

THE UNIVERSITY OF CHICAGO

**Freedom, Caged: A Foucauldian Inquiry into the National Prison Strike**

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## ABSTRACT

What does it mean to struggle for freedom in radically unfree conditions? More speculatively, what are the possibilities for freedom in confinement? Building on Foucault's analysis of freedom and power, I argue that contemporary prison struggles advance our understanding of power and freedom beyond relations of opposition, contingency, or interdependence, as often claimed in the liberal canon. Instead, today's prison struggles illuminate an understanding of freedom as potentiality: as a glimmer of and preparation for seemingly impossible futures. Uniting theory and discursive analysis of publicity materials and interviews with National Prison Strike organizers, this thesis also raises questions about the possibilities and challenges for transformative prisoner-led social movements.

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## *Bibliography*

The here and now is a prison house. We must strive, in the face of the here and now's totalizing rendering of reality, to think and feel a *then and there*. Some will say that all we have are the pleasures of this moment, but we must never settle for that minimal transport; we must dream and enact new and better pleasures, other ways of being in the world, and ultimately new worlds.

—José Esteban Muñoz<sup>1</sup>

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

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

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<sup>1</sup> José Esteban Muñoz, *Cruising Utopia: The Then and There of Queer Futurity* (New York: NYU Press, 2009), 1. Emphasis not mine.

<sup>2</sup> Michel Foucault, *Discipline and Punish: The Birth of the Prison* (New York: Pantheon Books, 1977).

<sup>3</sup> See Isaiah Berlin's "Two Concepts of Liberty," in *Liberty*, ed. Henry Hardy (Oxford: Oxford University Press, 2002), 166–208 and Jean-Jacques Rousseau, *The Social Contract* (New York: Penguin Books, 2006 [1762]) for canonical

Instead, today's prison struggles illuminate an understanding of freedom as potentiality: as a glimmer of and preparation for seemingly impossible futures.

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

Why turn to the National Prison Strike (hereafter referred to as “the Strike”) in order to theorize a Foucauldian theory of freedom, and vice versa? Following on the heels of its 2016 predecessor, the 2018 Strike constituted a moment of organized rupture in a socio-political and media climate otherwise unfazed by prison struggles for the past decade. New political possibilities emerged, such as the mainstreaming of the right to vote and the critical use of prison slavery into liberal public discourse. The Gramscian horizon of the taken-for-granted in the U.S. liberal imaginary arguably no longer encompassed the casual denial of suffrage to incarcerated people and felons alike.<sup>5</sup>

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definitions of freedom in the liberal and social contractarian traditions. See also Philip Pettit, *On the People's Terms: A Republican Theory and Model of Democracy* (Cambridge: Cambridge University Press, 2013) for a standard neo-republican account of freedom as non-domination.

<sup>4</sup> See Michel Foucault, “The Subject and Power,” *Critical Inquiry* 8, no. 4 (1982): 777–95; Foucault, *Discipline and Punish*.

<sup>5</sup> Central to Gramsci's concept of hegemony, the horizon of the taken-for-granted refers to the dominant common sense that establishes limits to what is possible in the political world. See Antonio Gramsci, *Selections from the Prison Notebooks of Antonio Gramsci*, eds. Quintin Hoare, Geoffrey Nowell-Smith (New York: International Publishers, 1972).

Simultaneously, the radical ambitions of the Strike were checked by its politically necessary embrace of demands central to the liberal project, like suffrage and labor rights. Yet the Strike also saw an unparalleled wave of prisoner resistance through creative expression and direct action, sparking what I call *pockets of freedom* in unlikely spaces. These sets of contestations and contradictions – between the limits of outside media recognition and the creativity of internal struggle, liberal and postliberal imaginaries of sociopolitical transformation, potentiality and naked unfreedom – is what makes the Strike a particularly unique site for a Foucauldian inquiry into freedom.

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

#### DIALECTICS OF FREEDOM AND PUNISHMENT

In the carceral context, scholars often imagine freedom and punishment to exist in relations of opposition. As any number of critical prison theorists have convincingly argued, carceral punishment restricts prisoners' claims to meaningful ways of being through oppressive practices of subject formation.<sup>6</sup> Most obviously, incarceration strips people of their liberty but also subjects them to diverse forms of punishment throughout the duration of confinement. It takes only a simple Internet search to uncover the mass injustices occurring in prisons every day, from deprivation of water to abuse of pregnant women and deadly inadequate emergency management procedures.<sup>7</sup>

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<sup>6</sup> See the following canonical critiques of incarceration's relationship to subjectivity: Foucault, *Discipline and Punish*; ; Loïc Wacquant, "Deadly symbiosis: When ghetto and prison meet and mesh," *Punishment & Society* 3, no. 1 (2001): 95-134, 121; and Angela Davis, *Are Prisons Obsolete?* (New York: Seven Stories Press, 2003). For a more contemporary study of incarceration and subjectivity, see Lori Sexton, "Penal Subjectivities: Developing a Theoretical Framework for Penal Consciousness," *Punishment & Society* 17, no. 1 (2015): 114-36.

