ Jodi Melamed, *Represent and Destroy: Rationalizing Violence in the New Racial Capitalism* (Minneapolis: University of Minnesota Press, 2012), xxi.

²²² *Ibid*, 41.

²²³ My Emphasis, Flamm, 11.

failures of the individual would normalize these structural forms of violence. White people would have a new framework through which to view a massive and unprecedented wave of carceral state violence that went hand in hand with the marketization of social, cultural, and political life.

In addition, the racial violence of law and order and the governance of the market were naturalized through their attachment to the temporality of progress. Nixon constructed the welfare state as irrational, backwards, and inhibiting the teleological development of the nation. Progress made the prison and the market seem inevitable—the future needed them. Under state time, the discourse of progress rendered permissible the violence of the market and the terror of the prison. In other words, the future as the discursive space progress leads to the justification of new formations of racial violence. Under the logic of law and order, social and biological death were the constitutive and necessary byproducts of the future’s progress. Thus, by connecting the welfare state and political rebellion to the unfreedom of individuality, law and order made the violence of the market and the prison a new norm. And temporality was critical to this maneuver.

Central to Nixon’s call for a penal state that could oversee the dismantling of the welfare state was the specter of anti-racist and anti-imperial rebellion. In fact, Alan Greenspan told Nixon privately at the time that the riots, uprisings, and rebellions that swept the country were at heart a “rallying cry for an attack against America’s system of free enterprise and individual rights.”²²⁴ This sentiment would emerge in Nixon’s rhetoric. For example, in a 1968 campaign ad titled “The First Civil Right,” Nixon

²²⁴ Quoted in Flamm, 98.

narrates the following as a montage of bloody protesters, gun-toting police, and burning buildings flash across the screen:

It is time for an honest look at the problem of order in the United States. Dissent is a necessary ingredient of change, but in a system of government that provides for peaceful change, there is no cause that justifies resort to violence. Let us recognize that the first civil right of every American is to be free from domestic violence. So I pledge to you, we shall have order in the United States.²²⁵

The screen then fades to black, and bold white letters state: “This time vote like your whole world depended on it.” Nixon’s ad is significant in a few respects. First, it appropriates anti-racist rhetoric in order to justify the violent suppression of movements opposing the post-civil rights revival of the racial state. Nixon deploys a new form of state anti-racism to inaugurate the discourse of law and order.²²⁶ This official anti-racism, under which Nixon narrated the order produced by policing and penal violence as a “civil right,” incorporated and defused the much more radical and revolutionary anti-racisms of the period. These movements theorized the state, and particularly police and prisons, as a site of profound (sometimes unspeakable) violence. But for Nixon, the supposed safety and security produced by a more militarized police and an expanding prison regime was not just *a* civil right, but *the first* civil right. In this way, security and order became preconditions for the freedom of the individual, liberal, rights-bearing subject. This rephrasing erased the failures of civil rights legislation and replaced it with a state anti-racism concerned with abolishing white fear of political rebellion. Following

²²⁵ “The First Civil Right,” <http://www.livingroomcandidate.org/commercials/1968> (March 2012).

²²⁶ In his acceptance speech Nixon acknowledged that “law and order” was seen by many as fundamentally a racist project: “And to those who say that law and order is the code word for racism, here is a reply: Our goal is justice-justice for every American. If we are to have respect for law in America, we must have laws that deserve respect. Just as we cannot have progress without order, we cannot have order without progress.”

the doublespeak of southern segregationists, Nixon made “law and order” the new name for the militarized containment and liquidation of any threat to the property of whiteness.²²⁷ In this way, the ad jettisoned the violence that is foundational to the functioning of the state, making the state the site of safety and security while promoting the rights and freedom of the individual. Violence under this epistemology emanates from the white radical or the black/third world/Native insurgent, not the daily operations of corporate and state power.

Most significant for my purposes here, is that the ad narrates the late 1960s and early 1970s as a struggle with both global and biopolitical ramifications. For the white subject hailed by the ad, to allow the disorder (or the “domestic violence”) of the anti-war and the third world liberation movements to continue would mean an end to the coherency of one’s symbolic and physical world. In other words, as the slogan “vote like your whole world depended on it” suggests, the era’s liberation movements had apocalyptic intentions for the white world. The end of the future was coming. Nixon did not want “you” to vote as if *the* world depended on it, but “*your*” world, and “*your*” world was not *the* world. “Your world” was the world threatened by the success of the chaos and disorder aimed at the integrity of the state. For millions of people, the political violence occurring across the country and around the world was the sign of new possibilities and new worlds. If many imagined the end of the world as it was, Nixon

²²⁷ Nixon’s attempt to co-opt white fear and resentment of the changing social world was called “The Southern Strategy” and he and his advisors were not afraid to admit that they were appealing to racial fears. One of Nixon’s key advisors said publicly that Nixon “emphasized that you have to face the fact that the whole problem is really the blacks. The key is to devise a system that recognizes this while not appearing to.” Similarly, John Ehrlichman, special counsel to president explained that “the subliminal appeal to the anti-black voter was always present in Nixon’s statements and speeches.” See, Michelle Alexander, *The New Jim Crow: Mass Incarceration in the Age of Colorblindness* (New York: The New Press, 2010).

was afraid of their success. But Nixon was not concerned with the fate of *the* world, but “your world,” your way of life—what Frank Wilderson calls white life.²²⁸ As Nixon argued, life, for the white subject, was under threat, and the law would realign the racial order of things.

For Nixon, the social movements of the 1960s and ‘70s were a threat to the future. If they were successful, “your world” would disappear and your future with it. For example, in another ad from his 1968 campaign entitled “The Child’s Face,” a montage of smiling children flashes across the screen as Nixon speaks the logic of what Lee Edelman calls “reproductive futurism” by arguing that it is the responsibility of politicians to put children first: “I see the face of a child. What his color is, what is ancestry is, doesn't matter. What does matter is he's an American child. That child is more important than any politician's promise. He is everything we've ever hoped to be, and everything we dare to dream to be.”²²⁹ In the ad, the smiling peacefulness of children is contrasted to the violence, disorder, and chaos of the protesters in Nixon’s other ads. The ad implies that the child must be protected from the social movements of the 1960s. Black power and anti-imperialism were a threat to the child, and Nixon used the face of the child to argue for the expansion of the prison. Prisons and police would protect the child and thus would secure the unfolding of the future.²³⁰ For Nixon, the future of the civil and social order required the prison. The prison’s historical role of containing life

²²⁸ Frank Wilderson, *Red, White, and Black: Cinema and the Structure of U.S. Antagonisms* (Durham: Duke University Press, 2010).

²²⁹ “A Childs Face,” <http://www.livingroomcandidate.org/commercials/1968/childs-face> (March 2012)

²³⁰ For Nixon and the governing imagination of the era, it was not the queer, as Lee Edelman would have it, who opposed life and futurity, but rather, it was the threat of blackness that was the sign of the end of the future. As Kara Keeling writes, “From within the logics of reproductive futurity and colonial reality, a black future looks like no future at all.” Keeling, 578.

deemed excess, disposable, rebellious, and monstrous to the nation, state, and capital is central to its resurgence as a solution to the social and economic crises in the 1970s. Law and order was a form of state insurgency that resurrected this relationship to a new level of dominance. It resurrected the past as a way of taking hold of the future.

In sum, I am arguing that the prison did not become central to neoliberalism after deregulation, privatization, and deindustrialization left wastelands where neighborhoods and cities once stood; instead, the prison was imagined as central to the future of a “neoliberal utopia” *before* the legal liberation of the market and the rise of the carceral state in the late 1970s and early 1980s.²³¹ Law and order made the security and order produced by the prison preconditions for the freedom of the market and the individual, liberal, rights-bearing subject. In short, *neoliberalism is itself a carceral project*. In the last chapter I argued that for many poor (queer) women of color in the 1970s, the market looked like, felt like, mimicked, and colluded with the prison. Many 1970s activists did not see the prison and the market as separate systems of power. Instead, they understood them as deeply connected—if not, at times, indistinguishable. The surplus populations that were the waste of the market fueled the expansion of the prison, while the market’s governance of life and death sometimes looked like the curtailment of mobility and life chances produced by the prison. Here, I am advancing this argument by noting how the containment of racialized and gendered populations was imagined as central to the rule of the free market. Proponents of law and order saw the prison as foundational to the future and reign of the free market and the freedom of the individual. In short, neoliberalism

²³¹ Pierre Bourdieu, “The Essence of Neoliberalism,” <http://mondediplo.com/1998/12/08bourdieu> (March 2012).

was (and is) a carceral project, while law and order was a neoliberal project.²³² Critically, this new formation of carceral state violence was narrated into existence by a discourse that connected the progress and future of the social order to the violence of the prison. The prison would secure the future of things as they were by disposing those resistant to the continuation of present as it was. Thus, those on the blunt end of law and order's project of liberating the market and the individual offer a productive site from which to understand the changing logics of economic and penal power in the late 1960s and early 1970s. One site that arose in response to law and order was the revolutionary underground.

The Ghosts of Law and Order

As law and order, especially in the form of the FBI's Counter Intelligence Program (COINTELPRO), systematically dismantled the radical and revolutionary left in the United States (through disinformation, murder, sabotage, incarceration, and exile), a massive network of underground groups emerged in the early 1970s in the place of the 1960s aboveground student, civil rights, and anti-war organizations.²³³ In order to evade state repression and engage illegal tactics, thousands of activists disappeared into a vast network of safe houses, under-the-table jobs, and transportation channels that kept them hidden in plain sight. One of the main arguments of this dissertation is that these groups

²³² We could understand the prison as one aspect of what Naomi Klein calls "The Shock Doctrine." According to Klein, the implementation of neoliberalism around the world has necessitated various forms of "shock." Whether bombing, torture, occupation, natural disasters, or starvation the free market needs massive regimes of violence in order to institute and maintain itself. See Naomi Klein, *The Shock Doctrine: The Rise of Disaster Capitalism* (New York: Picador, 2007).

²³³ For more on COINTELPRO see: Nelson Blackstock, *Cointelpro: The FBI's Secret War on Political Freedom* (Atlanta: Pathfinder Press, 1975); Ward Churchill and Jim Vander Wall, *The COINTELPRO Papers: Documents from the FBI's Secret Wars Against Dissent in the United States* (Cambridge: South End Press, 1990); Ward Churchill and Jim Vander Wall, *Agents of Repression: The FBI's Secret Wars Against the Black Panther Party and the American Indian Movement* (Cambridge: South End Press, 1988).

contested the emergence of the neoliberal-carceral state. Some of the better-known groups like the Black Liberation Army splintered off from the Black Panthers and other black power groups, while the Weather Underground departed from the student and anti-war movements of the New Left. Still other groups, like the Seattle-based George Jackson Brigade—a group of multi-racial, queer, working class ex-convicts—emerged out of the culture and politics of the era’s anti-prison activism.²³⁴ Other underground groups of the period about which much less is known include: Fuerzas Armadas de Liberación Nacional, the Chicano Liberation Front, Red Guerilla Family, Emiliano Zapata Unit, Iranian Liberation Army, United Freedom Front (or the “Ohio 7”), Sam Melville-Jonathan Jackson Unit, Nat Turner/John Brown Brigade, and the New World Liberation Front. Many of these groups remain historically obscure because invisibility was their condition of possibility. Underground organizations survived by incessantly erasing the subtle traces every life leaves behind: the detritus of bodies—fingerprints, hair, and skin—but also memories, stories, and documents that could lead to recognition and capture. In this way, a major aspect of their history is what will never be known: what they did, who they were, where and how they lived. In fact, for three years beginning in 1974, the New World Liberation Front committed over 50 bombings in the San Francisco area (including banks, power stations, corporate offices, the San Francisco stock brokerage, and the South African embassy) without injuring one person and

²³⁴ Daniel Burton-Rose, *Guerrilla USA: The George Jackson Brigade and the Anticapitalist Underground of the 1970s* (Berkeley: University of California Press, 2010); Daniel Burton-Rose, ed., *Creating a Movement with Teeth: A Documentary History of the George Jackson Brigade* (Oakland: PM Press, 2010).

without a single member ever being identified or apprehended.²³⁵ The underground was a space structured by a politics of unknowing. Indeed, a controlled lack of knowledge—“an endorsement of willful forgetting”—you will know what you need to know when you need to know it, was the condition of possibility for the continuation of the underground.²³⁶ This invisibility and illegibility contrasted with the regimes of hyper-surveillance, regulation, and policing central to the law and order state.

As the next chapter explores more fully, the underground is not a place, but rather, is an alternative time-space paradigm, a “parallel universe,” a shadow world that exists within, but negates the normative time of the nation, state, and capital. The underground is a non-place where one hides in the “expectations of others,” fashioning survival along different dimensions that mobilized “timing and synchronization, the thoughtful use of light and shadow, rhythm and pulse.”²³⁷ The fugitive became a ghost by disappearing into the openness of the world. New lives and identities were constructed by piecing together fragments collected while on the run: new styles, clothing, voices, histories, and names. David Gilbert, a member of the Weather Underground and later a group associated with the Black Liberation Army, recounts that fugitives had to even learn to walk differently: gait and carriage sometimes were more recognizable than hair or clothing.²³⁸ However, “the most essential tool for staying underground was ID.”²³⁹ Bill Ayers, a founding member of the Weather Underground,

²³⁵ Ward Churchill, “Preface” in Daniel Burton-Rose, ed., *Creating a Movement with Teeth: A Documentary History of the George Jackson Brigade* (Oakland: PM Press, 2010), 14.

²³⁶ Bill Ayers, *Fugitive Days: Memoirs of an Anti-War Activist* (Boston: Beacon Press, 2001), 228.

²³⁷ Ayers, 216.

²³⁸ David Gilbert, *Love and Struggle: My life in SDS, The Weather Underground, and Beyond* (Oakland: PM Press, 2012), 157.

²³⁹ *Ibid.*, 158.

recounts how political fugitives often scoured rural cemeteries for the graves of dead children: born between 1940 and 1950 and who died five to ten years later. With a name and birth date, they would acquire a birth certificate from the local courthouse and then apply for a social security card that had never been issued.²⁴⁰ They could then get jobs, buy cars, and get bank accounts. The newly disappeared resurfaced as the dead resurrected.²⁴¹

Critically, the underground existed in a time and space structured by the technologies of the prison, the police, and the law. Put another way, the underground was made necessary, and brought into being, by the ways the state rendered certain forms of resistance illegal, exceptional, violent, backwards, irrational, and beyond politics. In addition, the underground emerged as a direct response to the racial politics of law and order, imperial aggression in Vietnam, and the violence of global capitalism. Simply, the underground was a space brought into being by legal and extra-legal state violence. Following James C. Scott's analysis of "state and non-state" spaces, we can position the underground as a non-state space that is enmeshed with state space. State space is measurable, visible, legible, and thus open to manipulation, regulation, and control, while non-state spaces exceed the state's systems of knowing and seeing.²⁴² As Scott puts it, "legibility is a condition of manipulation."²⁴³ By exceeding the state's epistemological and visual regimes, non-state spaces critique the norms that make state space possible.

²⁴⁰ Ibid, 220.

²⁴¹ As I discuss more the next chapter, the ability of fugitives to hide, get jobs, and take on new identities was of course intimately connected to race, gender, and sexuality.

²⁴² James C. Scott, *Seeing Like a State: How Certain Schemes to Improve the Human Condition Have Failed* (New Haven: Yale University Press, 1998), 183-191.

²⁴³ Ibid, 183.

We can extend Scott's analysis of state space by noting that state space necessitates state time. In his classic study of the prison, Michel Foucault describes what he calls "the temporal elaboration of the act."²⁴⁴ For Foucault, when disciplinary power regulates the micro-movements of individuals in space—how one raises their hand, sews a stitch, assembles a gun, or takes a step—"time penetrates the body and with it all the meticulous controls of power."²⁴⁵ Time as a mechanism of power possesses the body, so that time accumulates within the body. By inhabiting the body, a building, or a discourse, power uses time to contort the world in its image. Power's object becomes its double, and time is one of the mechanisms used in this process. In short, power's regulation and management of space requires the contortion and control of time. By escaping this spatial disciplining, non-state spaces exceed state power, but also transcend state time. The underground was a non-state space that also produced non-normative experiences of (and epistemologies concerning) time. Thus, we can understand the fugitive and the underground as political formations from which technologies of state power that normally operate in obscurity become hyper-visible. By unmasking state space and state time, the underground is a rich site from which to understand the rise of the neoliberal-carceral state.

In the previous section I argued that law and order produced an epistemology that rendered carceral state violence necessary and invisible to the liberation of the individual and the market; in this section I argue that the underground generated forms of knowledge that could see and name this process by theorizing it through a non-normative

²⁴⁴ Michel Foucault, *Discipline and Punish: The Birth of the Modern Prison* (New York: Vintage Books, 1977), 151.

²⁴⁵ *Ibid.*, 152.

engagement with time. The fugitive was able to see what goes unseen by virtue of its normality and banality. Ayers illustrates this when he writes, “We developed a doubleness. More than a secret identity or double life, we saw the world through a distinct lens...We were split, and we could not be whole again.”²⁴⁶ Ayers describes a connection between space and knowledge that is echoed by many others who were underground. In these descriptions, the fugitive experienced space, time, and power in ways many would understand as normal and unremarkable. Angela Davis describes in her autobiography that going underground felt like “being alone in the dark” because “fugitives are caressed every hour by paranoia.”²⁴⁷ Living as a fugitive meant “resisting hysteria,” deciding which ghosts were figments of an imagination on the run and which would bring “machine guns breaking out of the darkness.”²⁴⁸ In the nowhere and everywhere that was the underground, space and time took on new meanings—one always looked for the brown shoes of the FBI, had an escape route, and was ready to be disappeared into a prison or start a new life in a new city under a new name. Going underground meant other non-normative analytics emerged to narrate the operations of power.²⁴⁹ Dylan Rodríguez captures the relationship between space and knowledge when he writes of incarceration: “As they are (sometimes literally) buried beneath the complex web of discourses, institutions, and power relations that compose social formation, prisoners encounter a cognitive territory outside common sense, beyond, the symbolic

²⁴⁶ Ayers, 226.

²⁴⁷ Davis, “Angela Davis: An Autobiography,” 5.

²⁴⁸ Ibid, 5.

²⁴⁹ Grace Hong makes a similar argument about the relationship between the subway and the street. Grace Hong, *The Ruptures of American Capital: Women of Color Feminism and the Culture of Immigrant Labor*, (Minneapolis: University of Minnesota Press, 2006) xii.

and rational universe of civil society.”²⁵⁰ We can extend Rodríguez’s argument to include other spaces outside the prison proper, like the underground, that are structured by penal and policing technologies. It is from the underground that new ways of knowing power and subjection emerged that exceed the logics of the nation, the market, and the law and order state.

In addition to theorizing the racialized and gendered violences of the state and capital, one aspect of the political fugitive’s knowledge was a theorization of time and the future. Penny Vlagopoulos apprehends this when she writes, “The underground was a site for elaborating the terms of hope and a gateway to ensuring a revolutionary future, which could justify years of activist commitment and keep the impetus to radicalism relevant during a period of global healing.”²⁵¹ Before turning to the feminist writings of the women’s brigade of the Weather Underground to consider their theorization of time and violence, I want to analyze the writings of the George Jackson Brigade to explore their understandings of the changing nature of the state and capitalism in the 1970s. Both groups engaged the ways the prison and the market produced premature death and what Lauren Berlant calls “slow death.”²⁵² According to Berlant, slow death refers to “the physical wearing out of a population” so that its deterioration “is a defining condition of its experience and historical existence.”²⁵³ Slow death does not occur in spectacular events like military aggression or genocides, but in the temporal space of “ordinariness

²⁵⁰ Rodríguez, *Forced Passages: Imprisoned Radical Intellectuals and the U.S. Prison Regime*, 202.

²⁵¹ Penny Vlagopoulos, “The Beginning of History and Politics: Susan Choi’s American Woman and the Shadow of U.S. Imperialism,” *Studies in American Fiction* 37:1 (Spring 2010): 135.

²⁵² Lauren Berlant, *Cruel Optimism* (Durham: Duke University Press, 2011).

²⁵³ *Ibid.*, 95.

itself.”²⁵⁴ Slow death does not arise from discipline, but from the security practices of the (neo)liberal state.²⁵⁵ Slow death is intrinsically a critique of state time as it names state time as a temporality of psychological and corporeal wearing out. The Weather Underground and George Jackson Brigade named the temporality of violence central to the market and the prison as a time of banality and in so doing, critiqued the progress of law and order while making visible the slow deaths obscured by new epistemological norms.

On July 4, 1977, the George Jackson Brigade issued a communiqué that began with the following statement:

Today we bombed the main substation for the state capital complex in Olympia [Washington]. The purpose of this action is to support the struggle of prisoners in the hole at Walla Walla state prison. These men are still on strike as [part] of their militant fight against illegal confinement, barbarism, and torture.²⁵⁶

The communiqué went on to connect the repression faced by prisoners held in isolation units at Walla Walla prison to the much larger structures of white supremacy, capitalism, and heterosexism. The communiqué ended, “If people want a better society, they can start by becoming active feminists, anti-racists, and anti-imperialists.”²⁵⁷ From the spring of 1975 until November 1977, the George Jackson Brigade bombed various state and corporate institutions throughout the Pacific northwest. In addition, they robbed half a dozen banks to make the state and capital “pay for their own destruction.” The public communiqués that accompanied each of the George Jackson Brigade’s actions explained

²⁵⁴ Ibid, 100.

²⁵⁵ Or to paraphrase Foucault, we might say that slow death is produced by “letting things follow their course.” Foucault, 48.

²⁵⁶ Daniel Burton-Rose, *Creating a Movement with Teeth: A Documentary History of the George Jackson Brigade* (Oakland: PM Press, 2010), 27.

²⁵⁷ Ibid, 12.

the bombings as “armed self-defense” in support of Native sovereignty, domestic national liberation movements, workers’ rights, and most centrally, prison abolition. The group was made up of multi-racial, multi-gender, working class, former prisoners (soon to be imprisoned again) who employed an intersectional analysis of power at a time when progressive, radical, and revolutionary movements were splintering along racial, gender, and class lines.

While on trial, member Rita Bo Brown questioned the legitimacy of the court, arguing that as a “freedom fighter” she had and would continue to “expropriate the funds necessary to promote guerrilla warfare in amerikka.” Brown noted that the Brigade’s theft meant nothing in the face of chattel-slavery, genocide, the “terrorism” of prisons, misogyny and sexual violence, and homophobia.²⁵⁸ Brown was known throughout the Seattle area as the “Gentleman Bank Robber” because she dressed “as a man” during robberies, was known for her “polite gun-pointing prattle,” and was praised by bank tellers for her congeniality.²⁵⁹ Brown’s performance was so effective that the FBI spent two years looking for a man. In narrating her transition from aboveground activist to underground “freedom fighter,” Brown wrote:

I was part of the politico lesbian community. I worked on lots of different projects with children, womyn, men and 3rd World peoples but prison work was always the most important in my life. In a couple of years, I heard a lot of folks in a lot of places talk about the revolution, but nobody did anything except talk. The BLA and Assata [Shakur] were working their asses off but nobody in Seattle did a thing.²⁶⁰

²⁵⁸ Rita Brown, *While Coping a Plea in Kangaroo Kourt* 2/11/78, http://www.thebrigadeip.org/documents/bo_kangaroo_kort.htm (4/16/08).