<sup>7</sup> JB Nicholas, "'Just Leave Them to Die': The crisis at Brooklyn's federal jail reveals how jails and prisons 'are not prepared for a disaster,'" *The Appeal*, February 22, 2019, <https://theappeal.org/mdc-brooklyn-jail-prison-emergency-preparedness/>.

More specifically, carceral punishment is a project of the state. This framing is significant because it situates prison injustices, broadly construed, as forms of state-sanctioned punishment and neglect. By state-sanctioned, I refer to the state's affirmation of prison officials' right to exercise discretion in pursuing "legitimate penological interests" as codified by the courts in *Turner v. Safley*.<sup>8</sup> From the 13<sup>th</sup> Amendment's authorization of prison labor to the Supreme Court's continual deference to prison officials in cases of prisoner rights violations, U.S. case law affords prisons a blank check in managing their incarcerated populations. Judges rarely exercise court oversight and commonly defer to prison officials in cases of misconduct, expanding punishment's reach and force.

In turn, carceral punishment emerges as politically illegitimate in two senses. First, the *Turner* ruling permits discretionary punishment with minimal, if any, due process; think, for example, of guards placing a prisoner who threatens to spread word about injustices in solitary confinement. The guard seeks no approval from external authorities, using his and his colleagues' discretion to regulate the prisoner's freedom. Legal scholar Lauren Edelman describes this problem of legal deference to institutionalized organizational practices as "legal endogeneity." Per Edelman, courts defer to institutional practices that claim legal compliance without interrogating their relationship to justice, effectively limiting due process.<sup>9</sup> We should be concerned with this kind of illegitimacy, for it has a chilling effect on the agency of incarcerated people to seek redress for injustices experienced. To borrow a phrase from Malcolm Feeley, "the process is punishment."<sup>10</sup>

Second, the arbitrary expansiveness of carceral punishment concedes that incarceration's primary concern with deprivation of liberty is false. For incarcerated people, punishment does not merely stop at deprivation of liberty. Rather, it shapes the contours of their daily existence. This

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<sup>8</sup> *Turner v. Safley*, 482 U.S. 78 (1987).

<sup>9</sup> Lauren B. Edelman et al., "When Organizations Rule: Judicial Deference to Institutionalized Employment Structures," *American Journal of Sociology* 117, no. 3 (2011): 888–954.

<sup>10</sup> Malcolm Feeley, *The Process is Punishment* (New York: Russell Sage Foundation, 1992 [1979]).

constant warehousing arguably reduces incarcerated people to “for-the-system” beings which, in a moral sense, limits their ability to lead their lives on their own terms.<sup>11</sup> In an empirical sense, incarceration adversely affects its subjects’ psychological wellbeing, social ties, housing and employment access, and more.<sup>12</sup> Incarceration also punishes families of incarcerated people by straining household finances, separating child and parent, and often creating conditions for homelessness – not to mention the severe psychological toll taken on children and non-incarcerated parents.<sup>13</sup> The totalizing and seemingly boundless penalties of incarceration, both within and beyond prison walls, make it difficult to imagine a space for freedom in confinement.

Yet, the story of carceral punishment is incomplete without counternarratives of resistance and contestation. As Saidiya Hartman writes, the “collective endeavor to live free unfolds in the confines of the carceral landscape...they still want to be ready for the good life, still want to get ready for freedom.”<sup>14</sup> Each example referenced earlier was not without opposition by incarcerated people. See, for instance, stories of California prisoners demanding water rights, incarcerated women organizing for humane birthing practices in prisons, and over 29,000 prisoners going on hunger strike to protest solitary confinement in a supermax prison.<sup>15</sup> Per Foucault, prison organizing reveals how power relations necessarily require “the intransigence of freedom,” which must be constantly

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<sup>11</sup> Shokoufeh Sakhi, “Prison and the Subject of Resistance,” in *Death and Other Penalties*, ed. Geoffrey Adelsberg, Lisa Guenther, and Scott Zeman (New York: Fordham University Press, 2015), 250–65.

<sup>12</sup> Lorna Collier, “Incarceration Nation,” *Monitor on Psychology* 45, no. 9 (2014): 56, <https://www.apa.org/monitor/2014/10/incarceration>.