²⁵⁹ John Dooly, “The Gentleman Bank Robber,” <http://www.portlandmercury.com/portland/Content?oid=29228&category=23483> (4/24/08).

²⁶⁰ Rita Brown, “A Short Autobiography,” http://www.gjbip.org/documents/bo_short_bio.htm , (4/24/08).

Throughout their writings, the Brigade's analysis of power navigated the complexities of the collusion between race, gender, class, sexuality, and incarceration. They emphasized repeatedly that their choice to go underground was motivated by their involvement with the struggles of "women, prisoners, Third World people, gays and young people."²⁶¹ Prisons were the analytical center of the Brigade's theoretical and political work, informing their analysis of white supremacy, sexual violence, colonialism, and heterosexism. When prisoners at Walla Walla prison took hostages and seized the prison's hospital wing as part of a decade-long struggle for more humane conditions, the Brigade bombed the office of the Director of the Department of Corrections in Olympia, causing over \$100,000 in damage. In the communiqué issued after the bombing, the Brigade placed the action within the context of the rebellion in Walla Walla, but also the ways capitalism and prisons were changing in the 1970s.

For the Brigade, capitalism in the 1970s was fundamentally about the production of racialized and gendered value and disposability. It was also about the emergence of a new state form, one that was brought into being by the prison. With the onset of neoliberal restructuring, the state and capitalism were producing entire populations they had no use for, "prisoners, ex-prisoners, old people, young people, people trapped into the lowest paid, most temporary shit jobs, people forced on welfare and forced to remain there. All these people are discarded by capitalism."²⁶² The Brigade placed the prison at the center of a vast network of biopolitical power where the prison, the market, and welfare operated symbiotically to manufacture populations vulnerable to devaluation and

²⁶¹ Burton-Rose, *Creating a Movement with Teeth*, 28.

²⁶² Burton-Rose, "Political Statement of the George Jackson Brigade," *The Power of the People is the Force of Life* (Montreal: Abraham Guillen Press, 2002), 5.

death “in ways that palimpsestically register older modes of racialized death but also exceed them.”²⁶³ The state was the apparatus that oversaw this process. Henry Giroux describes this moment beginning in the 1970s as “the new biopolitics” that “not only includes state-sanctioned violence but relegates entire populations to spaces of invisibility and disposability.”²⁶⁴ The Brigade theorized the prison as central to the changing logics of capitalism in the ‘70s:

Capitalism causes crime. Overwhelmingly, the victims of crime are poor and third world people. Street crime is caused and perpetuated by joblessness and underemployment; by a ruling class that uses people for its own profit and discards them when it has no more profitable use for them...[the prison’s] sole purpose is to administer the warehousing and repression of human beings for whom capitalism has no use or no solution.²⁶⁵

We can understand the Brigade as narrating the emergence of new technologies for distributing life and death that were the constitutive erasures necessary to the politics of law and order.²⁶⁶ In other words, the George Jackson Brigade engaged the forms of violence the discourse of law and order could not name. Critically, this dividing line between life and death was not stable nor did it abide by the strict lines of demarcation central to Foucault’s theorization of a disciplinary society. While the prison is theorized as a site for the localization of necropolitics, crime and the market (in the form of joblessness and underemployment) are conceptualized as diffuse networks of control and

²⁶³ Hong and Ferguson, “Introduction,” 2.

²⁶⁴ Henry Giroux, “Reading Hurricane Katrina: Race, Class, and the Biopolitics of Disposability,” *College Literature* 33:3 (Summer 2006), 181.

²⁶⁵ Buron-Rose, 29.

²⁶⁶ In fact, the Brigade and many other groups, were writing prior to or at the exact moment Michel Foucault would theorize biopower in *The History of Sexuality Vol. 1* and *The Lectures at the College de France*.

management that are mobile, agile, and capacious, yet also durable and enduring.²⁶⁷

Abandonment colludes with incarceration, security with discipline. Similar to Shakur's theorization of the market as a carceral technology that I outlined in the last chapter, here the prison exceeds its formal boundaries, capturing bodies, minds, and subjectivities beyond its walls, guard towers, and razor wire. In this way, the prison and the market are understood as deeply intertwined and mutually constitutive systems of racialized and gendered power. While for Nixon and Goldwater, the prison's liberation of the individual and the market produced time's progress, here the Brigade names the warehousing of human beings discarded by the market as the condition of possibility for the state's teleological narrative about the individual freedom produced by the market and prison.

Like the writing of Davis and Shakur in the first chapter, for the Brigade, the warehousing of those rendered waste under the logic of the market was constitutively haunted by slavery. Mark Cook, the only black member of the group, describes this when he discusses his incarceration: "It's something that we all understood—that I would be the last one out [of prison], just because I'm black, . . . There was no question in any of our minds that I would be the last one."²⁶⁸ The state's commitment to hold Cook for almost twice as long as other Brigade members (for a crime to which he could not be directly connected, while Brown repeatedly admitted to her crimes and refused to apologize, and founding member Ed Mead smuggled grenades, guns, and other weapons

²⁶⁷ Jabir Puar, "Prognosis Time: Toward a Geopolitics of Affect, Debility and Capacity," *Women & Performance: A Journal of Feminist Theory* 19: 2 (July 2009): 163.

²⁶⁸ Mark Worth, "The Last Brigadier," <http://www.seattleweekly.com/1998-07-22/news/the-last-brigadier.php?page=2>, (4/29/08).

into prison to start a rebellion against institutionalized sexual violence) shows an emerging penal state's dedication to white supremacy as a logic of social organization. Cook invokes this logic when he describes the quotidian spatial and historical logics that underwrote his captivity:

I am kept in segregation, isolated from other 'mainline' prisoners because I am a political threat to the 'order and security of the jail.' Although the keepers admit I have broken no jail rules and regulations and have caused no disturbance to warrant being kept in disciplinary cells, I have been in such confinement for twenty months...I spend twenty-three hours a day in my cell (six feet by seven feet): I am given midnight showers every two or three days: no daylight enters the cell...there is no ventilation; there is no hot water; there is a sink and a toilet; I eat my meals on the floor...I am an African, a descendent of Africans trapped here in North America in the slave colonies. I am of the working class, an upholsterer and common laborer when I have to be. So the contempt and indignities that I suffer at the hands of the government, though directed at me in this instance, are a sample of the indignity and contempt the government feels for African and working class people who are 'politically suspect.'²⁶⁹

Cook's narrative connects the mundane aspects of his subjection—the absence of daylight, the stale air, the compression of time and space—to a history of racial violence that forcefully returns in the present. For Cook, the most intimate aspects of life in prison were animated by slavery.

Like Cook's writing from captivity, the relationship between slavery and incarceration also informs Brown's analysis of prisons in her sentencing statement. As she stood in court facing twenty years in federal prison, Brown took the opportunity to describe the ways her queer "white life" was made possible by the fabrication of racialized death and dying. She argued in court that whiteness is intimately connected to the production of "butchered-half lives." For Brown, the prison and the market were

²⁶⁹ Burton-Rose, 44.

central to this process: “Prisons are big business too. Nationally, the annual profits reach \$2 billion. Prisons promote ‘terrorism’ by making the denial of human and democratic rights a respectable and common thing. Look at who is in prison and why—75% of all adults in amerikkan prisons are 3rd world people.”²⁷⁰ Brown’s articulation that the prison makes the denial of human rights a “common and respectable thing” theorizes white supremacy and the prison as structures of invisibility. As Brown argued, even as many people may imagine the prison sitting on the edges of social and cultural life in the United States, even as some lives may never be directly touched by the terrifying logic of the prison, the prison is central to who and where we are, how we know, and what we can become. By describing the prison’s centrality to contemporary biopolitics, and connecting both to chattel slavery and the racialized uneven distribution of life and death, the Brigade understood the prison as a technology of population management—one that contorted time as part of its institutionality. The prison, as function of its daily operations, disrupted the distinctiveness of the past and present by resurrecting the racial and spatial politics of chattel-slavery. In addition, the prison cast surplus populations into a space devoid of time—a warehouse that was the unnamed condition of possibility for progress. While the Brigade offered a counter-narrative to law and order by theorizing time’s relation to the prison and the market, the women’s brigade of the Weather Underground more explicitly theorized the rise what I am calling the neoliberal-carceral state.

²⁷⁰ Rita Brown, *Sentencing Statement 2/21/78*, http://www.gjbip.org/documents/bo_sentencing_statement.htm (4/16/08).

On May 21, 1970, the all-white revolutionary group the Weather Underground declared war on the United States of America. Just one year after splitting off the largest anti-war organization in the country, Students for a Democratic Society, the Weather Underground announced its existence and stated, “Within the next fourteen days we will attack a symbol or institution of American injustice.”²⁷¹ Twenty days later, the group claimed responsibility for bombing the New York City police headquarters in response to the murder of 21-year-old Black Panther party leader Fred Hampton by Chicago police and the “torture of Joan Bird.”²⁷² Over the next five years, the group would commit more than twenty bombings of state and corporate infrastructure, including: The U.S. Capitol, the Pentagon, corporate headquarters, police stations, and a variety of state infrastructure. The bombings were mainly in response to the war in Vietnam and penal and police violence in the United States. For example, bombings were committed in response to the murder of George Jackson; the massacre of prisoners after the uprising at Attica; the police shooting of a ten-year-old black boy; the sterilization of women of color; the suppression of a rebellion at the Queens House of Detention; the war in Vietnam; new drug laws; and the U.S.-supported neoliberal coup in Chile.²⁷³ It is worth noting that these bombings only account for a small percentage of the more than 5,000 bombings of the period. From the late 1960s to the late 1970s, radicals across the country targeted universities, corporations, police, and the military with targeted acts of property

²⁷¹ Bernardine Dohrn, Bill Ayers, and Jeff Jones, *Sing a Battle Song: The Revolutionary Poetry, Statements, and Communiqués of the Weather Underground 1970 -- 1974* (Seven Stories Press, 2006), 151.

²⁷² David Gilbert credits the delay in their threat to a “hippie sense of time” that stretched fourteen days to nineteen. Gilbert, 162.

²⁷³ This is not a complete list. See Dan Berger, *Outlaws of America: The Weather Underground and the Politics of Solidarity* (Oakland: AK Press, 2005).

destruction. It is also worth noting that unlike contemporaneous leftist armed struggles in South Africa, Ireland, West Germany, Palestine, Peru, Uruguay, and Vietnam, the U.S. left was alone in that it largely did not target human beings. The only people killed or injured by the Weather Underground were three of the group's own members who died while building a bomb that accidentally exploded inside a New York City townhouse (two women escaped the bombing and promptly went underground). From that point forward, the group took great care to only destroy state and corporate infrastructure.²⁷⁴ In short, it is not the fact that they were underground or committed bombings that makes the Weather Underground unique; what makes them significant is how they understood the time of the post-civil rights state and the space of the underground.

The group's first writings stated the power of the illegibility of the underground: "We're not hiding, but we're invisible."²⁷⁵ The group later taunted, "They guard their buildings and we walk right past their guards. They look for us—we get to them first."²⁷⁶ The group mobilized the invisibility and presumed innocence of whiteness so effectively that when they placed a bomb in the U.S. Capitol that failed to go off, they reentered the highly secure building and placed a second bomb on top of the first. The bomb destroyed a bathroom (bombs were often placed in toilets or ceilings), the congressional barbershop and dining room, and an "expensive painting of George Washington."²⁷⁷ While the group's rhetoric claimed they were "bringing a pitiful helpless giant to its knees," in

²⁷⁴ This practice was not without controversy amongst the left. In a public letter, the Panther 21 publicly criticized the Weather Underground (while also encouraging them to continue) for only retaliating against property in response to the massacre at Attica prison.

²⁷⁵ Dohrn, 150.

²⁷⁶ Ibid, 152.

²⁷⁷ Dohrn, 169.

reality they were, like the George Jackson Brigade, engaging in “armed propaganda.” Both groups hoped that the violence of the state and capital would be rendered hyper-visible by “bringing the war home.” In so doing, they challenged normative notions of activism, common sense, space, and time in order to deploy a politics of knowledge that attempted to epistemologically unravel the logics of the law and order state and U.S. empire. One of the things that makes the Weather Underground particularly significant is that they named white supremacy as invisible but foundational to a new formation of global capitalism and an emerging penal state. In other words, they did not theorize the market as replacing or negating the primacy of race in the distribution of life chances, but rather, consistently argued that race (and anti-blackness in particular) was *the* animating force behind the necropolitics of the modern state—under the market, in the prison, and on the street.

For the Weather Underground, the prison was “part of a strategy of colonial warfare being waged against the black population.”²⁷⁸ Like many of their politics, this idea was inspired and animated by the Black Power and third world liberation movements of the period. Prisons were “machines for breaking men and women” with “filth, rats, isolation, brutality, and torture. They are instruments of genocide against the black and Latin community.”²⁷⁹ The prison as repressive apparatus aimed at population management and control was also structured by and connected to empire: “Like in Vietnam, where ‘rebellious’ populations have been ‘relocated’ to strategic hamlets and tiger cages, the rebels of Watts, Harlem, Detroit... have been have been shipped to places

²⁷⁸ Ibid, 225.

²⁷⁹ Ibid, 160.

called San Quentin, the Tombs...and Cook County Jail.”²⁸⁰ As the group continually articulated, the violence of the prison was not isolated or exceptional. Many of their communiqués theorized an expansive regime of biopolitical power that connected the anti-blackness of the prison, the malnutrition and premature death of Latino children, and the forced sterilization of Puerto Rican women. In this way, they made clear the connections between the seemingly disparate operations of the state’s deployment and manipulation of race, gender, and sexuality. While law and order attempted to advance the violence of the police and the prison under the freedom granted by the post-civil rights state, the Weather Underground named this process as a modification and intensification of past forms of racialized and gendered subjection. For example, after a New York City police officer shot and killed a ten-year-old black boy, Clifford Glover, the group bombed a New York City patrol car outside the 103rd precinct. In the accompanying communiqué, they argued that penal and police violence against black children and adults was the “street level of Nixon’s policies.”²⁸¹ Glover’s death was the constitutive underside to the order, peace, and safety of law and order. The Weather Underground argued that law and order was the continuation of past forms of white supremacy that were supposed to have ended with the civil rights legislation of the 1960s. Glover’s murder made visible the connection between law and order and what was imagined to have been an older mode of white supremacy. His death was not an isolated accident but was instead part of the remaking and resurgence of the racial state under the intentionally neutral rubric of law and order.

²⁸⁰ Dohrn, 176.

²⁸¹ Ibid, 198.

This communiqué, and the group's writing more broadly, attempted to make visible the violence necessary to the state's production of itself. By evading and destroying the state's technologies of capture, the Weather Underground questioned the legitimacy of the state and challenged the invisibility and normality of its violence. As Nikhil Singh writes, "Violence threatens to undo the state, but it is also its very condition of possibility."²⁸² The police, border control, courts, federal and state prisons, public schools, military, and other state bureaucracies prove the existence of the state in everyday life, but they all require the population to believe there is a legitimate state in the first place. The notion that the state exists requires the repetitive action of countless heterogeneous institutions. These institutions capture the legitimate use of violence and incessantly deploy that violence against a variety of threats to the security of the nation, the stability of capital, and the integrity of the social order.²⁸³ Law and order was an insurgent method of state building, and the Weather Underground attempted to disrupt, distract, weaken, and make visible this process by slipping past the state's methods of surveillance and by attacking its infrastructure. Despite the incredible feat of evading the FBI for over a decade, one of the most profound shortcomings of the group was its inability to structurally integrate a critique of heterosexism, homophobia, and heteropatriarchy into its writing and organizing.²⁸⁴ In this way, the group replicated forms of power central to the state it opposed. The Weather Underground shared an epistemological and visual kinship with the state by erasing queerness from its

²⁸² Nikhil Singh, *Black is a country: Race and the Unfinished Struggle for Democracy* (Cambridge: Harvard University Press, 2004), 204.

²⁸³ *Ibid.*, 204.

²⁸⁴ See Gilbert and Berger.

knowledge and sight. In response to sexism, “male supremacy,” and heterosexism within the group, many women of the Weather Underground started a “women’s brigade.”

The women’s brigade was a way for women who were underground to “be ‘free’ of the couple form”; conceive, organize, and execute bombings and protests without men; form reading groups; “make love with our sisters”; and write a book of poetry, *Sing a Battle Song*.²⁸⁵ In 1973, the group wrote a public letter to the women’s movement. The women’s brigade apologized for polarizing a division between feminism and third world liberation by denying the centrality of “women’s demands for power over their own lives” as central to any “revolution we would care to make.”²⁸⁶ In the letter, they recognized the “legitimacy of white women’s demands”; argued that “the struggle against sexism requires the destruction of the American state”; and urged the continuation of a “humane” armed struggle.²⁸⁷ Critically, the statement attempted to construct a feminist politics that could make sense of the ways white women were “assaulted, underpaid, brainwashed...[and] raped, like women everywhere” while also centering penal and police violence against people of color. This process coalesced in 1974, when the women’s brigade bombed the office of the Department of Education and Welfare in San Francisco in response to the forced sterilization of thousands of women of color. The communiqué issued to explain the bombing is worth quoting at length:

The Department of Education and Welfare is an enemy of women.

This action is for all women who:

- wait in lines for too few food stamps and brave food distribution lines because our families have to eat;
- worry through degrading forms and humiliating rules and regulations;

²⁸⁵ Dohrn, 204.

²⁸⁶ Ibid, 200.

²⁸⁷ Ibid, 198

- are kept out of paying jobs because there are no child care programs;
- struggle to raise our children while we're called "pigs at the trough" and "lazy parasites" by reactionary politicians;
- send our children to schools where illiteracy is taught;
- fight to get health care in emergency rooms and county hospitals where our bodies are used for experiments and as practice for doctors;
- go mad, go crazy, locked up in prisons and mental institutions;
- live in projects;

....

And especially for Minnie and Mary Alice Rolf, blackwomenchildren, from Montgomery, Alabama, sterilized by HEW at 14 and 12.²⁸⁸

The communiqué went on to argue that the mundane bureaucratic practices of the state—waiting in line, filling out forms, and learning arbitrary rules—were a form of violence against women.²⁸⁹ These banal acts were a way for the state to allow racialized and gendered populations to exhaust themselves. Slow death was cloaked under the rubric of choice—one made a decision to stand in line, fill out a form, or stay at home with a child. State violence did not look like state violence; there were no guns, no soldiers, no camps, and no bodies. Just women worn out from waiting and worrying, women living outside the confines of the market—on the border between death, insanity, and incarceration. As Elizabeth Povinelli observes, these “quasi-events” or “quiet deaths” confound response because it is hard to say exactly what happened and who caused it.²⁹⁰ They are forms of lethality composed of “an agentless slow death” where the everyday drifts toward a premature ending: one more drink, another malnourished meal, an unexpected sickness, a small pain in the chest.²⁹¹ In short, slow death follows a temporal rhythm that seems natural. The women’s brigade attempted to name these processes as forms of state killing

²⁸⁸ Dohrn, 214-215.

²⁸⁹ Ibid, 214-215.

²⁹⁰ Elizabeth Povinelli, *Economies of Abandonment: Social Belonging and Endurance in Late Liberalism* (Durham: Duke University Press, 2011), 144.

²⁹¹ Ibid, 145.

(that did not look like state killing) by connecting this routine violence to the much more visible violence of the prison and sterilization.²⁹² According to the women's brigade, "being on HEW is like having a sexist tyrant for an old man" because HEW "blames women for poverty, and then punishes them."²⁹³ Central to the critique of HEW was critique of reform: "Under imperialism, reforms are turned against us. Especially black and Third World women."²⁹⁴ For the women's brigade, unions, public schools, health care, social security, and birth control were mobilized by the state as racialized and gendered methods of management and containment. The state's intuitions for providing care were technologies used to make poor people of color more manageable; isolate and discipline populations potentially disruptive to the social order; and create targets for new forms of knowledge and governance.²⁹⁵ Reform was not a stepping-stone on a linear road to a better world, but was instead a mechanism by which the state could reorganize and recalibrate its methods of management, containment, and control.

Most critically, the communiqué connected an emerging neoliberal discourse of personal responsibility, under which politicians called poor women of color "pigs at the trough" and "lazy parasites," to the rise of the prison as a technology for managing rebellious and unruly populations. It linked the forced sterilization of women of color to the gendered production of poverty under a rapid and expanding deindustrialization. In this way, the prison was not isolated or localizable, but was, rather, part of a dispersed, flexible, and mobile regime of power. In contrast to the Weather Underground's earlier

²⁹² Regina Kunzel made this point clear to me.

²⁹³ Dohrn, 215 and 217.

²⁹⁴ Ibid, 217.

²⁹⁵ Joe Soss, Richard C. Fording, & Sanford F. Schram, *Disciplining the Poor: Neoliberal Paternalism and the Persistent Power of Race* (Chicago: University of Chicago Press, 2011), 1.

writings, this communiqué centers gender and sexuality in its analysis of a racialized field of knowledge, containment, and immobilization. Thus, it subverts the epistemological constraints of the law and order state *as well as* the gendered regulations of the revolutionary left (including the Weather Underground). Although it does not name neoliberalism or the prison-industrial complex, the communiqué theorizes the “circuits of control” that traverse multiple institutionalities and spatialities to manage racialized and gendered populations in the early 1970s.²⁹⁶ In short, the communiqué is a feminist and anti-racist theorization of the neoliberal-carceral state at the very moment of its emergence.

Although the communiqué is a theorization of power in the 1970s, it is also a vision of the future, one that understands the future (and the present) as what Denise Desilva calls a “horizon of death.”²⁹⁷ For the Weather Underground, these processes were an extension of racial and gendered logics of nineteenth-century chattel-slavery and colonialism, and thus, the group was making a claim about the power of the past, but as they argued, the production of premature death was also a way for the state to annex the future. The prison was one way the state solved the “problem of black resistance,” thereby ushering in a future that could replicate the past and present.²⁹⁸ In many ways, this is same argument Nixon and Goldwater were making about the civil rights, black power, and anti-war movements of the time. The epistemological and physical force of these movements threatened the safety and future of things as they were. Law and order

²⁹⁶ Ann Laura Stoler, *Carnal Knowledge and Imperial Power: Race and the Intimate in Colonial Rule* (Berkeley: University of California Press, 2002), 150.

²⁹⁷ Denise De Silva, *Toward Global Idea of Race* (Minneapolis: University of Minnesota, 2007).

²⁹⁸ Dohrn, 176.

was a way to secure the future of the liberal individual and the market by disrupting and eradicating the movements and forms of knowledge that saw other futures beyond the market, the prison, and the state.

The writing of the George Jackson Brigade and the Weather Underground were theorizations of the relationship between past and present. However, by diagnosing the present as a replication and intensification of what were supposedly historically aberrant modes of racialized and gendered violence, both groups were also critiquing the future. For the Weather Underground, the future of the social order meant race would continue to collude with gender, class, and sexuality in the unequal distribution of life, death, and dying. The women's brigade not only understood themselves as inhabiting their future deaths—expecting to be killed or captured at any moment—they also argued that if the present had a future, the future would never come. A future under the colluding rule of imperialism, white supremacy, heteropatriarchy, and the neoliberal-carceral state was a future the Weather Underground attempted to undo by trying to *bring an end to the present*. If there was to be a future, the present could no longer be. The state, the prison, and the market were able to capture time so that the future was determined before it arrived. Similarly, *Born in Flames* is a critique of the ways that the revolutionary state reproduces the past so that seemingly outdated forms of racialized and gendered terror amass at the doorstep of the present to envelope subjectivity, institutionality, and infrastructure. The film deploys the knowledge of underground women to name the ways the revolutionary state mimics the neoliberal-carceral state. In this way, the film is a critique of the temporalities of progress used by the state to justify new mechanisms of

containment, control, and management.

By describing the centrality of the prison and capital to the unequal distribution of premature death in the 1970s, the George Jackson Brigade and the Weather Underground produced a theory of time and history that displaced the fantasy of progress that sustained and supported law and order. As both groups articulated in their writing, the future of the social order meant the accumulation and expansion of premature death and dying. In addition, they challenged the discourse of “national redemption” and “moral regeneration” that underwrote the teleological project of the New Left and civil rights movement.²⁹⁹ The Brigade, and the underground more broadly, was not trying to make the nation better or live up to its imagined founding ideals. The future did not require the recuperation of the state and nation. In fact, the discourse of (racial) progress and its attachment to the ideal of the nation-state not only effaced ongoing racial violence, but also acted as the horizon for the reanimation of racialized and gendered subjugation and subjection. This was the power of law and order. By using time to justify and obscure the restoration and intensification of formations of violence aimed at liberating the individual and the market, law and order took hold of the past, present, and future with the names progress, safety, and order. In other words, progress is a temporal fantasy that must necessarily construct the wreckage of the past as a historical aberration while the future is always an infinitely open space of possibility and potential. As a space that subverted the state’s regimes of surveillance and visibility, the underground also produced forms of knowledge that existed in a temporal economy that contradicted the

²⁹⁹ Nikhil Pal Singh *Black is a country: Race and the Unfinished Struggle for Democracy* (Cambridge: Harvard University Press, 2004), 2-5.

state's discourse of progress. The underground was spatially and physically unintelligible to the state—the FBI could not and did not find thousands of fugitives—at the same time that the knowledge produced from the underground subverted normative regimes of rationality and time. This subversion produced alternative notions of freedom, a matter to which I now turn.

Chapter Three

Life Escapes: Neoliberal Economics, the Fugitive, and Queer Freedom

“On the contrary, to flee is to produce the real, to create life, to find a weapon.”
—Gilles Deleuze

“But running, as we will see, is not finally reducible to an escape from capture; instead, it names an autonomous force that precedes capture.”
—Michelle Koerner

In 1968, the Catholic priest Daniel Berrigan went underground after he and eight other Catholic protesters used homemade napalm to destroy 378 draft files in the parking lot of the Catonsville, Maryland draft board. In a public letter written while clandestine, Berrigan argued for the creation of a new system of knowledge that would emerge from the space between the prison and the underground: “We have to develop new modes of operating, based on new realities before us, the underground, the imprisoned. Both can be ‘at large’ in a new way. Both have to confront the rules of the game which society has developed to keep men under lock and key that commonly go by the name ‘law n’ order.’”³⁰⁰ This new epistemology, created by the fugitive and the prisoner, produced a disorientating estrangement from normative ways of seeing

Anyway, for the present...I (and others) have the unimaginably exciting chance to explore from the other side of the mirror, those constricting images that waver about the edge of the imagination, terrorizing, policing, clubbing, shadowing, exacting submission, diminishing man in his best parts and thereby creating the race of inventive dwarfs that, from university, church, home, club, domestic bliss, professional status, march from here to Saigon, to keep the game going. Is it possible to march in a different direction...?³⁰¹

³⁰⁰ Daniel Berrigan, *American is Hard to Find: Notes from the underground and letters from Danbury Prison* (New York City: Doubleday, 1972), 74.

³⁰¹ *Ibid*, 74-75

For Berrigan, living underground consisted of “an obscure twilight existence” that was “neither prison nor freedom” and was “somewhere between crime and punishment.”³⁰² The underground was a space where he became an “invisible man” who lived “just under the crust of the planet.”³⁰³ He was in “exile” in a country he once imagined was his.³⁰⁴ Berrigan experienced the underground as a space of rupture with what Lauren Berlant calls “the good life.” For Berlant, “the good life” names a set of “moral-intimate-economic” fantasies that keep people attached to relationships, families, jobs, political systems, institutions, and markets even though their instability, ineffectiveness, failure, and harm is always already evident.³⁰⁵ The underground provided Berrigan access to a visual and epistemological regime that saw beyond the good life to “the other side of the mirror”—a space beyond the disciplining violence of the home, the university, and the professional world. As a fugitive, Berrigan could see what he could not see before— invisible things became glaring in an absence they no longer inhabited, and what had always been visible became strange and unfamiliar. This break in vision and knowledge resulted from inhabiting space in a new way—the underground opened up previous impossibilities and placed others in a dead space between prison and freedom. The underground, for Berrigan, functioned as a queer space—a space productive of alternative forms of knowledge, living, and seeing. Most critically, an alternative system

³⁰² Berrigan, 51.

³⁰³ Ibid, 73.

³⁰⁴ Ibid, 35.

³⁰⁵ Lauren Berlant, *Cruel Optimism* (Durham: Duke University Press, 2011), 2.

of knowledge arising from the symbiotic spaces of the prison and the underground led away from the steady march forward of things as they were.

Central to Berrigan's conception of the underground's relationship to knowledge was an understanding that escape (or being "at large") unlocked alternatives to the impossibilities of the present. Escape was a way of repudiating and undoing the good life because running away, as Sandro Mezzadra writes, "has been one of the basic tools to refuse [the] banality and repetitiveness of everyday life and its suffocating restrictions."³⁰⁶ Similarly, Michelle Koerner has argued that the fugitive's refusal to adjust to the state of things as they are "implies an active force that has its own values, makes its own conditions, and affirms its capacities for invention and transformation"³⁰⁷; for Berrigan this meant contesting the practices and logics of imperialism, the prison, and white supremacy. Under this formulation, the fugitive is a figure we can turn to as the site of an immanent critique of the state's policing and penal powers—a figure produced by those same formations. The fugitive is a figure that points away from the normative to unthought and sometimes unimaginable alternatives.³⁰⁸ One alternative epistemology produced by the fugitive is a non-normative conception of freedom. While freedom is traditionally understood as the static space produced by the "absence of coercion by other men," many political fugitives conceptualized freedom through metaphors of movement.³⁰⁹ A life of hiding, running, taking flight, fleeing, and changing identities

³⁰⁶ Sandro Mezzadra, "The Right to Escape," *Ephemera: Theory of the Multitude* 4:3 (2004): 267.

³⁰⁷ Michelle Koerner, "Line of Escape: Gilles Deleuze's Encounter with George Jackson," *Genre* 44:2 (2011):169.

³⁰⁸ Kevin Floyd, *The Reification of Desire: Toward a Queer Marxism* (Minneapolis: University of Minnesota Press, 2009), 14.

³⁰⁹ Milton Friedman, *Capitalism and Freedom* (Chicago: University of Chicago Press, 1962), 15.

exceeded the power of the law by outrunning it. The spatial and temporal rupture that was the underground produced alternative systems of value, knowledge, and freedom that slipped past the regulatory mechanisms of the neoliberal-carceral state. In this way, we can turn to the underground as a critique of the changing contours of capitalism and the prison system in the 1970s United States. In particular, the underground offers a space from which to understand antagonistic notions of freedom that were paradigmatic of the era: one notion connected freedom to the prison and market, while another understood freedom as the very act of running, fleeing, and escaping.

In this chapter, I place the space of the underground in relation to an emerging neoliberal conception of freedom. Throughout this project I have been arguing that the neoliberal-carceral state emerged as a new system of governance in the aftermath of the liberation movements of the 1960s and '70s. The formation of what I am calling “neoliberal freedom” was central to this process. As a discourse, neoliberal freedom created new epistemological norms that made mass incarceration tolerable to a majority of the U.S. population and necessary to the institution of neoliberal economic policies. In this chapter, I examine the underground as a space that escaped—and critiqued—the forms of knowledge central to the constitution of neoliberal freedom. When I argue that the fugitive and the underground escaped neoliberal epistemologies and produced alternative conceptions of freedom, I am following Michel Foucault’s assertion that the capture of life by power is never total: “It is not that life has been totally integrated into techniques that govern and administer it; it constantly escapes them.”³¹⁰ Fred Moten has

³¹⁰ Michel Foucault, *The History of Sexuality Volume 1: An Introduction* (New York: Vintage Books, 1978), 143.

referred to these moments of escape as a “fugitive mode of life” produced by a “runaway inheritance.”³¹¹ Following Moten and Foucault, I suggest that the neoliberal-carceral state’s ability to capture life (bodies, subjectivities, psyches, knowledges, and so on) is never total. If neoliberal freedom was one way to govern thought and populations, then its power was not total. To be possessed does not mean one is lost to what has taken hold; something remains—an excess, a remainder, a surplus that escapes a structure that appears to be (and feels) total. In many ways, this escape is inherent to the operations of power. As Elizabeth Povinelli observes, the technologies used to produce life always push against the raw material necessary to the process. Something is left behind by the encounter between power and its object. In Povinelli’s words, the technologies used to construct materiality constantly produce “embodied life and unintegrated life at the same time. There is always a shaping and an errantness.”³¹²

For Povinelli, “errantness” is what escapes power’s operations. Errantness is when something slips off the shaping of an object, when an object pushes back, or when the act of making the object changes what is doing the making. Errantness names the fugitive potentiality embedded in every moment of power’s operation. The conditions of excess parallel the conditions of capture so that the possession of life is never complete. Moten describes this potential excess when he addresses Foucault’s notion that resistance proceeds power: “To say that resistance is prior to power is for me bound up with the notion that the object is in some ways prior to the discipline that is set in motion in order

³¹¹ Christina Crosby, Lisa Duggan, Roderick Ferguson, et. al. “Queer Studies, Materialism, And Crisis: A Roundtable Discussion,” *GLQ* 18:1 (2011): 130.

³¹² Elizabeth Povinelli, *Economies of Abandonment: Social Belonging and Endurance in Late Liberalism* (Durham: Duke University Press, 2011), 109.

to regulate it. Marx talks about this specifically in terms of the ways in which worker insurgency actually calls the disciplinary techniques of capital into existence.”³¹³ In short, there is an insurgency inherent to that which is regulated, disciplined, and governed. A number of scholars have argued that the “the resistance of the object” offers a way out of the unimaginable expansiveness of contemporary biopolitics.³¹⁴ For example, in trying to answer the question, “How does life persist in escaping the grids of biopower,” Lynne Huffer has argued that we escape biopower by “living our lives as works of art.”³¹⁵ Antonio Negri similarly sees the production of new forms of life as *the* site of resistance to contemporary biopower. For Negri, when life is subsumed under capital, the sites of power’s rupture are generalized to all levels of society. Biopower is not simply power over life, but also, “the power...of life as the response to these powers.”³¹⁶ As he notes, “When capital invests the entirety of life, life reveals itself as resistance.”³¹⁷ This chapter explores the underground as one site of escape—a fugitive space—within the rise of the neoliberal-carceral state. It begins by analyzing how neoliberal thinkers defined freedom, and then turns to fugitive notions of freedom produced from the underground.

Capturing Freedom

³¹³ James Leo Cahill and Rachel Leah Thompson, “The Insurgency of Objects: A Conversation with Fred Moten,” *Interview* 1 (Fall 2005): 51.

³¹⁴ Fred Moten, *In the Break: The Aesthetics of the Black Radical Tradition* (Minneapolis: University of Minnesota Press, 2003), 1.

³¹⁵ Lynne Huffer, *Mad For Foucault: Rethinking the Foundations of Queer Theory* (New York City: Columbia University Press, 2009), 271.

³¹⁶ Antonio Negri, “Foucault Between Past and Future,” *Ephemera: Theory of the Multitude* 6:1 (2006): 80.

³¹⁷ *Ibid.*, 80. Or Deleuze put it slightly differently; “Life becomes resistance to power when power takes life as its object.” Gilles Deleuze, *Foucault*, (Minneapolis: University of Minnesota Press, 1988), 92.

In chapter two, I analyzed the politics of law and order to argue that law and order was symbiotic with, and productive of, neoliberal discourses that emphasized the relationship between the freedom of the individual and the freedom of the market. In this way, the prison as a discursive field, a set of fantasies, and a regime of dispersed institutional technologies aimed at policing and incapacitation became constitutive of the freedom of the market and individual. In this chapter, I continue to explore how penal and policing technologies were imagined as central to the life of the free market, but instead of analyzing the culture and politics of law and order, I turn to the writings of early neoliberal thinkers, in particular, Milton Friedman's 1962 *Capitalism and Freedom*. Friedman was a Nobel Prize-winning American economist, statistician, and author who taught at the University of Chicago for more than three decades. As a leader of the Chicago school of economics, he has been perhaps the most important opponent to Keynesian economics and is considered central to the emergence of neoliberal thought and policy. Despite his significance to neoliberal policy across the globe, scholars of neoliberalism and late twentieth-century capitalism have largely ignored Friedman's writings. I briefly engaged *Capitalism and Freedom* in chapter one to consider how Friedman defined freedom in relation to race and the figure of the slave. Here, I return to the text to argue that the emergence of neoliberal theories of freedom were, in part, a response to the liberation movements of the 1960s and '70s. While feminist, anti-racist, and queer liberation movements made demands that exceeded the material and epistemological possibilities of the social order, neoliberal freedom confined and restricted what freedom could be within the relations between the individual and the

market. Neoliberal thought deployed freedom as a system of regulation and discipline. In other words, the language of neoliberal freedom captured ways of thinking and organizing life that attempted to escape liberal modes of subjection. The fugitive and the underground are formations that escaped this process. The production of neoliberal freedom thus colluded with the racialized and gendered power of the police and prison. The prison captured bodies while neoliberal thought captured epistemology.

Capitalism and Freedom was productive of a neoliberal epistemology that contributed to the reorganization of systems of thought, ways of seeing, and the institutional make up of local and international governing bodies. This argument about the power of knowledge is grounded in a materialist understanding of language that Gilles Deleuze and Felix Guattari call “incorporeal transformation.”³¹⁸ This term names language’s ability to transform materiality—it is the “material power” of language. They write, “The incorporeal transformation is recognized by its instantaneousness, its immediacy, by the simultaneity of the statement expressing the transformation and the effect the transformation produces.”³¹⁹ To help describe this term, they provide the example of a hijacking: “In an airplane hijacking, the threat of the hijacker brandishing a revolver, is obviously an action; so is the execution of hostages, if it occurs. But the transformation of the passengers into hostages, and of the plane-body into a prison-body, is an instantaneous incorporeal transformation, a ‘mass media’ act in the sense in which the English speak of speech acts.”³²⁰ As they theorize it, the incorporeal mediates the

³¹⁸ Gilles Deleuze and Felix Guattari, *A Thousand Plateaus* (Minneapolis: University of Minnesota Press, 1987), 81.

³¹⁹ Ibid, 81.

³²⁰ Ibid, 81.

relationship between the statement (or discourse) and its object. In a broader sense, the incorporeal is what makes an object an object; it is how language alters what it is applied to. Incorporeal transformation names language's ability to reign in the errantness of life—it is how a word captures what escapes systems of meaning and governance: criminality takes hold of blackness, madness arrests what exceeds reason, terrorism renders senseless the violence of non-state actors. Mel Chen refers to this process as the “alchemical power of language” since language “animates” (or possesses) bodies and things.³²¹ As Deleuze and Guattari note, language “gives life orders.”³²² In this way, Deleuze and Guattari provide a theory of how language limits, contains, controls, and captures what it describes; this is a theory I apply to the language of neoliberal freedom in *Capitalism and Freedom*.

The power of Friedman's text lies in its ability to produce new forms of subjection through an argument concerning the expansion of freedom. In his attempt to construct a theory of freedom, Friedman reinstalls what he understands to be domination and subjugation within the very practice he names liberty. Freedom, in the text, operates through a type of “melancholic logic,” where freedom becomes its opposite.³²³ Neoliberal freedom resurrects the forms of discipline, regulation, and domination it attempts to abolish—it is haunted by (and becomes) what it repudiates. In other words, neoliberal freedom is possessed by and reproduces the forms of unfreedom it attempts to resign to the past. The power of the language of neoliberal freedom stems from this

³²¹ Mel Chen, *Animacies: Biopolitics, Racial Mattering, and Queer Affect* (Durham: Duke University Press, 2012), 23.

³²² Deleuze and Guattari, 76.

³²³ Wendy Brown, *States of Injury: Power and Freedom in Late Modernity* (Princeton: Princeton University Press, 1995), 8.

process—neoliberal thought made subjection look like liberation by allowing new methods of control and regulation to emerge in an era marked by what appeared to be the rise of new forms of liberty. The underground and the fugitive were two formations that emerged to name and challenge this new system of knowledge and governmentality.

Throughout *Capitalism and Freedom*, Friedman argues that political freedom, “the absence of coercion by other men,” requires economic freedom, “the voluntary cooperation of individuals.”³²⁴ For Friedman, freedom is destroyed by the concentration of state power. Each chapter of the text describes how state regulation occurs, and why it should not, in the realms of education, trade, finance, discrimination law, licensing, and welfare. For example, someone who is “not free to follow the occupation of his choosing” unless they get a license for it is deprived of “an essential part of his freedom.”³²⁵ Or someone who appeases the “taste of the community” by only hiring white workers is denied the freedom to run their business as they wish by the state tyranny of fair hiring laws. Thus, state regulation of economic activity prevents political freedom. In this case, as with most examples in the text, political freedom means the right for someone to do what they want, when they want, as long as the action exists within a system of free exchange between private individuals. The basic rules for the governance of the free market are: “Co-operation is strictly individual and voluntary provided: (a) the enterprises are private, so that the ultimate contracting parties are individuals and (b) that individuals are effectively free to enter or not enter into any

³²⁴ Friedman, 15.

³²⁵ Friedman, 9.

particular exchange, so that every transaction is strictly voluntary.”³²⁶ For Friedman, African American workers could simply *choose* to work for a different business that does not discriminate. Under the free market, the consumer and worker are protected from harm by the presence of other businesses and employers.³²⁷ In this way, “the technique of the marketplace” produces freedom in the form of the “voluntary co-operation of individuals.”³²⁸ Political freedom follows where economic freedom flourishes, or as Friedman puts it, “exchange can...bring about co-ordination with out coercion.”³²⁹ The imagined absence of coercion and force in the economic realm means freedom will proliferate. In short, freedom advances when power disappears.³³⁰ And power is a possession held by the state, while freedom is a localizable space that is more absence than form.

The ghosts of neoliberal freedom rise and take form when Friedman describes the role of the state: “Its major function must be to protect our freedom from the enemies outside our gates and from our fellow-citizens: to preserve law and order, to enforce private contracts, to foster competitive markets.”³³¹ Within this formulation, the free market is not actually free; the state, according to Friedman, must regulate the freedom of the market. As Nikolas Rose has observed, constructing a free market seems to necessitate innumerable interventions by “accountants, management consultants, lawyers and industrial relations specialists and marketing experts in order to establish the

³²⁶ Ibid, 13.

³²⁷ Ibid, 14.

³²⁸ Ibid, 13.

³²⁹ Ibid, 13.

³³⁰ Brown, 25.

³³¹ Friedman, 2.

conditions under which the ‘laws of supply and demand’ can make themselves real.”³³²

The free market is not to be left to its own devices; its freedom must be fostered by the soft regulations of the state. The market’s freedom must be regulated and disciplined in order to provide governance to a social world “dismembered by liberal individualism.”³³³

In essence, Friedman’s notion of economic freedom inaugurates the unfreedom it seeks to escape—economic freedom must be fostered and enforced.

While the state, in Friedman’s theory, should be weak enough to free the economic from any and all constraint, it must also have the force necessary to eliminate “domestic and foreign enemies.” Throughout the text Friedman emphasizes that the state must maintain “law and order to prevent physical coercion of one individual by another and to enforce the contracts voluntarily entered into, thus giving substance to the ‘private.’”³³⁴ Law and order is the precondition for “voluntary exchange.”³³⁵ It is what gives shape to the private sphere. The market’s freedom needed protecting—freedom required containment and control. The brilliance of Friedman’s use of the phrase “law and order” was that it could name blackness as a threat to the market without ever mentioning race. As a racial liberal, Friedman could deploy the race-neutral language of law and order while still invoking a racialized other—the “domestic and foreign enemies” who threatened the free market and freedom itself. In fact, Friedman was very clear about what must be done to the others of neoliberal freedom: “Freedom is a tenable objective only for responsible individuals. We do not believe in freedom for madmen or

³³² Nikolas Rose, *Powers of Freedom: Reframing Political Thought* (Cambridge: Cambridge University Press, 1999), 65.

³³³ Brown, 17.

³³⁴ Friedman, 14.

³³⁵ Ibid, 27.

for children. The necessity of drawing a line between responsible individuals and others is inescapable, yet it means that there is an essential ambiguity to our ultimate objective of freedom. Paternalism is inescapable for those whom we designate as not responsible.”³³⁶ The compromise for the liberal is to accept that “paternalism” is necessary in some aspects of life, for some people. The fictional coercion-free exchange that occurs between two individuals is made possible by the racial violence of the law and the police.

Life and freedom as Friedman conceptualized them are the products of what he calls “paternalism” and what a number of scholars call social death. Friedman made clear the mutually constitutive relationship between the prison and the free market: paternalism and law and order meant the policing powers of the state must be expansive and robust. By naming certain populations “not responsible” enough to be free, neoliberal thought fabricates populations that must be policed and imprisoned. *Loïc Wacquant* describes this when he writes, “Thus the ‘invisible hand’ of the unskilled labor market... finds its ideological extension and institutional complement in the ‘iron fist’ of the penal state, which grows and redeploys in to order to *stem the disorder generated by social insecurity*...”³³⁷ The free market and the prison require one another: the carceral controls the waste of the market, while the market produces surplus populations that will be immobilized within the prison. The fabrication of freedom within the governing realm of the market necessitates the racialized and gendered unfreedom of the prison. The “burden of conscience” constitutive of the liberal individual facilitated self-discipline but

³³⁶ Ibid, 33.

³³⁷ Loïc Wacquant, *Punishing the Poor: The Neoliberal Government of Social Insecurity* (Durham: Duke University Press, 2009), 6.

also produced resentment toward (and justified the punishment of) those who could not prove themselves worthy of freedom.³³⁸ The subject deemed not responsible was caught between the failures of self-reliance, the criminalization of poverty, and the premature death produced by low-wage labor. And as Wacquant makes clear, as the freedom of the market expands, so do systems of incapacitation. While the free market spreads the insecurity of abandonment, the prison offers the illusion of security to those not captured and caged. This relationship between the market and the prison was made even more explicit by followers of Friedman.

In his 1985 article, “An Economic Theory of Criminal Activity,” the Chicago school-affiliated lawyer, judge, and economist Richard Posner describes the relationship between the prison and market:

The major function of criminal law in a capitalist society is to prevent people from bypassing the system of voluntary, compensated exchange—the “market,” explicit or implicit—in situations where, because transaction costs are low, the market is a more efficient method of allocating resources than forced exchange...the market is, virtually by definition, the most efficient method of allocating resources...Attempts to bypass the market will therefore be punished...by a system bent on promoting efficiency.³³⁹

Posner was part of a cohort of economists who, following Milton Friedman and Friedrich Hayek, started the “law and economics movement.”³⁴⁰ This intellectual movement used an emergent neoliberal economics to analyze crime and punishment. Posner’s argument that punishment shapes and is required by the free market was inspired by a 1968 article

³³⁸ Saidiya Hartman, *Scenes of Subjection: Terror, Slavery, and Self-Making in Nineteenth-Century America* (Oxford: Oxford University Press, 1997), 125-126.

³³⁹ Richard A Posner, “An Economic Theory of Criminal Activity,” *Columbia Law Review* 85:6 (October 1984): 1193-1231.

³⁴⁰ Bernard Harcourt, *The Illusion of the Free Market: Punishment and the Myth of the Natural Order* (Cambridge: Harvard University Press, 2011), 131.

written by his colleague Gary Becker, “Crime and Punishment: An Economic Approach.”³⁴¹ Becker used Chicago school economics to argue that criminality was not biological, but rather, the outcome of a simple cost-benefit analysis—people committed crime when the benefits outweighed the costs. Foucault found Becker’s theory that everyone was a potential criminal refreshing in the face of genetic, behavioral, and psychological theories of crime.³⁴² Yet Becker’s economic analysis of crime was extended by Posner to include all aspects of social life. Thus, Posner’s near obsession with using the efficiency of the market as an analytic for measuring all human action, including sexual violence.³⁴³

By centering the governmentality of the market in a theory of the social good, Posner argued for the disciplining of those who deviated from the market’s natural governance. In other words, ways of life that exceeded the “voluntary free exchange” of the market, and thus deviated from the natural order of the market’s self-perpetuating cycle, were subjected to the social, civil, and living death of imprisonment.³⁴⁴ As Posner and Friedman made clear, the free market relies on state-sponsored systems of punishment in order to maintain its dominance. What remains unspoken is that the market is a form of punishment in and of itself: whether one deviates from its demands or is forced outside its protection, one risks hunger, homelessness, illness, and premature death. To say that one will be punished if they “bypass” the market means that the

³⁴¹ Gary Becker, “Crime and Punishment: An economic Approach,” *Journal of Political Economy* 76 (1968): 169-217.

³⁴² Harcourt, 134.

³⁴³ As Posner writes, “Put Differently, the prohibition against rape is to the marriage and sex ‘market’ as the prohibition against theft is to the explicit markets in goods and services.” Posner, 1199.

³⁴⁴ *Ibid*, 31-40.

market has borders, both metaphorical and physical. To escape or exceed its grasp is to risk imprisonment. It's not just that the market requires the prison; as Posner argues, the market is a prison. If one becomes a fugitive from the governance of the market (voluntarily or by force), an entire apparatus of policing and penal technologies are mobilized to punish and capture the deviant. In a mirror image of law and order politics discussed in the previous chapter, this conception of neoliberal freedom constructed punishment and policing as the necessary corollary to the liberation of the individual and the freedom of the market. Neoliberal freedom was productive of the construction of the individual as a regulative ideal while also immobilizing those resistant or excessive to new economic, social, and political regimes that prioritized the market. In this way, neoliberal thought reproduces the very configurations and effects of power it seeks to vanquish. Discipline is inaugurated in the name of freedom, a penal state rises where state power is supposed to crumble, and the regulation of difference escalates under the banner of equality.

The language of neoliberal freedom does not just provide an ideological screen that obscures the unfreedom necessary to the free market. While it produces a fantasy, its goal is not to hide a deeper truth, but rather, to create new capacities for control. Freedom, in other words, is not only ideological, but also biopolitical. The language of neoliberal freedom produces the forms of knowledge and subjectivity required for freedom to operate as a system of regulation and discipline. Freedom becomes a way of administering populations, not through the deception of a myth, but by making freedom a

system of governance and management.³⁴⁵ For example, Rose writes that neoliberal freedom implants “ways of calculating and managing that will make economic actors think, reckon, and behave as competitive, profit-seeking agents,” turns workers into motivated employees who will “freely strive to give their best in the work place,” and transforms “people into consumers who can choose between products.”³⁴⁶ In short, neoliberal freedom transforms materiality through the power of language.³⁴⁷ It alters desires, feelings, attitudes, and values.³⁴⁸ It creates subjects who manage themselves through responsibility and individuality. Freedom is more than a discourse; it is a mechanism of biopolitical governance actualized by the power of language. As Rose emphasizes, people and markets cannot be set free, “They have to be *made* free.”³⁴⁹ Freedom is discipline, a notion Friedman’s mentor Friedrich Hayek evinced when he wrote, “Man has not developed in freedom...Freedom is an artifact of civilization...Freedom was made possible by the gradual evolution of the discipline of civilization which is at the same time the discipline of freedom.”³⁵⁰ Hayek argues that freedom must be controlled, regulated, and managed. Regimes of power do not distort freedom and falsify subjectivity.³⁵¹ Instead, freedom and individuality are modes of subjection that look like liberation. And as Friedman and Posner made clear, for those

³⁴⁵ Rose, 64.

³⁴⁶ Ibid, 65.

³⁴⁷ Wacquant describes how a fiction becomes real when he writes, “But only after this market itself has been naturalized, depicted under radically dehistoricized trappings which, paradoxically, turn into concrete historical realization of the pure and perfect abstractions of the orthodox economic science...” Wacquant, 6.

³⁴⁸ Rose, 65.

³⁴⁹ Rose, 65.

³⁵⁰ Quoted in Rose, 67.

³⁵¹ Ibid, 95.

subjects not responsible enough to be guided by the discipline that is liberty, law and order would capture those who escaped freedom's grasp.

While I have been arguing that the language of neoliberal freedom transforms epistemology, subjectivity, and materiality, I want to extend this by arguing that the power of Friedman's language rests within what it says, but also in the silences that act as its condition of possibility. If knowledge shapes vision, then what is forgotten shapes what we see as much as what we know and remember. That is, the forms of violence rendered invisible by neoliberal freedom alter materiality, and forgetting is a form of incorporeal transformation. For Deleuze and Guattari, language captures what it describes, but silence and forgetting shape what is present as well. The discourses of personal responsibility, individuality, and choice produced by Friedman necessitated the erasure of history—they effaced the enormity of the ravages and affiliations of the past and placed the weight of freedom on the actions of the individual. A new form of subjectivity and state power rested upon the forgotten and the erased. The theory of neoliberal freedom cannot exist without a willful erasure of the possessive power of the past. This is most evident in Friedman's discussion of racial discrimination.

According to Friedman, the free market separates economic efficiency from “irrelevant characteristics” like race and gender.³⁵² If an individual prefers not to hire people of color, than he imposes a “higher cost” on himself than other individuals who do not share his preference: “The man who objects to buying from or working alongside a Negro...thereby limits his range of choice. He will generally have to pay a higher price

³⁵² Friedman, 109.

for what he buys or receive a lower return for his work.”³⁵³ Within the all-expansive market logic of Friedman, a person who discriminates “pays a price for doing so.”³⁵⁴ Thus, the individual racist is simply exercising his “taste” (just like he also has a taste in music) since it would be economically efficient to hire workers based on skill, not color. In Friedman’s world, outlawing racist hiring practices would be like making it illegal to listen to Frank Sinatra. Rather than using the coercive power of the state to “enforce my tastes and attitudes on others,” the correct course of action would be for one individual to persuade the racist individual to hire people of color.³⁵⁵

Friedman dedicates an entire chapter (although a very short one) of *Capitalism and Freedom* to questions concerning capitalism and discrimination, but not once does he name the effects of racist hiring practices for black workers. While the chapter argues that the market could abolish racism, Friedman could not comprehend the effects of white supremacy on black life. He is unable to name the forms of systemic and institutionalized racial violence that collude with and enable the actions of the individual racist, even at a time before the civil rights laws of the mid- to late 1960s.³⁵⁶ Racism, for Friedman, was an individual preference isolated from state and economic power. Under the neoliberal theory of freedom, blackness is unthinkable even when it is thought. Friedman invokes blackness only to eradicate it. In fact, in a remarkable moment when

³⁵³ Ibid, 110.

³⁵⁴ Ibid, 110.

³⁵⁵ Ibid, 111.

³⁵⁶ It follows that it is irresponsible for people of color to be outraged at a harm that is not a harm. Within Friedman’s theory, rage over a white supremacist economic system becomes a sign that one is not responsible enough for freedom. Responsibility means one takes individual action. To “bypass” the market’s individuality and to target the system of “economic freedom” is to become an enemy. Rebellious populations disrupting the marketplace through uprisings and protest require the containment of law and order.

he almost considers how a racist white business might harm the black workers it refused to hire, he quickly redefines “harm” so as to exclude racial discrimination. According to Friedman, there are two types of harm: positive harm, which is caused by physical force, and negative harm, which is indirect (for example, the effects of pollution downstream, or in this case, the black worker denied employment).³⁵⁷ Physical force, or coercion, violates the voluntary cooperation of individuals, and thus, must be outlawed.³⁵⁸ However, negative harm results from a mutual agreement over a voluntary contract. And since voluntary cooperation between individuals is the essence of freedom, outlawing “negative harm” would reduce freedom and “limit voluntary cooperation.”³⁵⁹ The effects of a racist economic system do not register as “harm” within the neoliberal theory of freedom. Black people are not harmed by white supremacy since harm only looks like physical force. In his attempt to address concerns about the free market’s relationship to race, Friedman further subjugated black people to a discourse and an economic system he argued could abolish racism. The price of neoliberal freedom entailed silencing the very conditions of poverty, degradation, and subjection produced by white supremacy—processes neoliberal freedom claimed it could abolish. Liberalism’s anti-racism was the mark of white supremacy’s continuation.

Perhaps Friedman could not think black life because black freedom is an epistemological impossibility within neoliberal thought. Blackness cannot be free since freedom, as conceptualized by Friedman, requires the subjection of blackness. As we

³⁵⁷ Friedman, 112-113.

³⁵⁸ The state’s use of force is of course, not considered.

³⁵⁹ Friedman, 113.

saw with law and order politicians and now with Friedman, blackness is the unnamed presence that must be restrained and contained by law and order so that the market can be free.³⁶⁰ Indeed, the subjection of blackness is how (white) freedom comes into being.³⁶¹ If racist hiring practices do not constitute harm under the theory of neoliberal freedom, then neoliberal thought cannot name the forms of subjection and unfreedom that must end for black freedom to be realized. In this way, Friedman's theory that the market can end white supremacy works to police the demands of the period's liberation movements. Yet it accomplishes this through what it forgets, through the forms of racial violence it cannot name or comprehend.

Like the politics of law and order, we can understand neoliberal freedom as a response to the "freedom dreams" articulated by the liberation movements of the 1960s and '70s.³⁶² The neoliberal language of freedom worked to control, manage, and capture the notions of freedom produced by the left by rendering them unthinkable and impossible. Unlike the ways that black freedom was articulated in the 1960s and '70s, neoliberal freedom was predicated on a contingency that could be named: the state, economic regulation, and physical coercion.³⁶³ But the forms of political, social, economic, and ontological undoing required for black freedom escape the logic of neoliberal thought. They are not contingent, but infinitely expansive, open, and always already taking flight. Black freedom required the end of white supremacy, the police,

³⁶⁰ Hartman provides a critical genealogy of the discourse of responsibility that shows its anti-black origins in the immediate aftermath of the she calls the "non-event of emancipation." See, in general, Hartman, *Scenes of Subjection*.

³⁶¹ Frank Wilderson, *Red, White, and Black: Cinema and the Structure of U.S. Antagonisms* (Durham: Duke University Press, 2010), 21-23.

³⁶² Robin D.G. Kelley, *Freedom Dreams: The Black Radical Imagination* (Boston: Beacon Press, 2002).

³⁶³ Wilderson, 22.

prisons, the military, the state, the country, modern subjectivity, and in the case of black feminist notions of freedom, heteropatriarchy, sexism, misogyny, and on and on. Indeed, neoliberal thought functions to manage and contain the demands that would make black freedom possible by rendering them unthinkable. The arguments and language that sustain *Capitalism and Freedom* are made possible by an epistemology that cannot see or understand anything beyond the abstract individual. In this way, neoliberal freedom transforms the biopolitical organization of life and death into individual problems with market solutions. Since freedom is tied to individuality, Friedman cannot see or name the biopolitical distribution of life and death neoliberal freedom requires and inaugurates. In this way, the neoliberal theory of freedom sustains the forms of devaluation and unfreedom it aims to abolish.

The language of neoliberal freedom inaugurated a world where abandonment would be managed by the prison and a new form of state domination would come into being, not through centralization, but rather, through deregulation and privatization.³⁶⁴ Yet while neoliberal freedom was tightening its grasp on the possibilities of thought and world-making, a space came into being that tried to escape everything that freedom had been and was becoming. The underground and fugitive offered alternatives to the epistemological and ontological norms produced by the discourse of neoliberal freedom. Indeed, while Deleuze assists with understanding the crushing weight of language's power, he also points to lines of flight and modes of escape that can aid thinking about the relationship between neoliberal freedom and the underground. Embedded within

³⁶⁴ Brown, 18.

Deleuze's theory of language as a form of capture is also an articulation of the ways that language stutters, stalls, and fails, thereby leading to rupture and undoing. For Deleuze, within every moment of capture there are also possibilities to flee: "For the question was not how to elude the order-word but how to elude the death sentence it envelopes, how to develop its power of escape, how to prevent escape from veering...into a black hole, how to maintain or draw out the revolutionary potential of the order-word."³⁶⁵ If language can take hold of its object in the spirit of order, control, and regulation, then for Deleuze and Guattari, there are ways to turn "order into...passage," rupture, and flight.³⁶⁶ In her analysis of how the writings of George Jackson affected the thought of Deleuze and Guattari, Michelle Koerner provides a useful example of this process:

Jackson's use of language could be understood as a "weapon" precisely because Jackson's lines were shot through with such violent hatred of the "words and syntax of his enemy" that he "has only one recourse: to accept this language but to corrupt it so skillfully the whites will be caught in his trap." In corrupting the "words and syntax" of domination, one directly attacks the "conditions that destroy life," because language is here considered a mechanism by which one's thought, agency, relations, and subjectivity are "caught" by Power.³⁶⁷

Jackson understood language as a technology of capture coextensive with police and the prison, but he also saw it as a means of escape. The regulatory norms of grammar and style include and validate certain usages while relegating others to a space of devaluation, which for Jackson meant the destruction of life. Yet by corrupting what captured him, he produced alternative forms of knowledge, feeling, and seeing since the production of "resistant subjectivities always involves a dismantling of the dominant order of

³⁶⁵ Deleuze and Guattari, 110.

³⁶⁶ Ibid, 110.

³⁶⁷ Koerner, 165.

language.”³⁶⁸ The underground is a space we can include within this understanding of flight from the “death sentence” of language, knowledge, and power. The underground was, of course, a space where fugitives evaded the law, but it was also a place where they escaped dominant systems of governance, ontology, and epistemology. In fact, the space of the underground was brought into being by the forms of violence neoliberal freedom could not name. It emerged to document, contest, and undo the forms of state violence that acted as the condition of possibility for the rise of the neoliberal-carceral state. The underground was a space where the ghosts of neoliberal thought refused to remain imperceptible, where what was forcefully forgotten returned, and where freedom took on unimaginable and impossible meanings.

Memory, Queer Space, and the Negation of Freedom

In order to explore the underground, a space that was not a space—a place that was nowhere and everywhere—I turn to a new genre of memoir written by former political fugitives. One of the fascinating contradictions of this body of literature is that its promise (issued by the authors and publishers) is that it will reveal a hidden world composed of secrets, lies, and violence. The genre promises to make visible the unknown while also explaining the presumably unthinkable, irrational, and exceptional violence committed by former or captured outlaws. Yet, the genre itself cannot live up to its promise because to tell the truth (who, what, when, where) of underground life would betray the fact that “underground means out-of-sight.”³⁶⁹ As Diana Block, a queer white woman who spent close to a decade underground as part of the underground Puerto Rican

³⁶⁸ Koerner, 165.

³⁶⁹ Diana Block, *Arm the Spirit: A Woman's Journey Underground and Back* (Oakland: AK Press, 2009), 6.

independence movement, writes in her memoir, “Just because we were now back in sight didn’t mean that the nuts and bolts of how we functioned should be available on the printed page.”³⁷⁰ To tell the truth, or make the underground visible, would jeopardize a space thousands of people spent decades building in addition to risking the lives of those still on the run. As Block describes in her memoir, “This is a ‘true’ story, but that doesn’t mean every aspect of it is exactly how it happened.”³⁷¹ The genre’s condition of possibility is the deployment of fiction in order to convey the truth of a world shaped by lies, deceit, and “a web of factual fabrication.”³⁷² Like the underground itself, for these texts to exist, they must wrap themselves in gaps, silences, and half-truths. In this way, by remaining imperceptible, the genre, like the space, pushes us to think past history as the disciplining, production, and “determination of the visible.”³⁷³ How do we come to understand a space that can’t be described, a world that had to be invisible, a place that always moved, a way of living that could not leave a record of itself, a trace of existence, or even a fingerprint?

During the same period of time as the release of over a dozen memoirs written by 1970s political fugitives, a number of novelists have explored the underground in more detail through the use of fiction. Here, fiction is able to describe, detail, and recover what cannot be spoken by the genre of the memoir. In order to theorize fugitive notions of freedom in relation to the emergence of neoliberalism, I must turn to fiction. Literature, as Koerner writes, “is driven by a desire to liberate what existing conditions seek to

³⁷⁰ Ibid, 6.

³⁷¹ Ibid, 7.

³⁷² Ibid, 252.

³⁷³ Gilles Deleuze, *Foucault* (Minneapolis: University of Minnesota Press, 1988), 48.

govern, block, and capture; as such, it asserts a force in the world that existing conditions would otherwise reduce to nonexistence.”³⁷⁴ In this way, the novels defy the historical conditions of their production: a social order defined by the regulation, criminalization, and capture of forms of gendered, sexual, and racialized life that escape the state of things as they are. Fiction itself, like the fugitive, becomes a form of flight from the constraint of existing conditions that are intolerable and uninhabitable. Fiction becomes a way to release feelings, forms of knowledge, and affects that might otherwise remain underground, obscured by a system of policing, imprisonment, and marketization that is always already seeking their capture. Fiction describes what the memoirs cannot due to the ongoing criminalization of former (and current) radical and revolutionary movements.

In my engagement with the underground, a world where facts were fabricated and fictions shaped the contours of daily life, I read the memoirs of political fugitives alongside Susan Choi’s novel *American Woman*. Like my discussion of *Dessa Rose* in chapter one, *American Woman* is a fictional account of a historical event that “isn’t part of the story” and was “never inscribed into the record.”³⁷⁵ The novel explores the “lost year” of the Patty Hearst kidnapping, when Hearst was living underground with Wendy Yoshimura. Yoshimura was born in an internment camp and was active in the anti-war movement beginning in 1969. In early 1970s she became a member of the Symbionese Liberation Front and went underground. She was captured with Hearst in 1975 and became something of a minor celebrity among the Asian American left.³⁷⁶ Yoshimura’s

³⁷⁴ Koerner, 164.

³⁷⁵ Susan Choi, *American Woman* (New York: HarperCollins Publishers, 2003), 323, 354-355

³⁷⁶ Patricia E. Chu, “The Trials of the Ethnic Novel: Susan Choi’s *American Woman* and the Post-Affirmative Action Era,” *American Literary History* 23:3 (2011): 533.

racialized and gendered erasure from the story of the Hearst kidnapping, and the history of the left more broadly, is aptly described by the title of a documentary about her life, *Wendy... Uh... What's Her Name*.³⁷⁷ Choi explores the underground from the perspective of Jenny Shimada (the character who stands in for Yoshimura) and thus explores the gaps and erasures that are the refuse of history—that in the end are just “static and lint.”³⁷⁸ Choi also intentionally departs from history by giving Jenny and Pauline (the character who stands in for Hearst) a full year together, instead of the few months shared between Hearst and Yoshimura. Within this new time together, Jenny and Pauline develop a “queer intimacy” where they cultivate a sexual relationship, fall in love, start an underground feminist reading collective, offer weapons trainings to women, rob a bank, run, hide, and are eventually captured.³⁷⁹ *American Woman* and the memoirs demonstrate that the space of the underground opened up other ways of seeing and knowing the world, and thus gave rise to alternative notions of freedom that negated the regulatory powers of neoliberalism. In this way, the underground acted as a spatial and temporal space that queered normative regimes of knowledge and governance. There is a long history of scholars and activists turning to the insights of prisoners in order to critique dominant understandings of freedom. Here, I turn to the fugitive as a figure who embodies a non-normative epistemology and practice of freedom.

Choi’s attempt to recover the history of the underground through fiction apprehends the fact that there is no archive to the underground because an archive is

³⁷⁷ *Wendy... Uh... What's Her Name*, DVD, dir. Curtis Choy, Chonk Moonhunter Productions, 1976.

³⁷⁸ Choi, 323.

³⁷⁹ Jae Eun, “American Vs. Woman: Asian American Identity and Queer Intimacy in *American Woman*” *Feminist Studies in English Literature* 19:3 (2011): 100.

evidence. Fiction documents the fugitive memories and forms of knowledge that could not be recorded. Block's memoir describes this by detailing the fact that running away also required erasure. Escaping meant erasing a life's detritus that might normally be left behind. In the beginning of her memoir, Block and her family must flee their underground home after a FBI surveillance device is discovered in her family's car. The device caused panic but the panic had to appear normal so that the discovery of the device would remain unknown to the FBI. Block and her comrades continued to meet in coffee shops, in malls, and in parks. They continued to "watch for cars that were watching us" and never used the telephone.³⁸⁰ In their maintained normality they planned an escape to a new space of clandestinity. Escaping again meant destroying everything that could lead to their new lives: "Did we need to get rid of all our books on the chance that a stray fingerprint of a friend found on a random page could somehow associate them with us. But how would we get rid of the books? By burning? By shredding? By hauling them off in suspicious sacks to a dumpster?"³⁸¹ Block decided that all of their papers and writings should be burned, destroying their only "written history." All that was left behind was a small pouch of her mother's earrings "sitting in their lacquered box, waiting for the FBI to finger and file."³⁸²

Block's memoir is composed mostly of dreams and poems that extend this erasure ensuring the unknown remained so. The memoir's gaps and silences are a trace of the ruins of this history—memory fills in for what had to be destroyed to avoid capture.

³⁸⁰ Block, 14.

³⁸¹ Ibid, 20-21.

³⁸² Ibid, 19.

Poetry and dreams are a way for Block to convey in writing the reality of underground life while flirting with the “admissible and inadmissible” through an “acrobatic language that captured the essence of what I was experiencing, if not the specific details.”³⁸³ The law, the prison, and the police structure this genre of writing in a similar way that all three forces are the condition of necessity for the existence of the underground. A poem or a dream became a way to continue escaping, and to remain illegible, even while visible, to an apparatus of capture that continues to track, detail, and imprison those who contested the state of things in the 1960s, ‘70s, and ‘80s. Block’s memoir explores the ephemeral borderline between the underground and what she calls “normal life” by taunting reality (and the police) with the truth of a dream. Indeed, while underground, poetry became a way for Block to write about her life without leaving anything behind: “I could freely paint the eccentric details of my childhood because these truths were not verbatim and would not, in this cloaked poetic form, tie Pat Hoffman [her underground name] to Diana Block.”³⁸⁴ Writing for Block became a way to hide in plain sight; she shared her poems publicly, even publishing a few under different names. Poetry allowed memories—ones that could lead to recognition and arrest—to move beyond the confines of the secrecy and invisibility central to the underground. Dreams, fiction, and poetry were not forms of evidence legible to the state, and were thus a way for Block to evade technologies of policing and capture. But even more so, as Deleuze and Jackson would have it, fiction is a weapon, a counter attack. Fiction is a way of keeping alive memories

³⁸³ Block, 201.

³⁸⁴ Ibid, 204.

of forms of life that are not supposed to exist. Fiction, thus, was central to the underground's fugitive notions of freedom.

Novels about the underground do not only record what could not be written down, but also what could not be remembered. While Block describes the underground as a place that must remain unknowable through erasure, Angela Davis saw the underground as a space of forgetting produced by stress, terror, anxiety, and fear. The underground was a state of emotional duress where fact and fiction become indecipherable and memory disappeared. Davis's autobiography begins with an uncertainty, a doubt, an assertion of forgetting in a text that is supposed to remember: "I believe I thanked her but I'm not sure."³⁸⁵ She continues, "Perhaps I simply watched her dig into the shopping bag and accepted in silence the wig she held out to me."³⁸⁶ Even if her memories were not criminal, Davis was unable to record underground life because it was impossible to remember the truth through the terror and debilitating anxiety of "hunted life."³⁸⁷ Even in the present moment of the underground, the now was "barely remembered," and in the near future it would be a "half-grasped fever dream."³⁸⁸ Davis's assertion that she does not know (and could not remember because the underground was a space of "anguish, tension and uncertainty" filled with the "unknown perils of being a fugitive") produces an epistemology that escapes the state's ability to render visible and knowable those under its systems of governance.³⁸⁹ Forgetting was a way to remain illegible, to evade, and to

³⁸⁵ Angela Davis, *Angela Davis: An Autobiography*, 1.

³⁸⁶ *Ibid.*, 4.

³⁸⁷ *Ibid.*, 6.

³⁸⁸ Choi, 281.

³⁸⁹ *Ibid.*, 4-5.

escape. The record of the underground lies with the erased and the forgotten. Exploring its politics, meaning, and legacy requires engaging the ashes of books, letters, and diaries—it means staring at a spotless, empty room and trying to imagine the lives once lived there: “[S]he packed her bag, put on her cleaning gloves, and wiped everything in the house. It took hours. She went through the kitchen drawers and wiped every fork, knife, spoon and utensil. She wiped the spices in the spice rack and the Tupperware containers in the fridge. . . . She saved the bathroom for last. When she arrived there she stood over the toilet she had cleaned once a week on her knees. She felt as if she’d never really seen this toilet before. Then she wiped it, for the last time, and left.”³⁹⁰ Erasure, forgetting, lying, and deceit were ways for the fugitive to distort the confines and creation of state space. In this way, the underground challenges what critical theorists have called “absolute space.” Absolute space is a dominant understanding of space as an infinite, prior, and neutral container.³⁹¹ Space, in this formulation, can be governed, managed, and most importantly, known. State space (or disciplinary space) encloses what it encounters—*it normalizes the disorder and illegibility of its outside.*³⁹² *By remaining illegible, invisible, and unknowable, the underground unravels state space from its inside.* In addition, this contortion of truth and memory was central to fugitive understandings of freedom—forgetting and deceit were foundational to the practice of running, and running away is what it meant to be free.

³⁹⁰ Choi, 64-65.

³⁹¹ J.K. Gibson-Graham, *The End of Capitalism (As We Knew It): A Feminist Critique of Political Economy* (Minneapolis: University of Minnesota Press, 1996), 73-74.

³⁹² Michel Foucault, *Security, Territory, Population* (New York: Picador, 2007), 44.

Block and Davis describe the underground as what we might think of as a fictional space—as space that only exists through the fabrications required for someone to disappear into the openness of the world. Block writes, “But it was becoming clearer that my overground life was a temporary phenomenon, and each day it was yielding space to my underground life that was soon to become my only life. I was learning to juggle different modalities of daily communication, language, and clothing. I was learning how to invent a story that could serve as a bridge between the two worlds.”³⁹³ Here, language, clothing, and stories become central to inventing a new world inside of the old. The underground was not outside of power, but rather, was folded inside the contours of everyday life—it was a way of escaping without ever leaving. The underground was a space brought into being by a series of performances but also a rigid set of rules: “Never call each other’s houses from our home phones, never take a direct route from one person’s house to the other, never give our real home addresses to our jobs or our friends at our jobs, always watch the rearview mirror to keep track of cars that could be following us—our rules proliferated and became internalized as part of our daily routine.”³⁹⁴ In this way, the underground was a way of deforming power’s vision; by erasing one’s personal history, identity, and appearance (Block went so far as to avoid colors that might be associated with her old self), the fugitive body became illegible to an expansive policing apparatus.³⁹⁵ Here is where the fugitive emerges as a queer figure. The fugitive replaces a politics of visibility and a legible subjectivity in favor of a way of

³⁹³ Block, 177.

³⁹⁴ Ibid, 186.

³⁹⁵ In fact, while walking down the street one night, Jeff Jones, a leader of the Weather Underground, was falsely arrested for a bank robbery and then released despite being on the FBI’s most wanted list. The police were staring into the eyes of one of the most notorious fugitives in country and did not see him.

being that is always moving, always running, always escaping.³⁹⁶ For Block and others, the underground meant using the norms governing life in order to hide in broad daylight.

Davis describes this process in her autobiography:

I walked toward the bathroom and stood before the mirror trying to fit the ends of my hair under the tight elastic...When finally I glanced into the mirror to see whether there were still bits of my own hair unconcealed by the wig, I saw a face so filled with anguish, tension and uncertainty I did not recognize it as my own. With the false black curls falling over a wrinkled forehead into red swollen eyes, I looked absurd, grotesque...I had to look normal; I could not arouse the suspicion of the attendant in the station where we would have to gas up the car. I didn't want to attract the attention of someone who might drive up alongside us and look in our direction while we waited at an intersection for the light to turn green. I had to look as commonplace as a piece of everyday Los Angeles scenery.³⁹⁷

Here, the fugitive escapes through the norm. The norm is not only a mode of subjection but also a way to flee the omnipresent law. One was invisible when walking right past the police. Indeed, like Deleuze and Jackson's conception of language, the scene of subjection was also the site of rupture and undoing. The underground was a way of creating new forms of life within the very confines of the crushing weight of the power one was trying to flee.

American Woman highlights this process by defying the absence of writing by women of color about their experiences as fugitives. Almost all of the memoirs (and novels) that have been released in the last two decades concern the lives of white people or black men (in that order). Indeed, the epistemological rupture documented by Berrigan and many fugitives was actually an experience of whiteness's estrangement

³⁹⁶ Jabir Puar, *Terrorist Assemblages: Homonationalism in Queer Times* (Durham: Duke University Press, 2007), 211-215.

³⁹⁷ Davis, 4.

from itself. Recall that for Block and many others, the experience of contorting reality, running, and hiding led to an epistemological break that opened up new ways of knowing and seeing the world. In describing her transition from underground fugitive back to older “identities that no longer...fit,” Block designates the underground as a place structured by “invisible walls” where one lived in “forced exile.”³⁹⁸ This experience led to a change in vision:

There were magic moments, strolling around a lake in a city park, when we felt our lives were ordinary, like those of the people who were walking around us. But, in those crystal clear moments, I could see more clearly than ever how this society afforded the casual expectation of normalcy, sufficiency, and simple pleasures to a privileged sector of its population, while an ever larger group of others lived on the edge—without green parks, enough food for themselves, or even a house to sleep in at night. We were staying at motels with families who were living packed together in tacky single rooms for months on end because welfare would pay for temporary housing but not for anything long term. We were waiting endlessly at bus stations with mothers who traveled with four and five children for days to visit a husband, father, or brother in prison whom they hadn’t seen in years.³⁹⁹

Block goes on to mark this experience of epistemological rupture as one of whiteness’s alienation from an affective expectation of safety, comfort, and relief: “We were dislocated but we were still able to assimilate ourselves into the pockets of calm that dotted the whiter areas of most cities. Our skin color and our upbringing had taught us to expect and claim secure, relaxed spaces in our lives.”⁴⁰⁰ For Block and her fellow white fugitives, the disorder, anxiety, confusion, and unknowingness of being on the run would

³⁹⁸ Block, 269

³⁹⁹ Ibid, 25.

⁴⁰⁰ Ibid, 25.

end in the near future and their lives would return to “normal.”⁴⁰¹ The underground was simply a temporary disruption of the good life.⁴⁰² But for women and men of color on the run, the underground wasn’t an exceptional break from how they understood the world; it simply confirmed what they already knew. Indeed, Davis described herself as a slave on the run from forces that had been hunting her for centuries. Davis had always lived in “forced exile” because she was a black woman living in the United States. The underground opened up a space that merely substantiated the possession that was always already present. Yet whether the underground confirmed or disrupted the knowledge of the fugitive, this opening epistemologically undermined the forms of knowledge central to the rise of neoliberal-carceral state. The underground made visible what law and order and neoliberal economics produced and then effaced by throwing “the building of a national past into relief.”⁴⁰³ It was by being imperceptible that the underground could make visible the forms of racialized, gendered, and imperial violence necessary to the formation of the neoliberal-carceral state. This was evident in my readings of the communiqués of the Weather Underground and George Jackson Brigade in the last

⁴⁰¹ Ibid, 25.

⁴⁰² However, this expectation would be undone by the power of the prison. As Block experienced it, reentry into the “overground” world felt like “coming out of prison” but the prison “was not a shackling structure we were leaving behind. Instead, it loomed gargantuan and foreboding before us, threatening to suffocate...our return.” The prison’s intimacy with all aspects of underground life was so profound for Block that “capture [was] embedded in the nerve endings under my skin.” Like Berrigan almost twenty years before her, Block experienced the underground as enmeshed with the prison’s technologies of capture and analogous to the feelings of incarceration. Yet, the prison’s presence in the underground was more than the haunting power of its pervasive presence or the lingering threat of the law in a world of fugitives, deserters, escapees, and armed insurgents—the prison was made flesh in the form of informers and infiltrators. Hundreds of FBI agents and local police effectively went underground by posing as draft dodgers, veterans looking for vengeance, or newly political college dropouts looking to take their activism to a new level. Since the underground was not an actual place, but was rather “a state of information control,” the police could infiltrate by deploying a “wide costume repertoire” and espousing the latest radical politics.

⁴⁰³ Penny Vlagopoulos, “The Beginning of History and Politics: Susan Choi’s American Woman and the Shadow of U.S. Imperialism,” *Studies in American Fiction* 37:1 (Spring 2010): 130.

chapter. However, *American Woman* apprehends what these documents could not—how the underground rearticulated (neoliberal) freedom through the mundane movements of the fugitive.

Escaping Freedom

Split into four parts, *American Woman* describes post-1960s radicalism from the perspective of Jenny, a 25-year-old Japanese-American woman wanted for anti-imperial bombings. While she went underground, her boyfriend and co-conspirator William was captured and imprisoned. Living alone in upstate New York as “Iris Wong,” Jenny lives in the home of a wealthy woman for whom she does interior restoration. Part one is told from the perspective of Frasier, a former political ally who tracks Jenny down to convince her to use her “underground know-how” to care for three fugitives: Juan, the arrogant, sexist, trigger-happy leader; Yvonne, his devoted and obedient girlfriend; and “princess” Pauline, an heiress who was kidnapped and converted to her captors’s cause.⁴⁰⁴ Part two explores the banal details of underground life and the clashes that take place between Jenny and her comrades. When it becomes clear that they need money, Juan and Yvonne decide to rob a grocery store with Jenny and Pauline acting as get-away drivers. When the robbery goes wrong, Pauline and Jenny flee. While on the run in part three, Jenny and Pauline strengthen their bond, which assists with their feminist (and queer) awakening in San Francisco where they are eventually captured. Part four finds Jenny imprisoned and betrayed by Pauline. This last part of the novel looks backward to Jenny’s father Jim, who was imprisoned in the internment camp at Manzanar and later at

⁴⁰⁴ Choi, 53.

a camp for incorrigibles. The novel ends with Jenny and Jim traveling to a reunion for former internees.

American Woman begins with Frazer's attempt to go underground and find Jenny. As he drives around in circles, he realizes he is "looking too hard at the wrong thing, and missing the point."⁴⁰⁵ Finding Jenny means thinking and seeing like a fugitive: "He should have realized that she wouldn't live here; she wouldn't want to be too near the post office. Yet she wouldn't want to travel too far."⁴⁰⁶ The novel thus opens with Frasier's disorientation; he is lost because Jenny does not want to be found by him or the state. Jenny is not only on the run from the police and the law; as a woman of color, she is also fleeing from the racialized and gendered regulations of the radical left. Jenny is hiding from the complicity between the policing power of revolutionary nationalisms and the police themselves. Jenny's underground life is a never-ending negotiation with the carceral apparatuses of the state, as well as the mundane interpersonal and institutional racialized sexism that make the "fatal encounter" always already present. Frasier is lost because he has entered an unfamiliar space, a space outside the formal register of the nation, where the conventions of the social order no longer apply. Since he is "looking at the wrong thing" Frasier cannot comprehend, let alone see, Jenny and the world she has made. Frasier struggles to find Jenny because she is illegible within the dominant order of things. Unlike the politics of the racial liberalism that guide Frasier, Jenny's invisibility refuses a politics of legibility where the "performance of ethnicity [is] the key

⁴⁰⁵ Ibid, 4.

⁴⁰⁶ Ibid, 4.

to liberatory politics.”⁴⁰⁷ In fact, she becomes invisible within the visibility of her racialization—to be visible as an Asian maid is to vanish.⁴⁰⁸ Jenny disappears through her racialization, but her racialization is also what erases her from the record of events considered worthy of remembering by the state and the left.

At the end of the novel, a reporter named Anne researches Jenny and her father in an attempt to make sense of them in relation to what she knows will become history and what will be left behind: “None of this is the story. There’s no good place to put it. In the end it’s just static and lint.”⁴⁰⁹ *American Woman* attempts to tell a story that is almost impossible to imagine as a story since, “Jenny is nobody’s story.”⁴¹⁰ Jenny exceeds the confines of historical narrative because she embodies connections that exceed the confines of normative thought. As Patricia Chu writes, “Choi’s frustrated and wandering 1970s reporter belies the exemplary, legendary, and tightly narrated *All the President’s Men* (1974), Bob Woodward and Carl Bernstein’s account of the Watergate cover-up that supposedly defined an era, by trying to fathom how the ‘static and lint’ of the history of race in America, is part of the story of Pauline and the cadre, rather than considering the upheavals of white and ethnic politics separately.”⁴¹¹ By making connections that aren’t supposed to connect, the novel remembers the neoliberal-carceral state’s connection to U.S. imperialism in Vietnam and the internment of Japanese citizens in the 1940s. Here,

⁴⁰⁷ Ibid, 542

⁴⁰⁸ Ibid, 542.

⁴⁰⁹ Ibid, 323.

⁴¹⁰ Ibid, 319.

⁴¹¹ Ibid, 547.

the neoliberal-carceral state is always already the “warfare state” and the “racial state.”⁴¹² *American Woman* remembers the haunting effects of internment on the banality of the everyday, a history disavowed by neoliberal thought and forgotten by the revolutionary left. This history is remembered through the novel’s attention to the spatial politics of life underground. For instance, Jenny Shimada’s father was forced into an internment camp as a teen, but he never told Jenny about his experiences there because what he went through was unspeakable. Instead of telling her about captivity, he passed on the survival skills he learned:

Maybe that was his way of describing internment to her. He’d always brushed off her questions, but maybe he’d been telling her things all her life. This is how you make a horse stable into a home, and burlap sack into bed. This is how you pack one little bag, though you’re going so far for so long...Her father had expected her to sleep well anywhere and under all circumstances. On the ground, in the back of a car. Across chairs in the bus station waiting room.⁴¹³

Jenny recalls these lessons inherited from her father’s life in captivity as she performs the mundane rituals of being a fugitive: packing a bag, sleeping anywhere, moving constantly, finding a home everywhere. The fugitive acts performed by Jenny and her father are historical registers of racialized state power that escape the epistemological boundaries of liberal thought. These connections are expunged from neoliberal theories of freedom. They are the silences and gaps that make neoliberal freedom possible. The underground and the fugitive are formations that confront the silences that are constitutive of the state and capital. Internment’s connections to the neoliberal-carceral

⁴¹² See Ruth Wilson Gilmore, “Fatal Couplings of Power and Difference: Notes on Racism and Geography,” *The Professional Geographer* 54, no. 1 (2002); Michael Hardt and Antonio Negri, *Multitude: War and Democracy in the Age of Empire* (New York: Penguin, 2005) 3-95;

⁴¹³ Susan Choi, *American Woman* (New York: HarperCollins Publishers, 2003), 221.

state are registered in the affective connections passed on from a life in captivity to a life on the run. Yet, these connections are too tangled across time and space for Anne to comprehend; it all just looks like static and lint.

The alternative notion of freedom embedded in *American Woman* emerges from Choi's critique of the historical erasures central to racialized and gendered state power, but also her critique of the revolutionary left. For example, part of Jenny's responsibility in taking care of Juan, Yvonne, and Pauline is to ensure that they write a book about their group, "The People's Army," that Frasier will sell to raise money for the underground. In this way, Choi gives the reader a first-hand look at how the revolutionary left attempted to write its history. Pauline is allowed to write a section about how she came to revolutionary consciousness and she reads this aloud to the group as part of the editing process. She describes how after she was first kidnapped, a member of the People's Army assigned to "care" for her would read aloud to her through the closet door that separated them. She writes, "More and more I longed to see the face of this kind and wise person, this brother who was trying to teach me. I begged him to take off my blindfold. 'Can't I just see you?' I said. 'The words matter, not me,' he explained."⁴¹⁴ After Pauline is finished reading, Juan intervenes to ensure that the group's history is written properly:

Juan interrupted. "No blindfold."
"No blindfold?"
"I already said to get rid of the blindfold."
"You already said I can't be in the closet."
"For the last fucking time, you were not in a closet."
"Was it a pantry?"

⁴¹⁴ Choi, 168.

“It was a *room*. Maybe not like the nice rooms you’re used to.”
“Well what do I know,” Pauline said, “I was wearing a blindfold the whole fucking time.”
... “Get rid of the blindfold. It’s bullshit.”
“It’s true.”
“It’s not true to the point of the story. There’s things that are facts that in context don’t help make the point.”⁴¹⁵

Jenny is shocked because in their communiqués the group claimed that they were treating Pauline better than the guidelines of the Geneva Conventions: “You said you let her exercise and read the papers and eat with you.”⁴¹⁶ In a novel obsessed with the erasure of history, here Choi describes the complicity between the revolutionary left and the state as both work to produce what can be known and what should be forgotten. Like Jenny and her father’s history, Pauline’s story is unusable because its truth “doesn’t help make the point.” While the cadre frequently emphasizes eradicating all forms and institutions of racism, sexism, ageism, classism, and fascism, their structure, behaviors, and practice effectively naturalize, reproduce, and reinstitute these forms of subjection within their revolutionary politics.⁴¹⁷ This is evident in Juan’s paternalistic rewriting of Pauline’s memory, but also in his understanding of race and gender.

Throughout their time together, Juan (who is white) consistently fetishizes Jenny’s skin color. He tells her that her “Third World perspective is a privilege” and that “you must be a good shot. Oriental people always have exceptional aim.”⁴¹⁸ In an effort to degrade Pauline by essentializing Jenny’s body and mind, Juan says, “She’s still got to learn that there’s no substitute for a Third World perspective like yours. Brown, yellow,

⁴¹⁵ Ibid, 168-169.

⁴¹⁶ Ibid, 170.

⁴¹⁷ Penny Vlagopoulos, “The Beginning of History and Politics: Susan Choi’s American Woman and the Shadow of U.S. Imperialism,” *Studies in American Fiction* 37:1 (Spring 2010): 136.

⁴¹⁸ Choi, 140 and 189.

black, red: those are four things she'll never be. And she isn't just white, she's a filthy rich white. Y and I are from the Midwest, and I'm not saying our town wasn't racist, or that we don't have a taint that we'll never repair. But at least we're blue collar... That's why you're a good lesson. She sees your reality and knows she won't ever know it."⁴¹⁹ Like Friedman's deployment of the black body as a fungible commodity to be used for his own ends, here, Juan turns Jenny into what he needs her to be. When Jenny tells him he's racist, he responds, "You can't say I'm racist... I've always wished I was black. Not just wished it, but willed it."⁴²⁰ For Juan, knowledge is connected to phenotype, and thus, he re-biologizes the form of power he claims to want to abolish. Juan naturalizes race because knowledge supposedly arises from the imagined essence of the racialized body. As Penny Vlagopoulos writes, "Juan's understanding of racial identity adopts the colonizer's view of origins."⁴²¹ In this way, Juan stands in for the heteropatriarchal and racist regulations of the left that were complicit with the state that the left claimed to oppose. Juan reproduced what he wanted to destroy. While neoliberal freedom reproduced the forms of degradation and subjection it imagined it would undo, Choi argues that the revolutionary left replicated the racialized, gendered, and heterosexist regulations it declared dead. In short, Juan effectively sustained and reinforced the forms of racialized and gendered subjugation central to rise of the post-civil rights racial state and late capital.

⁴¹⁹ Choi, 140.

⁴²⁰ Choi, 141.

⁴²¹ Vlagopoulos, 136.

As Choi makes clear, even as Jenny is running from the police, she is continually captured by Juan's complicity with dominant thought and practice. In fact, Choi shows how Jenny is caught between the heteropatriarchal regulations of the left and the state earlier in the novel when she has to flee the home of a couple who have agreed to house her. After the couple makes Jenny dinner, which includes a toast "to freedom," Jenny awakens to find the husband "in her room, leaning into her bed, his old cheese-and-tobacco breathe hot on her neck."⁴²² The next morning, after erasing her presence from the house, Jenny runs away. Indeed, after Juan's arrogance leads to the death of a storeowner during a poorly conceptualized robbery, Jenny and Pauline flee from Juan. Jenny is running from more than just the law; she also escapes formations of power that are not restricted to the state or the police, the forms of power that possess everyone and everything. Unlike the politics of the left or the state, Jenny begins to practice a politics of difference that can make sense of the histories erased by the forces she is fleeing. This fact is at the heart of the novel's theorization of freedom. It is an understanding of power that Deleuze and Guattari describe when they write, "It's easy to be antifascist...and not see the fascist inside you, the fascist you yourself sustain and nourish and cherish."⁴²³ Similarly, Foucault writes that the "challenge is to refuse what you are," to exorcise "the fascism in us all, in our heads, and in our everyday behavior, the fascism that causes us to love power, to desire the very thing that dominates and exploits us."⁴²⁴ Or as Chela Sandoval writes, "the major enemy to face during our own time has infiltrated every

⁴²² Choi, 64.

⁴²³ Deleuze and Guattari, 215.

⁴²⁴ Michel Foucault, "The Subject of Power" in ed. Paul Rabinow, *Michel Foucault: Power* (New York City: The New Press, 1994), 336; Michel Foucault, "Preface," in Gilles Deleuze and Felix Guattari, *Anti-Oedipus: Capitalism and Schizophrenia* (Minneapolis: University of Minnesota Press, 1983), xiii.

citizen-subject's body."⁴²⁵ What Jenny discovers, and what *American Woman* demonstrates, is that freedom for the fugitive did not come from hiding, engaging in armed struggle, or calling oneself radical—it came from running.

For Friedman, freedom is a commodity. One owns it, uses it, and gives it away. Under the neoliberal theory of freedom, one possesses freedom. Because Friedman views freedom, and ultimately power, as a possession, he believes individuality and a free market are ways of escaping power's grasp. One vanquishes power and becomes free by stepping outside of power, and power, for him, is localizable to the state. Yet, as I am arguing, freedom is a mode of biopolitical control that cloaks coercion as consent while simultaneously making freedom the product of incarceration. In short, freedom is not something one possesses—one is possessed *by* freedom. And to escape its grasp, one must keep running and never look back. To be intimate with running, to have had to run and above all else, to *desire* to run, expresses of “politics of fugitivity” at the heart of Jenny's flight.⁴²⁶ This politics is described by Koerner when she rewrites Althusser's notion of interpellation through the description of a black teenager running from the police. Recall that for Althusser the person becomes a subject when she responds to the hail of the police (“hey you there!”): “The hailed individual will turn around. By this mere one-hundred-and-eighty degree physical conversion, he becomes a subject.”⁴²⁷ In this way, by stopping and facing the police, “the subject quite literally captures himself or

⁴²⁵ Chela Sandoval, *Methodology of the Oppressed* (Minneapolis: University of Minnesota Press, 2000), 164.

⁴²⁶ Koerner, 170.

⁴²⁷ Koerner, 171.

herself.”⁴²⁸ Althusser acknowledges that some “bad subjects” will not respond to the hail, and will simply flee the scene. Yet, he never mentions how running away affects interpellation and thus, for Koerner, Althusser’s example is a structuralist scene because it cannot conceptualize movement. We are left to wonder, what of the subjects who don’t turn around to meet the hail of the police, but instead, escape? For Koerner, fugitive descriptions of fleeing the police challenge Althusser’s theory of interpellation. Indeed, Jenny is always running away because for her, power is, at its heart, predatory. Thus, one must continually flee what is already coming. It’s not that one escapes freedom—freedom is the practice of trying to escape.

⁴²⁸ Koerner, 171.

Chapter Four The Control to Come: Sexuality, Terror, and the Control Unit

“What is the wreckage left behind by the machinations of law, the remnants that sustain a purified image of liberty or freedom?”

—Colin Dayan

“The future becomes a lawless future...”

—Judith Butler

In her essay “Reflections of Being Buried Alive,” Susan Rosenberg describes her first time entering the Lexington High Security Unit for Women—a small underground prison in Lexington, Kentucky, that held Rosenberg and other women involved in 1970s revolutionary movements from 1986 until 1988. Rosenberg, a white lesbian and member of a number of feminist and anti-racist revolutionary groups in the 1960s, ‘70s, and ‘80s, writes:

We stood at the electronically controlled metal gate under the eye of one of eleven security cameras, surrounded by unidentified men in business suits. We were wearing newly issued beige short sleeved shirts, culottes, and plastic slippers. We were in handcuffs. An unidentified man had ordered us placed in restraints while walking from one end of the basement to the other. The lights were neon fluorescent burning and bright, and everything was snow white—walls, floors, ceilings. There was no sound except the humming of the lights, and nothing stirred in the air. Being there at that gate looking down the cell block made my ears ring, and my breath quicken.⁴²⁹

What is remarkable about Rosenberg’s writing from Lexington is how her attention to the banality of the unit captures the ways torture and terror became inscribed in the ordinary.

A white room. Plastic Slippers. Men in suits. The humming of lights. Eleven cameras.

Dead air. Her ears rang and her breath was lost, not at the spectacle of it, but at its

⁴²⁹ Susan Rosenberg, “Like Being Buried Alive,” in ed. Ward Churchill and J.J. Vander Wall, *Cages of Steel: The politics of Imprisonment in The United States* (Washington D.C.: Masionneuve Press, 1992), 128.

normality, its routineness, its technological perfection. The unimaginable violence of this new form of incarceration was cloaked in a new visual episteme. The unit was clean, quiet, modern, rational, and orderly. It helped inaugurate a variety of psychological and physical contortions of the human mind and body that are now so routine that they remain invisible in their banality. Addressing the logics behind the unit would necessitate an epistemology that could confront the rationality and mundaneness of modern terror.

The Control Unit at Lexington embodied a new type of penal rationality that, once it was shut down in 1988 after Amnesty International declared it “deliberately and gratuitously oppressive,” has spread to over 60 prisons across the country and the world.⁴³⁰ In these High Security Units (or Control Units)—what amount to prisons within prisons—thousands of people are held in solitary confinement and are subjected to extreme sensory deprivation for 23 hours a day, often indefinitely. The last forty years of neoliberal economics has not only witnessed the exponential growth the prison as system of racialized governance, but this period of economic restructuring has also seen the rise of a new method of containment and bodily incapacitation in the form of the control unit. Anti-racist, feminist, and queer activists in the 1970s and ‘80s were subjected to this new form of carceral state violence before it rose to dominance in the 1990s. We can turn to their writings as a critique of not only the broad contours of neoliberal-carceral state, but also the micro-politics of its operation as practiced in the control unit. In addition, the writings embody what I have been describing as a politics of anticipation—when

⁴³⁰ Mary O’Melveny, “Portrait of a U.S. Political Prison—The Lexington High Security Unit for Women,” in ed. Ward Churchill and J.J. Vander Wall, *Cages of Steel: The politics of Imprisonment in The United States* (Washington D.C.: Maisonneuve Press, 1992), 119

Rosenberg looked down the cellblock, she saw something she couldn't yet describe—indeed, something prisoners continue to say is indescribable. She knew something was coming. And what she saw made her senses fail.

Lexington set the stage for the expansion of the control unit as the prevailing domestic model of neoliberal containment and immobilization. But under the “war on terror,” the control unit of the 1970s and ‘80s has since extended its reach transnationally. Scholars like Avery Gordon, Michelle Brown, Colin Dayan, and Caleb Smith have observed that the living death of solitary confinement and sensory deprivation at Guantánamo and elsewhere was first created in supermax prisons in the United States.⁴³¹ This work opens up opportunities for considering the connections between the imprisonment of 1970s radicals and the detention of an unknown number of people in the carceral archipelago created under the “war on terror.” Indeed, Ivan Greenberg has argued that the FBI’s production of the domestic terrorist in the 1970s acted as the template for the creation of “the terrorist” in the “war on terror.” In fact, it was during the 1970s that domestic terrorism first emerged as a major public policy and policing issue.⁴³² The ways that the category of terrorism was shaped around groups like the Black Liberation Army and Weather Underground created a legal apparatus and a set of discourses that would rise again in the U.S. government’s response to the attacks of September 11th. What Rosenberg and other imprisoned radicals (who were often

⁴³¹ Colin Dayan, *The Story of Cruel and Unusual* (Cambridge: MIT Press, 2007), xix. See also, Avery Gordon, “Abu Ghraib: Imprisonment and The War on Terror,” *Race and Class* 48:1 (2006): 42-59; Michelle Brown, “Setting the Conditions’ for Abu Ghraib: The Prison Nation Abroad,” *American Quarterly* 57:3 (September 2005): 973-997; Caleb Smith, *The Prison and the American Imagination* (New Haven: Yale University Press, 2009).

⁴³² Ivan Greenberg, “The FBI and the Making of the Terrorist Threat,” *Radical History Review* 111 (Fall 2011): 36-37.

categorized as “terrorists”) experienced thirty years ago set the conditions for a global prison regime driven by an imperial politics of “permanent abandonment.”⁴³³

In this chapter, I examine the history of Lexington and the writings of the women detained there to consider the connections between the carceral politics of the neoliberal state and what has become a global prison regime under the “war on terror.” An engagement with the gender and sexual politics of the control unit at Lexington can lead to a different understanding of the forms of power inaugurated at Guantánamo Bay and elsewhere. Lexington is unique among the control units that emerged in the late 1970s and 1980s because it was designed specifically for women and ended up holding a number of women who identified as lesbians. Focusing on Lexington as central to the emergence of the “space of exception” in Iraq and Guantánamo, as well as the neoliberal state, reveals a network of institutional, discursive, and affective connections that traverse space, time, race, gender, and sexuality. Such an investigation can make clear the relationship between the neoliberal-carceral state and the permanent warfare state, as well as the ways that these changing formations were built on the bodies contained within new formations of captivity. Activists and prisoners confronting the emergence of the neoliberal-carceral state anticipated the emergence of that formation; further, their writings reveal a critique of the forms of torture and terror constitutive of what Brown calls the “global prison-industrial complex.”⁴³⁴

The Temporality of the State of Exception

⁴³³ Avery Gordon, “Abu Ghraib: Imprisonment and The War on Terror,” *Race and Class* 48:1 (2006): 52.

⁴³⁴ Michelle Brown, “Setting the Conditions’ for Abu Ghraib: The Prison Nation Abroad,” *American Quarterly* 57:3 (September 2005): 973-997.

In the last decade, a critique of the carceral systems deployed in the “war on terror” has become central to debates across a number of disciplines about sovereignty, biopolitics, and the state of exception. For example, in *Precarious Life: The Powers of Mourning and Violence*, Judith Butler argues that the forms of detention inaugurated at Guantánamo Bay created a new form of state sovereignty manifested by the suspension of the law. At Guantánamo and elsewhere, the suspension of the rule of law produces collusion between biopolitical forms of governance and the will of the sovereign. In this way, the extra-legal “new war prison” redefines Foucault’s understanding of the relationship between sovereignty and governmentality so that “sovereignty emerges within the field of governmentality” where it is defined as the power to withdraw and suspend the law.⁴³⁵ Thus, sovereignty is a ghostly but forceful presence within new forms of racialized population management. This suspension of the law also produces a new mode of sovereignty that means that the bodies of detainees act as the raw material for the production of a new form of power.⁴³⁶ The danger of indefinite detention, according to Butler, is that it creates the condition of possibility for the exercise of indefinite extra-legal state power. As she puts it, “Indefinite detention thus extends lawless power indefinitely.”⁴³⁷ The state of emergency is not spatially and temporally contained, but rather, rushes toward a never-ending future. The future is produced as a time beyond the safety and security of the law. In this way, indefinite detention is not an exception to the norm, but is central to redefining the norm in the present and the future.

⁴³⁵ Judith Butler, *Precarious Life: The Powers of Mourning and Violence* (London: Verso Press, 2004), 53.

⁴³⁶ *Ibid.*, 66.

⁴³⁷ *Ibid.*, 63.

This rupturing of the norm by the exception renders the human beings detained at Guantánamo into “animated flesh,” producing “humans who are less than chattel” and who embody what Giorgio Agamben calls “bare life.”⁴³⁸ Butler’s critique is deeply indebted to the work of Agamben, who argues that indefinite detention is a mode of biopolitical power where the law envelopes the bodies of captives through its own suspension.⁴³⁹ This situation creates a “legally unnamable and unclassifiable being” whose only historical analog are Jewish people under the Nazi regime.⁴⁴⁰ In this “zone of indifference” no law is the law.⁴⁴¹ The new war prison derealizes the humanity of its captives who might otherwise belong to a community of laws and recognition.⁴⁴² This creates “populations that are not regarded as subjects, humans who are not conceptualized within the frame of a political culture in which human lives are underwritten by legal entitlements, law, and so humans who are not humans.”⁴⁴³ The law defines the human and so to be outside the boundaries of the law is to be exposed to a form of illegal barbarism that renders one inhuman.

The law is central to Butler’s concern with Guantánamo and to her understanding of the carceral apparatuses used in the “war on terror.” As she writes, “[W]hereas we expect the prison to be tied to law—to trial, to punishment, to the rights of prisoners—we see presently an effort to produce a secondary judicial system and sphere of non-legal

⁴³⁸ Giorgio Agamben, *Homo Sacer: Sovereign Power and Bare Life* (Stanford: Stanford University Press, 1998).

⁴³⁹ Giorgio Agamben, *State of Exception* (Chicago: University of Chicago Press, 2005), 3.

⁴⁴⁰ *Ibid.*, 4.

⁴⁴¹ *Ibid.*, 23.

⁴⁴² Butler, 68.

⁴⁴³ *Ibid.*, 77.

detention that effectively produces the prison itself as an extra-legal sphere.”⁴⁴⁴ In Butler’s theory, the forms of social death, sovereignty, and governmentality produced at Guantánamo are the result of the absence of the law. The law is a site of security and safety, and its undoing opens up unprecedented spaces of living death and extra-legal terror. Critically, this break with space, subjectivity, and normative modes of power is also a break with time. Guantánamo, for Butler, has created a time that is unfamiliar, backwards, and archaic. As she writes, “The historical time that we thought was past turns out to structure the contemporary field with a persistence that gives the lie to history as chronology.”⁴⁴⁵ The appearances of sovereignty at Guantánamo are “anachronistic resurgences” that confound normative conceptions of temporality. Diana Taylor tells a similar story about time and torture, one where “we have embarked on an extrajudicial power trip with no limits and no foreseeable end” because we have taken a road we should not have walked.⁴⁴⁶ By entering a time that is endless and anachronistic, Guantánamo marks a departure from the norm. The torture performed there “crosses the limit” and “suspends the rules” so that Guantánamo becomes a space of aberration and a time of distortion, confusion, and illegibility.⁴⁴⁷ In this way, Guantánamo is not only a break with the law, but also with time. It rewrites the time of chronological progress in favor of Ian Baucom’s “time as accumulation.”⁴⁴⁸ The irrationality and barbarism of the past resurges in this space beyond the law. A past that is not a past returns in the space of

⁴⁴⁴ Ibid, 97.

⁴⁴⁵ Butler, 54.

⁴⁴⁶ Diana Taylor, “Double Bind: The Torture Case,” *Critical Inquiry* 33:4 (Summer 2007): 733.

⁴⁴⁷ Ibid, 710-711.

⁴⁴⁸ Ian Baucom, *Specters of the Atlantic: Finance Capital, Slavery, and the Philosophy of History* (Durham: Duke University Press, 2005).

exception. And like the backward march of time, the norm undoes itself in a process of reversal and suspension so that it too returns to an otherworldly place once left behind. For Butler and many others, Guantánamo is an exception to the presumably normal procedures that constitute the domestic. It is the spectacular terror contrasted to the normal operations of law and power within the formal boundaries of the United States. Such understandings of Guantánamo as a monstrous aberration from the domestic have been common among scholars, activists, and journalists.

The arguments advanced by Butler and Agamben have not gone without criticism. Joshua Comaroff argues that “it is not the exceptional, the supra- or extralegal that defines Guantánamism, but rather its conditional existence within the law, the intentional contortions made possible by...spatial and temporal contradictions inherent in the judicial system.”⁴⁴⁹ Guantánamo is not outside the law; rather, it is made possible by the law and the law’s ability to contort its application through “spatialtemporal disarticulations” that open up new possibilities of legal action.⁴⁵⁰ For Comaroff, it is not Guantánamo that is a “non-place,” it is Agamben’s theory that is ahistorical and ageographical in its effacement of Guantánamo’s colonial history and location.⁴⁵¹ Nassir Hussain similarly argues that at Guantánamo one does not find not an emptying out of law but an “abundant use of technical distinctions, differing regulations, and multiple invocations of authority.”⁴⁵² If Guantánamo is understood as a space outside the law, then the presumed

⁴⁴⁹ Joshua Comaroff, “Terror and Territory: Guantánamo and the Space of Contradiction,” *Public Culture* 19:2 (2007): 390-391.

⁴⁵⁰ *Ibid.*, 398.

⁴⁵¹ *Ibid.*, 384.

⁴⁵² Nasser Hussain, “Beyond Norm and Exception: *Guantánamo*,” *Critical Inquiry* 33:4 (Summer 2007): 740.

solution is the application of more laws and regulations. Yet, Guantánamo is not a space of suspensions, outsideness, and exclusions—it is a space of hyperlegality. It operates on a continuum where the norm and exception have become indistinguishable and “points to a desire for and an attempt at a zone that operates not as an exception but as a parallel in a modern administrative legality.”⁴⁵³ And as Hussain and others observe, among the detainees held in Guantánamo, there are people who have been declared non-enemy combatants, but due to their stateless status continue to be imprisoned in Guantánamo, as they would in any immigration jail in the United States.⁴⁵⁴ Thus, the space of domestic detention and incarceration provides a genealogy of the forms of terror and violence that operate as the norm at Guantánamo and elsewhere. The control unit is one such space.

Unprecedented as the legal machinations employed at Guantánamo may seem, as Colin Dayan documents, they rely on the last thirty years of Supreme Court decisions that have abolished the Eighth Amendment’s prohibition of “cruel and unusual punishment.”⁴⁵⁵ Further, as Dayan and Caleb Smith argue, the social, civic, and biological death produced in the “new war prison” is also central to the institutionality of the domestic prison. From its inception as an institution of humanity, civilization, and reform, its designers understood the prison as a place of “deliberate mortification.”⁴⁵⁶ Early prison reformers in the 18th and 19th centuries specifically designed the prison as a place where human beings would be rendered civically and socially dead—both dead to

⁴⁵³ Ibid, 749

⁴⁵⁴ Hussain, 749.

⁴⁵⁵ Dayan, *The Story of Cruel and Unusual*, 5. This dismantling of the Eight Amendment, and the rise of control units, has coincided with the emergence of the neoliberal state, a correlation that has largely gone unremarked in the literature on the relationship between neoliberalism and the prison.

⁴⁵⁶ Caleb Smith, *The Prison and the American Imagination* (New Haven: Yale University Press, 2009), 28.

the law in that they were divested of any rights and dead to the social world in that they were severed from its affective ties. Stripped of citizenship and subjectivity, the prisoner became a specter, an “animate corpse” in the eyes of the law.⁴⁵⁷ In the words of 18th century reformers, the prison was a “living tomb,” a “space of terror” and “ghostly half-life.”⁴⁵⁸ Before the 1970s, the goal of incarceration was to rehabilitate the captive. But to be reborn, one first had to be spiritually and legally killed in the name of reanimation. The reformer Benjamin Rush described the convict as one who “was lost and is found—was dead and is alive.”⁴⁵⁹ Dehumanization is not an exception to the rehabilitative intentions of confinement; it is the sole purpose of the modern prison, making death central to the spatial and temporal politics of incarceration.

Death, physic disintegration, and the undoing of subjectivity are built into the discursive and material architecture of the prison. This is more than a metaphor; countless prisoners over the last three centuries recount how the prison produces claustrophobia, chronic rage, panic, depression, blindness, hallucinations, weight loss, dizziness, and heart palpitations. These states of psychic and physical duress made it so the walls of the prison whisper, scream, vibrate, and close in; cement, steel, and space become animated by the necropolitical institutionality of the prison. For example, from the late 1960s to the early 1970s, inmates in Soledad prison “composed inside and smuggled out” handwritten poems, essays, and letters in order to construct a book titled, *Words From the House of the Dead*. Many of the authors understood themselves as trying to breach a dividing line between the living and the living dead. One essay in

⁴⁵⁷ Ibid, 36.

⁴⁵⁸ Ibid, 5.

⁴⁵⁹ Smith, 10.

particular, “How to Develop a Mentally Unhealthy Individual,” describes how the prison apprehends “subjects” engaging in non-normative behaviors (“loving a prostitute,” using drugs, or other “insidious behaviors”) because they are a threat to the social order.⁴⁶⁰ The prison abolishes “his identity and future” and then systematically produces psychic debility and incapacity in the form of mental illness. The prisoner, forgotten by the world they threatened, lives a “half-life” of mind-numbing repetition and “omnipresent” control, regulation, “punishment and degradation.”⁴⁶¹

When George Jackson wrote in 1970 that “capture is the closest thing to being dead that one is likely to experience in this life,” he was not being hyperbolic.⁴⁶² He was articulating the historical fact that the *modus operandi* of the temporality of incarceration, and the prison itself, is to produce premature death. This process is not exceptional to the operation of the norm—it is how the norm comes into being. In the words of Smith, “prisoners do not occupy a zone of exile outside the circle of juridical and philosophical humanity: the prison that holds them is one of the primary sites through which the very idea of modern humanity is imagined and contested.”⁴⁶³ Like slavery and settler-colonialism, the prison is a foundational site for the reproduction of liberalism’s freedom. The criminal, like the slave, was already dead, expelled outside the realm of legal and extra-legal concern, empathy, and embrace. The diseased body of the criminal had to be expunged from civil society and “once expelled became the visible record of the sacrifice

⁴⁶⁰ Bruchac, Joseph and William Witherup, eds. *Words from the House of the Dead: Prison Writings from Soledad* (Trumansburg, NY: Crossing Press, 1974).

⁴⁶¹ Ibid.

⁴⁶² George Jackson, *Soledad Brother* (Chicago: Lawrence Hill Books, 1994), 19-20.

⁴⁶³ Smith, 199.

on which civilization maintained itself.”⁴⁶⁴ It is crucial to note that this process did not occur outside the law, but was a manifestation of the killing power of the law itself. The convict was buried alive by the law, forced to live a death in life within the tomb of the prison. Smith describes this when he writes, “Perhaps more than any other institution, the prison manifests the power of the law to disfigure and kill those within its circle of rights.”⁴⁶⁵ The prisoner, though a living and breathing being, is dead—buried by the crushing weight of the law.⁴⁶⁶ In short, prisoners do not need to be protected by the law from lawlessness, because the law is what renders them dead.

The construction of the prison as a space of death and the prisoner as the living dead arose out of Enlightenment conceptions of humanity and natural rights that called for the abolition of gratuitous public executions in favor of the sterility and isolation—the humanness—of the prison. Humanity and rights are not the potential saviors of the prisoner’s dead, they are the technologies needed to turn the living into walking ghosts. Civil society’s future rested on the prisoner’s expulsion from humanity—this is the life of the prison and it is central to the answer of why and how Guantánamo can exist.

It is crucial to remember, as I outlined in chapter one, that the modes of civil and social incapacity that live within the law and the prison were invented under the legal structures of chattel-slavery. The power of Dayan’s work (and its significance to my project in this chapter) is that she charts a set of legal and extra-legal mechanisms that connect the slave to the prisoner, the prisoner to the detainee, and the detainee to the slave. The Supreme Court’s decisions concerning the Eighth Amendment over the last

⁴⁶⁴ Colin Dayan, *The Law is a White Dog* (Princeton: Princeton University Press, 2011), 67.

⁴⁶⁵ Smith, 208.

⁴⁶⁶ Dayan, *The Law is a White Dog*, 57.

thirty years (that have been foundational to the Bush administration's torture memos) summoned the spirit of slavery and civil incapacitation so that old laws were given new life.⁴⁶⁷ In the post-1970s era, legal terms governing the forms of violence that could be exacted on the bodies of enslaved people returned to justify and legalize torture in the U.S. prison system and later, under the "war on terror." In the 1980s, legal terms like "decency," "legitimacy," and "basic human needs," which justified civil incapacity and social death under slavery, became legal technologies to justify, extend, and invent forms of torture in the United States and beyond. Within this framework, as long as the body was not bruised, personhood and the mind could be decimated. The legal nullification of personhood that created the slave became foundational to the category of the prisoner and now envelopes and makes possible the non-human human that is the detainee.⁴⁶⁸ This is crucial to comprehending the systems of power I am trying to outline between neoliberalism, the prison, and slavery, and now in this chapter, "the war on terror." As I have been arguing throughout, 1970s feminist, queer, and anti-racist activists offer a rich anticipatory genealogy for mapping these forgotten and unthinkable trajectories. For Dayan, these networks of power live on in the law, and her work is a study of the law. In what follows, I am less concerned with the law and more focused on the forms of knowledge, affect, feelings, and intensities described by women "buried alive" by the law at the Lexington Control Unit. This body of work rewrites the temporalities that underwrite theories of the state of exception.

The Control Unit in the Neoliberal Era

⁴⁶⁷ Dayan, *The Story of Cruel and Unusual*, 8.

⁴⁶⁸ Dayan, *The Story of Cruel and Unusual*, 59.

The first control unit in the United States emerged as a direct response to the radical and revolutionary movements of the 1960s and '70s. It also coincided with the emergence of neoliberal economic restructuring. This period saw a dramatic rise in anti-prison activism, prison riots and rebellions, and prisoner organizing that was aligned with the underground and aboveground leftist movements sweeping the country. Indeed, the late 1960s and early '70s constitute what Alan Eladio Gómez calls “the prison rebellion years.” After the 1971 uprising and massacre at Attica prison in New York, there were over 40 prison rebellions in 1972.⁴⁶⁹ A variety of organizations involved in black, Chicano, Native American, and Puerto Rican liberation movements understood the prison as the space that would ignite a new struggle for revolutionary transformation in the era immediately after the civil rights reforms of the mid-1960s. During this time, prisoners turned the rehabilitative logic of the mid-twentieth century penal system against itself. Aligned with organizers in the free world, prisoners learned to read and write, studied the law, started ethnic studies classes, and clandestine study groups. The rehabilitative model created an environment where prisoners could historicize and theorize their own subjection and thus led to organized labor strikes, violence against guards, and cellblock shut downs.

During April 1972, the Federal Bureau of Prisoners transferred over 100 prisoners involved in organizing and activist work around the country to Marion Federal Penitentiary in Southern Illinois.⁴⁷⁰ By isolating “problem” inmates within one

⁴⁶⁹ Alan Eladio Gómez, “Resisting Living Death at Marion Federal Penitentiary, 1972,” *Radical History Review* 96 (Fall 2006): 65. See also, Tom Wicker, *A Time to Die: The Attica Prison Revolt* (Chicago: Haymarket Books, 2011).

⁴⁷⁰ Gómez, 59.

institution, the Federal Bureau of Prisons sought to control prison activism by subjecting prisoners at Marion to a new regime of behavior modification techniques. This included brainwashing, sensory deprivation, medication, and prolonged isolation.⁴⁷¹ James Bennett, the director of the Federal Bureau of Prisons for most of the mid-twentieth century, believed that criminality was a biological and permanent, yet treatable disease. Under his direction, Marion became a research lab for psychiatrists working at the Center for Crime, Delinquency, and Corrections at Southern Illinois University in Carbondale.⁴⁷² Designed to cure criminal deviants, programs at Marion attempted to change prisoners' behavior, beliefs, and thoughts. In response to this regime, prisoners wrote and submitted a report to the United Nations, and began working with the American Civil Liberties Union, National Association for the Advancement of Colored People, and the People's Law Office in Chicago. Prisoner organizing at Marion peaked after the brutal beating of a Chicano inmate by guards. In response, a racially diverse group of prisoners organized a group called the "Political Prisoners Liberation Front." The organization led a series of labor strikes and work stoppages that shut down entire sections of the prison. The prison administration responded by beating, gassing, and confiscating the legal materials of organizers. What followed next would change incarceration models for the next four decades.

⁴⁷¹ Bill Dunne, "The U.S. Prison at Marion, Illinois: A Strategy of Oppression," in *Cages of Steel: The politics of Imprisonment in The United States*, ed. Ward Churchill and J.J. Vander Wall (Washington D.C.: Maisonneuve Press, 1992), 38-82.

⁴⁷² *Ibid.*, 63.

Authorities isolated members of the “Political Prisoners Liberation Front” in special cells called “steel boxcars.”⁴⁷³ This form of containment eventually became the “control unit”—a permanent form of solitary confinement and sensory deprivation used at Marion and now across the country.⁴⁷⁴ This model would also come to be called “super-maximum security” or the “supermax” in the mid-1980s. In control unit prisons (or supermax prisons), prisoners are held in solitary confinement in 6-foot by 8-foot cells for 23 hours a day. There are no religious services, or congregate exercise, dining, and work opportunities. These conditions exist indefinitely. Most prisoners held in control units will never see the horizon, the night sky, or touch another human being. When they leave their cell, they exercise in a slightly larger cell, often still wearing shackles.⁴⁷⁵ Many prisoners have lived in these “breathing coffins” for decades.⁴⁷⁶ Control units are said to assist with the management and security control of inmates who have been designated as violent or disruptive. These inmates have been determined to be a threat to safety and security in traditional high-security facilities and “their behavior can [only] be controlled only by separation, restricted movement, and limited access to staff and other inmates.”⁴⁷⁷

Despite discourses about security and safety, Ralph Arons, a former warden at Marion, stated the purpose of the Control Unit clearly: “The purpose of the Marion Control Unit is to control revolutionary attitudes in the prison system and in the society at

⁴⁷³ Gómez 75.

⁴⁷⁴ Ibid, 59.

⁴⁷⁵ Colin Dayan, “Due Process and Lethal Confinement,” *South Atlantic Quarterly* 107:3 (Summer 2008): 496.

⁴⁷⁶ Gómez, 61.

⁴⁷⁷ Jerry R. DeMaio, “If You Build It, They Will Come: The Threat of Overclassification in Wisconsin’s Supermax Prison,” *Wisconsin Law Review* (2001): 208.

large.”⁴⁷⁸ It is important to note that the goal of the unit was not to manage revolutionary action and organizing, but rather, radical and revolutionary orientations and dispositions. In addition, the effects of the unit were not only aimed at prisoners, but also the feelings, thoughts, and attitudes of “society at large.” In this way, Marion’s seizure of the body was about both capturing bodies in addition to knowledges, feelings, and affects. The control unit was designed to inhibit and abolish the epistemological formations produced by the Third World left that undermined the naturalness of the prison and the racial state. These were knowledges that I have outlined in the last three chapters—knowledges that worked to make sense of the emergence of a new state form based on neoliberal economics and the racialized governance of the carceral system. Lorna Rhodes has argued that the control unit aligns itself with neoliberalism through logics of choice and responsibility that justify the prisoner’s indefinite incapacitation. Contemporary penal discourses emphasize the choices made by imprisoned people, thus abstracting the imagined culpability of the individual from the social, political, and economic conditions that manufacture crime, criminals, and prisons.⁴⁷⁹ The prisoner makes decisions and choices based on a rational calculation of the costs and benefits of their conduct.⁴⁸⁰ As Rhodes puts it, the prisoner “is responsabilized as perfectly fitting the conditions of his confinement.”⁴⁸¹ In this way, the control unit is actualized by neoliberal discourses of choice and individuality. However, I am arguing that the control unit also acted as the

⁴⁷⁸ Fay Dawker and Glenn Good, “The Proliferation of Control Unit Prisons in the United States,” *Journal of Prisoners on Prisons* 4:2 (1993): 5.

⁴⁷⁹ Lorna A. Rhodes, “Supermax Prisons and the Trajectory of Exception,” in ed. Austin Sarat, *Studies in Law, Politics, and Society* (Bingley: JAI Press, 2009), 207.

⁴⁸⁰ Lorna Rhodes, *Total Confinement: Madness and Reason in the Maximum Security Prison* (Berkeley: University of California Press: 2004), 67.

⁴⁸¹ Rhodes, “Supermax Prisons and the Trajectory of Exception,” 209.

condition of possibility for the emergence of those discourses. Disappearing insurgent and rebellious bodies of color in a new system of living death was a way to efface and erase the knowledges that prisoners were creating. These knowledges contested neoliberal discourses of freedom, choice, and individuality. The control unit emerged to discipline and disappear forms of knowledge that threatened to epistemologically and materially unravel the neoliberal-carceral state. In this way, we can understand the control unit as a way to manage what could be known in the era of the emergence of the neoliberal-carceral state.

The Control Unit at Marion was a tool of “political repression” that represented a new category of legal incapacitation; it was “a state of exception from the rule of prison law within an already existing state of exception from the rule of civil law.”⁴⁸² As the warden stated, the control unit was designed to send the message to prisoners and free world activists that anti-racist and anti-imperialist forms of organizing would be met with a form of punishment where the captive would be “buried alive” in a world beyond human contact and concern. This world was not outside the law—it was governed by it. As Rhodes writes, “The state of exception thus created at Marion blurred differences between crime and political action, guilty parties and bystanders, and general population and segregation.”⁴⁸³ Marion refashioned the norm out of the state of exception by working within the confines of the law. In the 1980s and ‘90s, the Supreme Court made a distinction between disciplinary isolation and administrative segregation. This meant that a prisoner could be placed in the exact same cell but the label would be different. If

⁴⁸² Gómez, 59.

⁴⁸³ Rhodes, “Supermax Prisons and the Trajectory of Exception,” 200.

the placement was due to disciplinary reasons, it could be contested in court, but if it was an administrative choice that affected the safety, security, and governance of the prison, then the placement was legal. Under administrative segregation prisoners are denied due process and exist in a legal realm beyond the supposed protection of the Eighth Amendment which defines “cruel and unusual punishment.”⁴⁸⁴ Under the legal logic of administrative segregation, the punishment of the control unit’s isolation does not register as punishment.⁴⁸⁵ Punishment is protection, living death is security, and disposability is safety. Transforming the disciplinary into the administrative allowed the control unit to expand as a system of incapacitation and civil death. The control unit does not operate outside the law—it is the execution of the law’s ability to redefine and remake the human. In addition, it is part of a centuries-long experiment executed by modern power to test the limits and endurance of the human body and mind. And finally, the control unit is an attempt to govern the potential futures of the captive. It attempts to repress, contain, and preempt the forms of disobedience and insurgency inherent in the structural position of the prisoner.⁴⁸⁶ In this way, in contrast to Butler’s theorization of the time of the state of exception, the exception that was (and is always already) the norm captures the future through the law, not by exceeding it. Nowhere was this more evident than at control unit at Lexington.

Lexington and the Regulation of Knowledge

⁴⁸⁴ Dawker and Glenn Good, “The Proliferation of Control Unit Prisons in the United States,” 1.

⁴⁸⁵ Gómez, 79.

⁴⁸⁶ Dylan Rodríguez, *Forced Passages: Imprisoned Radical Intellectuals and the U.S. Prison Regime* (Minneapolis: University of Minnesota Press, 2006), 188.

In the fall of 1986, the U.S. Bureau of Prisons announced the completion of a new 16-bed high security unit at the federal penitentiary in Lexington, Kentucky. The unit was an entirely self-contained basement wing of the already existing prison. Although built for 16 women, it never held more than seven at any one time. The three women held there the longest were Susan Rosenberg, Alejandrina Torres, and Silvia Baraldini. Rosenberg and Baraldini had been involved with the new left, black liberation, and Puerto Rican liberation movements, and both had been charged with helping Assata Shakur escape from prison. Torres was part of the Puerto Rican liberation movement and in 1983 was charged with conspiring to overthrow the U.S. government along with Edwin Cortes, Jose Alberto Rodriguez, and Jose Luis Rodriguez. All three women understood themselves to be political prisoners, or in the case of Torres, a “prisoner of war.”⁴⁸⁷

The control unit at Lexington was built underground. Its walls, floor, and ceiling were white; there was no natural light, no fresh air, no color, no sound, and there was a severe regulation of human contact of any kind.⁴⁸⁸ Whenever the women were taken from the control unit to a part of the larger prison they were shackled at the ankles and handcuffed (with a black box over the handcuffs). During these transfers, the entire prison would be locked down so that there was no contact between control unit prisoners and the general population. This policy of isolation extended to the unit’s visitation rules. Only one prisoner could have one visitor at any one time. Guards often scheduled visitors for the same time period and then canceled visitations once family and loved ones

⁴⁸⁷ Gilda Zwerman, “Special Incapacitation: The Emergence of a New Correctional Facility for Women Political Prisoners,” *Social Justice* 15:1 (Spring 1988): 31-47.

⁴⁸⁸ O’Melveny, 113.

had traveled long distances. On a number of occasions, human rights groups were denied access to the control unit because another visitation was already under way.⁴⁸⁹ Both of these policies meant that the women experienced an extreme form of isolation that all three women understood as a form of social death.⁴⁹⁰

Central to the control unit's security regime was an expansive system of monitoring and surveillance; cameras surveilled every inch of the control unit's space, including the showers. To block the cameras, the women hung a sheet over the shower entrance, refused to shower, and showered fully clothed.⁴⁹¹ All activities and conversations were recorded in written logs. Florescent lights were on at all times. Visiting rights, reading material, and correspondence were severely limited and always monitored. Screens covered the windows. Amnesty International wrote that if a prisoner wanted to see anything outside, "one has to put one's eye close to the mesh to get fuzzy view of the limited view [due to a perimeter fence] beyond."⁴⁹² The women held there were not allowed to participate in work, education, and rehabilitation programs offered to most prisoners in the general population.⁴⁹³ They were assigned prison-issued clothing that was designed to ensure they look "feminine."⁴⁹⁴ The only work available to them for a short period of time was folding army shorts for six and a half hours a day in a small,

⁴⁸⁹ National Prison Project of the ACLU Foundation, "Report on the High Security Unit for Women, Federal Correctional Institutional, Lexington, Kentucky," *Social Justice* 15:1 (Spring 1988): 3.

⁴⁹⁰ O'Melveny, 113.

⁴⁹¹ Rod Morgan, "Report for Amnesty International, International Secretariat RE: High Security Unit (HSU) for Women at Lexington Federal Prison, Kentucky, USA," in Amnesty International, "The High Security Unit, Lexington Federal Prison, Kentucky" (New York City: 1988), 7.

⁴⁹² Amnesty International, "The High Security Unit, Lexington Federal Prison, Kentucky" (New York City: 1988), 6-7.

⁴⁹³ *Ibid*, 1-2.

⁴⁹⁴ Richard Korn, "The Effects of Confinement in the High Security Unit at Lexington," *Social Justice* 15:1 (Spring 1988): 10.

poorly ventilated room that was used to be a utility closet. Anytime they left their cells or the outdoor “recreation” cage the women were strip searched by male guards.⁴⁹⁵ Yet, as Dr. Richard Korn observed on behalf of the ACLU, the searches were useless for locating contraband. When he pointed this out to the warden, the warden agreed, yet the searches continued. The purpose of the pat downs and strip searches, as Korn argued, was to exercise absolute dominion over the women’s bodies.

One of the challenges of mounting legal battles against the unit, and indeed of writing about it, is that very little is actually known about its origins or details of its daily operation. Lawyers for the defendants and plaintiffs in a case over the existence of the unit (*Baraldini v. Meese*) failed to discover any documents outlining the planning objectives or commissioning procedures for the unit. The judge in the case found it astounding that a prison that cost over one million dollars to build did not produce any documents outlining long-term planning objectives or goals. In its report on the unit, Amnesty International stated, “Nothing...is known about the origins or planning of HSU.”⁴⁹⁶ Most of what is known about the unit was recorded by the women or is documented in a handful of letters between Amnesty International and the Federal Bureau of Prisons (FBP). Based on statements from different directors of the FBP, Amnesty International determined that women would be placed in the Lexington Control unit for two reasons. First, the unit was intended to hold inmates who may be subject to “recue attempts by outside groups.”⁴⁹⁷ Second, the unit was to confine “females who

⁴⁹⁵ Amnesty International, “The High Security Unit, Lexington Federal Prison, Kentucky.”

⁴⁹⁶ Rod Morgan, “Report for Amnesty International, International Secretariat RE: High Security Unit (HSU) for Women at Lexington Federal Prison, Kentucky, USA,” 5.

⁴⁹⁷ *Ibid*, 5.

have serious histories of assaultive, escape prone, or disruptive activity.”⁴⁹⁸ The women and ACLU lawyers did not believe that the unit was set up to hold high security prisoners. Instead, they argued that the unit was designed as a “behavioral experiment in the control and [possible] breaking of women who may have constituted a security risk, but more importantly, held firm political views to justify their criminal actions and response to imprisonment.”⁴⁹⁹ For them, the unit was designed to hold women political prisoners, even though the federal government recognizes no such category. In letters between Amnesty International and the Federal Bureau of Prisons, all of this is denied. Lexington simply operated according to “normal FBP policy.”⁵⁰⁰

Simple details, like the size of cells, could not be confirmed, thereby limiting what could be known about the unit. There is no dispute that each cell contained a bed; metal toilet; metal shelf and chair; small metal cabinet; a notice board; and a color television. But Rosenberg claimed that all the cells were different sizes and that the one she was detained in measured 8-foot x 10-foot, while lawyers for the FBP claimed that every single cell was 100 square feet. Other discrepancies concerning what was real and what was imaginary existed as well. Part of the problem of knowing the reality of the unit was created by the prison itself—the physical architecture of the unit produced hallucinations, memory loss, blindness, and other forms of mental and physical debility and incapacity. The women held at Lexington experienced chronic rage; claustrophobia; heart palpitations; depression; the blunting of affect; dizziness; visual disturbances; and

⁴⁹⁸ Morgan, 5.

⁴⁹⁹ Ibid, 5.

⁵⁰⁰ Ibid, 5.

weight loss.⁵⁰¹ The women became unhinged from reality—objects moved, the walls melted, and space contracted.⁵⁰² When ACLU doctors returned after the women had been held at Lexington for three months, they found these symptoms had intensified to include insomnia; daily panic attacks; obsessive focus on dying or being killed; inability to concentrate; the forced reliving of past forms of sexual violence caused by “humiliating and physically injurious body search procedures”; non-stop hallucinations; and ongoing fear of mental breakdown.⁵⁰³

Dr. Korn stated that the unit was deliberately designed “to undermine their physical and mental well being, that is, to destroy them physically and psychologically.”⁵⁰⁴ In a report on the health effects of the control unit by the ACLU, one of the women said, “I feel violated every minute of the day.”⁵⁰⁵ Amnesty International described the unit as “deliberately and gratuitously oppressive.”⁵⁰⁶ Torres described the unit as “a white tomb,” Rosenberg called it “existential death” and like being “buried alive,” and Debra Brown said she felt like she was “in the grave.” Rosenberg writes,

[The High Security Unit] is a prison within a prison... The High Security Unit is living death... I believe this is an experiment being conducted by the Justice Department to try and destroy political prisoners and to justify the most vile abuse to us as women and as human beings, and [to] justify it because we are political.⁵⁰⁷

⁵⁰¹ Korn, “The Effects of Confinement in the High Security Unit at Lexington,” 14-16.

⁵⁰² Lisa Guenther, “Subjects Without a World? An Husserlian Analysis of Solitary Confinement,” *Human Studies* 34 (2011): 259

⁵⁰³ Richard Korn, “Follow Up Report on the Effects of Confinement in the High Security Unit at Lexington,” *Social Justice* 15:1 (Spring 1988): 25-26.

⁵⁰⁴ Korn, “The Effects of Confinement in the High Security Unit at Lexington,” 16.

⁵⁰⁵ O’Melveny, 116.

⁵⁰⁶ *Ibid*, 119.

⁵⁰⁷ Rodríguez, 243.

Rosenberg understood the control unit at Lexington as a specifically gendered penal technology, one that destroyed gendered subjectivities by deploying regimes of violence that are quite literally incomprehensible. Three months before it was shut down and after two years of operation, a federal judge ruled that the government had unlawfully placed the women in Lexington because it found their political beliefs “unacceptable.”⁵⁰⁸ Yet, nowhere were the rules and regulations governing placement in the unit recorded, let alone the unit’s purpose, goals, and history.

All of the women reported that they were never told what types of behavior or what period of time would lead to transfer to general population. This meant that transfer into and out of the unit was completely out of the control of the women. Rosenberg was told, “You know, you’re going to die here.”⁵⁰⁹ All of the women also reported being told they were placed in unit due to their political affiliations. A few weeks into their incarceration, the warden told Torres and Rosenberg, “You can be transferred out of here if you renounce your associations, affiliations, and your...uh, err, uh...views. You can have the privilege of living out your life in general population.”⁵¹⁰ While one of the unit’s stated goals was to contain “escape prone” inmates (even though all three women discussed here had perfect disciplinary prison records), one of its other goals was to discipline, manage, and control non-normative epistemologies, feelings, and affects. Korn describes the centrality of knowledge to the unit’s function when he writes:

For three of these women, whose ideology is an intrinsic part of their identity, the denial of a personal library is an unmistakable assault on their

⁵⁰⁸ O’Melveny, 118.

⁵⁰⁹ Susan Rosenberg, *American Radical: A Political Prisoners in My Own Country* (New York: Citadel Press Books, 2011), 78.

⁵¹⁰ *Ibid.*, 79.

identity and their right to decide who they are. It is, additionally, an attack which is in itself ideological and violative of their rights as intellectually free and mature human beings. For people such as these, their books are a statement of who they are—a statement made by minds which instruct and respect them. These books are, in effect, their only other society, their only unfailing friends, and to deny them this companionship is as perverse as it is vicious... The point cannot be stressed too much. The officials who imposed this limitation are not unsophisticated, illiterate, provincials in some penological backwater. They are nothing if not carefully deliberate, in every detail. They know what they are doing, and why they are doing it. The prisoners know it too—and their inability to convey their understanding of this intellectually murderous limitation is part of the pain of it...⁵¹¹

By isolating the prisoners from the general population, their families and loved ones, and even the sociality of books, the unit created a type of social and civil death that not only delegitimized subjugated forms of knowledge, but also sought to eradicate them. The unit worked to discipline and erase forms of knowledge that epistemologically undermined the racial state, the naturalness of incarceration, and the dominance of new ways of ordering economic and social life under neoliberalism. Indeed, memory loss was intrinsic to living in the unit, which meant the women's histories, convictions, politics, and feelings dissolved into the concrete. This is not only evident in how knowledge was regulated within the unit, but also in how the FBP shaped what could be known about it. We can witness the shaping of knowledge and vision in a FBP response to Amnesty International. It is worth quoting the Deputy Director of the FBP at length in order to understand the epistemological dilemma represented by Lexington:

The unit is not a control unit nor a disciplinary unit and sensory deprivation is not practiced nor condoned there... We have ensured that inmates in the unit have access to educational, religious, medical and mental health programs and we have established a small industries program there... All walls in the unit have been painted in soft, earth-tone

⁵¹¹ Korn, "The Effects of Confinement in the High Security Unit at Lexington," 11.

graphics...The industries work area is well ventilated and has an outside window...It is not true that the women in the unit are subject to systematic strip searches whenever they leave or enter their cells. In fact, they are not subject to any search, including pat search, when they enter or leave their cells. Likewise, it is untrue that male guards accompanying Ms. Torres to a medical examination were allowed to watch her undress through an open door. There is no formal nor informal policy wherein security searches of inmates at Lexington are designed to humiliate prisoners... I assure you that the prisoners at Lexington are being confined in a humane and proper manner.⁵¹²

According to the FBP, the truth of the prisoner's world was a fiction to the forms of knowledge produced by the state. The control unit was not a control unit: white walls were earth toned; a closet was an "industries work area"; pat downs and strips searches were figments of the imagination. Reconstituting our understanding of how the neoliberal-carceral state operates—in addition to the state of exception—means embracing fictive facts, hallucinations, and theories produced by panic. The forms of knowledge produced by the state simply could not comprehend what occurred at Lexington.

Gender, Sexuality, and the Terror of the Law

Before being placed at Lexington, Rosenberg and Torres were held in a men's prison in Tucson, Arizona. They were two of five women held there.⁵¹³ Before being moved to administrative segregation units (or isolation cells) on the women's side of the prison at Tucson, both women were held in solitary confinement with men. This meant they were subjected to on-going, incessant sexual harassment from male prisoners and guards. It was here that they were told they would soon be transferred to Lexington. Guards taunted them with the unimaginable forms of violence and terror they would be

⁵¹² Amnesty International, "The High Security Unit, Lexington Federal Prison, Kentucky."

⁵¹³ Rosenberg, *American Radical: A Political Prisoners in My Own Country* 60-68.

subjected to at the unit. Part of the transfer process to Lexington involved a strip search and cavity search performed by a male guard. Rosenberg writes of this experience:

We were all standing in the hall and then the captain and the associate warden showed up. The captain had papers in his hand; he shoved them at us. I saw the heading “Permission/Notification for High Security Contraband Search” and boxes with writing next to them. The first box that was checked was “cavity search” and the second was “rectal.” They wanted us to sign the forms.

Alex said, “You can do an X-ray in stead.”

The captain laughed. “No, we don’t have to and we won’t. You are going to a control unit and it’s our call on this. We have the right to do it.

Rosenberg and Torres were then forcibly separated. Rosenberg heard Torres screaming:

Five CO’s pushed me in an examining room...I went crazy. I started hitting and kicking with every ounce of my being. I might have to do it, but I would not do it easy. They overpowered me, pushed my head down onto the examining table, pinned me there, and pulled down my pants. I kept kicking backward until they held my legs. I was cursing and yelling. “This is rape. You’re fucking raping me! You could do an X-ray. You know we don’t have contraband. The physician’s assistant took his fist and rammed it up my anus, and then he took it out and did the same thing up my vagina. He didn’t “look” for anything. The woman officer who had talked to me had to leave the room...They half carried, half walked me down the hall of the building into receiving and discharge. Alex was sitting on the floor against the wall. She was shackled with full chains. When the marshals came to transport us and I stood up, there was blood on the floor. They wouldn’t let me change my uniform or get medical attention. It was just policy.⁵¹⁴

Many accounts of sexual violence committed against women in prison concern exceptional cases where a guard violated the law or other inmates perpetrate the violation. In this the case, sexual violence was performed by the state in the name of the safety of the state. As the captain put it, the state simply has the right to

⁵¹⁴ Rosenberg, 69-70.

sexually assault those in their custody. Whether the cavity search is authorized by the consent of the prisoner or not, consent is not available to the captive who is always already subject to the systems of violence and force available to the prison. As Angela Davis observes, if strip searches and cavity searches were performed by men in plain clothes on the street, there would be no question that an act of sexual violence was taking place.⁵¹⁵ Yet, the body of the prisoner is ontologically a threat to the state and the public, and thus violence performed on the captive body preempts the violence the prisoner is perpetually waiting to unleash. Simply, a rape is not a rape—it is safety and security.

This particular act of state violence did not occur because prisoners are “juridical non-people” as Dylan Rodríguez would have it.⁵¹⁶ Instead, sexual violence was authorized and performed by the law and through the law. The women were even given the non-choice of signing a legal document authorizing the terror that was coming regardless of their forced consent. Torres and Rosenberg were viewed as legal subjects who could authorize their own violation. For example, when Amnesty International wrote the FBP about the assault, the Associate Director responded:

Regarding the particular search conducted of Ms. Torres and Susan Rosenberg prior to their transfer to Lexington, our careful review indicates that the search was not punitive nor outside of agency policy. This very isolated occurrence involved a search that was performed in a professional manner by a qualified physician’s assistant.⁵¹⁷

⁵¹⁵ Angela Davis, *Are Prisons Obsolete?* (New York: Seven Stories Press, 2003), 63.

⁵¹⁶ Rodríguez, *Forced Passages: Imprisoned Radical Intellectuals and the U.S. Prison Regime*, 150.

⁵¹⁷ Amnesty International, “The High Security Unit, Lexington Federal Prison, Kentucky,” 2.

The sexual assault was the law, policy, and procedure of the prison. It was professional and part of the larger system of the prison's humane care of the prisoner. Like the unimaginable violence at Guantánamo, the women at Lexington were not beyond the safety of the law—they were possessed by it.

Rosenberg countered state violence and terror: “I found a new way to survive by reading and writing and thinking with purpose.”⁵¹⁸ Her lawyer told her to write down the forms of violation, pain, and horror that were too numerous to catalogue during their visits, were so unimaginable they could not be conveyed by speech, or were simply unspeakable. Rosenberg's lawyer framed this process as building an archive that would contradict the state's account of Lexington and thus would produce a different conception of the truth. Rosenberg writes: “Write it down, *for the record*. I half believed that keeping a record was a futile effort, and she half believed it would be of use in fighting for justice, but that sentence became a signal between us, a way to reference acts of violence too difficult to discuss.”⁵¹⁹ The “record” in this formulation was a legal account that could potentially contest the state in court, but it was also an alternative record of events that could live on in places and times beyond the state's determination of what is real and true. In this way, writing became a way of producing an epistemology that haunts the neoliberal-carceral state's discourses of freedom, equality, and justice. Writing became a way to document the violence of the law—violence the law itself could not register.

The Demands of the Dead

⁵¹⁸ Rosenberg, *American Radical: A Political Prisoners in My Own Country*, 86.

⁵¹⁹ *Ibid*, 87.

Rosenberg's description of first entering the control unit at Lexington challenges any notion that the control unit was exceptional:

As I looked down the hallway, my mind filled up with images of other places that were centers of human suffering: death rows in Huntsville, Angola, and Comstock; white cells and dead wings in West Germany where captured enemies of the state experience the severest effects of isolation; the torture center on Robbin Island in South Africa and the La Libertad in Uruguay. All these images rose and fell, my ideas and goals—my whole life—passed before me. I began to disassociate from myself.⁵²⁰

Rosenberg's writing has profound implications for how we think about incarceration under the "war on terror." Instead of beginning a critique of Guantánamo from the post-September 11th moment, Rosenberg's writing forces a retheorization of the genealogy of power that makes Guantánamo possible. She situates the forms of legal violence at Lexington within a more expansive imaginary of carceral technologies across time and space. For Rosenberg, Lexington existed on a transnational continuum, a continuum she has since placed Guantánamo within since Lexington has "become standard."⁵²¹ In this way, Rosenberg is part of a genealogy of thought I have been exploring throughout *Fugitive Life*. When Lexington was shut down, Rosenberg and others insisted it wasn't a victory signifying the end of the era of the control unit—instead they warned that the control unit was a new norm, one that would expand and intensify. Indeed, what has changed in the last few decades is not the powers that make incarceration possible, but rather the magnitude of the control unit as a model of human incapacitation. In the above passage, Rosenberg describes entering the unit as a type of death—her life passed before her eyes, she lost her sense of self, she was alive but nowhere at all. Yet, as she insists

⁵²⁰ Rosenberg, *American Radical: A Political Prisoners in My Own Country*, 76.

⁵²¹ Susan Rosenberg, "Keynote Address at *Rethinking Prisons* Conference" (Speech, Nashville, Tennessee, May 3, 2013).

throughout her memoir and other writings, she wasn't living a death in life outside the law, she was dead within the law, killed by its banality. This understanding forces a reconsideration of how to end the violence of incarceration inside the United States and beyond.

Throughout *Precarious Life*, Butler argues that the solution to the execution of state violence and terror at Guantánamo is to expand the category of the human. For Butler, if exceptional lawlessness and illegitimate power are to continue, we will fail to “radically redistribute rights of recognition governing who may be treated according to the standards that ought to govern the treatment of humans. We have yet to become human, it seems, and now that prospect seems even more radically imperiled, if not, for the time being, indefinitely foreclosed.”⁵²² For Butler, if some lives are subjected to pain and death because they are not recognized as human, then the optics of recognition must be expanded to envelope more lives within the safety and security of the human and human rights. But the prison arose out of calls for humanity; it is a product of reform, designed to be humane, to recognize the humanity of its captives. The call for human rights seeks to humanize subjects through the very law that has rendered them dead. People in prison are not beyond the safety and security of the embrace of the law—they are deadened by it.⁵²³ Indeed, if the prison was built as a monument of humanity (to be more human in contrast to the barbarity of the Middle Ages), but still produces sexual violence, living, social, civil, and biological death on a massive scale, it is not enough to expand the human. Indeed, that is how the prison came into being the first place.

⁵²² Butler, *Precarious Life: The Powers of Mourning and Violence*, 100.

⁵²³ Smith, *The Prison and the American Imagination*, 23.

We can turn to a poem written by an anonymous detainee at Guantánamo to consider the politics that emerge from spaces of social death. In “O Prison Darkness” the author/captive who goes by the name “Abulaziz” writes:

O prison darkness, pitch your tent.
We love the darkness.

For after the dark hours of night,
Pride’s dawn will rise.

Let the world, with all its bliss, fade away—
So long as we find favor with God.

A boy may despair in the face of a problem,
But we know God has a design.

Even though the bands tighten and seem unbreakable,
They will shatter.

Those who persist will attain their goal;
Those who keep knocking shall gain entry.

O crisis, intensify!
The morning is about to break forth.⁵²⁴

If we follow the metaphors of the poem, unlike Butler’s call to shine the light of humanity onto the figure of the prisoner thereby saving her from the terror of the night, “Abulaziz” embraces the darkness, invites it in, and learns to love it. This logic embodies what Avery Gordon calls “the prisoner’s curse.” As Gordon writes, “The curse delivers to you a vision of your own deathly existence laid bare” because “[t]he prisoner’s fate is always bound up with those of us who are not yet captured, regardless of whether this relation is acknowledged.”⁵²⁵ Indeed, “Abulaziz” does not just invite the prison’s

⁵²⁴ “Abulaziz,” “O Prison Darkness,” in ed. Marc Falkoff, *Poems From Guantánamo: The Detainees Speak* (Iowa City: University of Iowa Press, 2007), 22.

⁵²⁵ Avery Gordon, “Methodologies of Imprisonment,” *PMLA* 123:3 (May 2008): 652 and 655.

violence to expand; he hopes it possesses the world, taking away bliss and contentment. The prisoner's curse, for Gordon, is a type of subjugated knowledge that can alter the course of events. The prisoner's curse can send reality reeling in a direction no one expected, sending the time of progress to unimaginable places. It is a way of ensuring that regardless of whether anyone is listening, no one will ever forget that "your world is dead."⁵²⁶ There is a politics of temporality embedded in the poem by "Abulaziz." Like Rosenberg's anticipatory assertion twenty years ago that Lexington was only the beginning of something that was coming, "Abulaziz" sees the crisis of Guantánamo intensifying. More so, he desires its intensification and accumulation. Like Rosenberg, "Abulaziz" knows that the social death of the prisoner is not just a lesson about the prison; it is also a lesson for the rest of us, the ones who imagine we are alive, the ones who sometimes feel freedom where there is only the prison. "O crisis, intensify! The morning is about to break forth."

⁵²⁶ Gordon, "Methodologies of Imprisonment," 655.

Epilogue

“Being Captured is Beside the Point”: A Note on the Politics of Knowledge and Critical Prison Studies

In his afterword to George Jackson’s *Soledad Brother*, Jean Genet writes: “And from the first letter to the last, nothing has been willed, written or composed for the sake of a book, yet here is a book, tough and sure, both a weapon of liberation and a love poem. In this case I see no miracle except the miracle of truth itself, the naked truth revealed.”⁵²⁷ I return to this quote because it sums up the project of *Fugitive Life*. It can be easy to overlook—or indeed to erase and ignore—the truth produced by those forced to inhabit the time of slow death and spaces of social death. *Fugitive Life* has argued that there is a truth that lies within what has been erased, destroyed, and rendered invisible. Many of the writings examined throughout this project are documents that are not supposed to exist. Some were written on toilet paper and smuggled out of prisons. Some were spoken through glass walls and composed by lawyers. Some were written on the run from forces seeking the author’s capture. And some were simply written by people who “were never meant to survive.”⁵²⁸ If we are to understand the forms of power we find ourselves inhabited by and that have given rise to what I am calling the neoliberal-carceral state, we must look to spaces and times of expulsion, disappearance, and incapacitation for the diagnosis and the cure. Indeed, if history is more than a flash or revelation, if it is a piling up, if time does not pass but accumulates, then one must be able to search the wreckage, but also see what was destroyed along the way. In *Fugitive*

⁵²⁷ Jean Genet, “Introduction,” in George Jackson, *Soledad Brother: The Letters of George Jackson* (Chicago: Lawrence Hill Books, 1994), 332.

⁵²⁸ Audre Lorde, *The Collected Poems of Audre Lorde* (New York: W.W. Norton & Company, 1997), 255.

Life, I have tried to search what has been left behind, forgotten, and erased in an attempt to comprehend neoliberalism and the prison in ways that open new lines of thought when considering the unprecedented economic and penal changes of the last forty years.

In the last two decades, a new field has emerged that calls itself Critical Prison studies. This field attempts to study incarceration in ways that do not naturalize the prison, criminality, or the prisoner. In her keynote address at the National Women's Studies Association in 2009, Angela Davis critiqued the formation of this subfield. For her, there is a danger of becoming attached to one's object of research. To institutionalize the object of one's research means the object's existence must continue for the field to survive. My understanding of this subfield is that it is part of a much larger intellectual endeavor and grassroots movement that is attempting to remove the prison from our social, cultural, and political horizons. Although I recognize Davis's warning (it is akin to Judith Butler's critique of "women's studies" in her article "Against Proper Objects") I do not see a contradiction in studying something even as one is working to destroy the very object of study. One certainly needs to be cautious, but caution is required in any scholarly and political project. Pitfalls, traps, and opportunities for collusion abound. However, I do think there is a danger in Critical Prison studies becoming divorced from the insights, theories, and concerns produced by people in prison and people targeted by the police. This is why Genet's insight is so crucial. *Fugitive Life* has shown that the theories of incarceration now central to what is becoming Critical Prison studies were first articulated by imprisoned black feminists, underground feminist writing groups, and queer activists on the run in the 1970s. If

scholars of the prison are to truly understand the convergence of neoliberalism and the prison, reckoning with and further exploring this rich body of work is of the utmost importance. Simply put, Critical Prison studies must be intimately connected to the concerns and epistemologies of prisoners and former prisoners.

There is another critical warning embedded in Davis's speech. There is a danger in Critical Prison studies mistaking the end of the prison for the end of power. *Fugitive Life* positions the prison as site from which to advance the study of power; the object is important, but not essential. The prison could disappear tomorrow and the forms of power that gave rise to its reign could live on in other forms. Indeed, this is one of the lessons of the Control Unit at Lexington. The Lexington unit was shut down, but a new unit opened up in Florida, another in California, another in Colorado, and on and on. All the while the Federal Prison at Marion has held prisoners in isolation since 1972. The end of Lexington was a symptom that could have been misunderstood as a solution.

Davis's writing from prison addresses the problem of mistaking the prison for power when confronting and theorizing the politics of incarceration. In the 1971 essay "Political Prisoners, Prisons, and Black Liberation," Davis argues that the sole purpose of the police was to "intimidate blacks" and to "to persuade us with their violence that we are powerless to alter the conditions of our lives."⁵²⁹ Davis theorizes the violence of police and prisons as pervasive and unrelenting. Throughout the essay, Davis names the complicity between an anti-blackness as old as liberal freedom and new forms of penal and policing technologies that emerged in the 1970s in response to political upheaval and

⁵²⁹ Angela Davis, "Political Prisoners, Prisons, and Black Liberation," In *If They Come in the Morning: Voices of Resistance*, ed. Angela Davis (New York: The Third Press, 1971), 39.

insurrection. Davis calls for the abolition of what she terms the “law-enforcement-judicial-penal network” in addition to arguing for the construction of a mass movement that could contest the “victory of fascism.”⁵³⁰ Yet, in line with the political imaginaries at the time, Davis wanted more than an end to the prison and the violence of the police. Like other early black feminist writing, Davis did not just call for the overthrow of one form of state power so that a new one may take its place. Instead, Davis implied that the social order itself must be undone. For Davis, the prison was not the primary problem. The prison was made possible by the libidinal, symbolic, and discursive regimes that actualized the uneven institutionalized distribution of value and disposability along the lines of race, gender, and sexuality. Davis called for the total epistemological and ontological undoing of the forms of knowledge and subjectivity that were produced by the racial state. In short, hope, for Davis, meant that the prison could not have a future, and more so, that a world that could have the prison would need to end as well.

This insight of Davis’s is why Critical Prison studies must engage queer of color and feminist of color scholarship. The critique of the prison advanced by many scholars of the prison does not comprehend the forms of devaluation that render poor women of color and queer people of color vulnerable to the power that makes the prison possible. As I have been arguing through *Fugitive Life*, the prison is more than an institution, more than cement and steel walls, more than razor wire. In her 1979 essay, “Coming of Age: A Black Revolutionary” the Black Panther and Black Liberation Army member Safiya Bukhari described this when she wrote, “The maturation process is full of obstacles and entanglements for anyone, but for a black woman it has all the markings of a Minotaur’s

⁵³⁰ Davis, “Political Prisoners, Prisons, and Black Liberation,” 50.

maze. I had to say that, even though nothing as spectacular takes place in the maturation process of the average black woman.”⁵³¹ Like the writings of Assata Shakur and Davis, Bukhari argues that everyday life in the free world mimicked and replicated her experience of incarceration. For her, black women’s lives are “a story of humiliation, degradation, deprivation, and waste that [starts] in infancy and [lasts] until death,” but unlike stories of spectacular repression and brutality in the prison, the forms of subjection and subjugation black women experience are so banal that metaphors fail to describe them.⁵³² For Bukhari, the Greek myth of the Minotaur’s maze describes the impossibility of escape that confronts black women and other people surrounded by capitalism, white supremacy, and sexism. Yet the analogy fails because the impossibility of escape is not isolated to a maze or a prison—it describes the mundane contours of the world.

Bukhari, Davis, and Shakur are three women who have all been prisoners and fugitives, and their critiques of the prison and neoliberalism emerged from these two symbiotic positionalities. The fugitive and the prisoner are figures we can turn to as the sites of an immanent critique of the state’s policing and penal powers—figures produced by those same formations. As fugitives and prisoners, Davis, Shakur, and Bukhari could see what they could not see before—invisible things became glaring in an absence they no longer inhabited, and what had always been visible became strange and unfamiliar. Running away was a tactic that challenged the power of the neoliberal-carceral state, yet it also opened up new formations of knowledge and politics. Yet, like Jenny’s flight from the police and the regulatory power of knowledge in *American Woman*, Davis,

⁵³¹ Safiya Bukhari, *The War Before: The True Life Story of Becoming a Black Panther, Keeping the Faith in Prison and Fighting for Those Left Behind*, (New York: The Feminist Press, 2010), 1.

⁵³² *Ibid.*, 2.

Shakur, and Bukhari were not only forced to flee the police and disappear into the world of the underground; they have also been fugitives from normative modes of thought. They were always trying to flee the forms of knowledge constitutive of the racial state, the prison, heteronormativity, and new formations of global capital. For all three, there might not be a way out, but that does not mean you stay put.

In his correspondence with Barbara Smith, the white anti-racist and anti-imperialist political prisoner David Gilbert describes the imperative to escape through his transcription of a poem to Smith written by the Turkish political prisoner Nazim Hikmet, “It’s This Way.”

I stand in the advancing light,
my hands hungry, the world beautiful.

My eyes can’t get enough of the trees -
they’re so hopeful, so green.

A sunny road runs through the mulberries,
I’m at the window of the prison infirmary.

I can’t smell the medicines-
carnations must be blooming nearby.

It’s this way:
being captured is beside the point,
the point is not to surrender.⁵³³

Even though Gilbert’s body is immobilized, and will be until he dies, he remains committed to producing modes of thought that take flight. This is the lesson of the fugitive, a lesson Critical Prison studies must grasp if the affects, desires, discourses, and ideas central to the prison are to end along with its cages, corridors, and guard towers.

⁵³³ David Gilbert, *No Surrender: Writings from an Anti-Imperialist Political Prisoner* (Montreal: Abraham Guillen Press, 2004), inscription.

The prison's end must exceed the institution. The fugitive can lead the way. Even if escape is impossible, we still have to run.

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