<sup>13</sup> “Incarceration’s Impact on Kids and Families,” *Vera Institute of Justice*, 2016, <http://humantolofjail.vera.org/the-family-jail-cycle/>; Eric Martin, “Hidden Consequences: The Impact of Incarceration on Dependent Children,” *National Institute of Justice*, March 1, 2017, <https://nij.ojp.gov/topics/articles/hidden-consequences-impact-incarceration-dependent-children>.

<sup>14</sup> Saidiya Hartman, *Wayward Lives, Beautiful Experiments: Intimate Histories of Riotous Black Girls, Troublesome Women, and Queer Radicals* (New York: W.W. Norton & Company, 2019), 24.

<sup>15</sup> Dream Hampton, “Detroit Activist Siwatu-Salama Ra Wants To End The Slavery Tactics Used On Pregnant Women In Prison,” *Essence Magazine*, November 26, 2018, <https://www.essence.com/news/detroit-activist-siwatu-salama-ra-wants-to-end-the-slavery-tactics-used-on-pregnant-women-in-prison>; Petition to California Governor Jerry Brown: “California Prisoners Bear the Brunt of Statewide Water Drought,” 2017, <https://diy.rootsaction.org/petitions/california-prisoners-bear-the-brunt-of-statewide-water-drought>; Keramet Reiter, “The Pelican Bay Hunger Strike: Resistance Within the Structural Constraints of a U.S. Supermax Prison,” *South Atlantic Quarterly* 113, no. 3 (2014): 579–611.

anticipated and thwarted.<sup>16</sup> Though carceral punishment restricts liberty, it does not necessarily foreclose the possibilities for freedom rooted in every relation of power. Moreover, the oppressive context of carceral punishment creates particular political possibilities for transformative struggles.<sup>17</sup>

#### TOWARD A FOUCAULDIAN THEORY OF FREEDOM

The relation to what is possible is a relation to power; and the sense of the probable future is constituted in the prolonged relationship with a world structured according to the categories of the possible (for us) and the impossible (for us), of what is appropriated in advance by and for others and what one can reasonably expect for oneself.<sup>18</sup>

—Pierre Bourdieu, *The Logic of Practice*

Power relations, resistance struggles, and political possibilities come to bear in Foucault's "The Subject and Power," in which he articulates a theory of power necessarily linked to the potentiality of freedom. For Foucault, power is not primarily an issue of involuntary servitude but, rather, "recalcitrance of the will" and "the intransigence of freedom."<sup>19</sup> As a result, power and freedom are necessarily constitutive of each other. Freedom is more than a shadow of possibility; it is an enduring potential antagonist of power.

It follows that power relations are not possible without means of escape or potential flight, which is located in the "central essential obstinacy" of insubordination.<sup>20</sup> According to Foucault, power must constantly anticipate this potential for resistance and often expands in reaction. Crucially, then, power's expansion exposes its own limits, thus creating the conditions for its reconfiguration through struggle.

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<sup>16</sup> Foucault, "The Subject and Power," 790.

<sup>17</sup> Dan Berger, "Prison Organizing," Making & Unmaking Mass Incarceration Conference, University of Mississippi (December 5, 2019).

<sup>18</sup> Pierre Bourdieu, *The Logic of Practice*, reprinted (Stanford: Stanford University Press, 2008 [1980]), 64.

<sup>19</sup> Foucault, "The Subject and Power," 790.

<sup>20</sup> *Ibid.*, 794.

However, there is a conceptual tension between the expansiveness of power in Foucault and the possibilities for freedom he locates in power relations. For Foucault, modern power is expansive in reach and scope and cannot be tied to a particular agent or a top-down schema of domination. “Power is everywhere,” and it also conceals itself in plain sight.<sup>21</sup> However, Foucault does not ascribe a normative character to power; in other words, he’s not making a claim about whether power is “benevolent” or not.<sup>22</sup>

For some critics, the generalizable nature of power limits a robust theory of freedom that might otherwise surface in Foucault’s writings. It is difficult to imagine how freedom might emerge, or be pre-emergent, when power is so vast that it can adeptly reconstitute itself on new moral terms in order to escape destruction, and even detection. Yet, Foucault’s theory of power presupposes a theory of freedom as a necessary antagonist, without which power relations are unthinkable.

In the section that follows, I provide an alternative interpretation of Foucault’s writings on power, claiming he supports a more capacious theory of freedom than his critics often admit. I begin by delineating Charles Taylor’s forceful critique, which claims Foucault’s account of resistance does not ground a theory of freedom sufficiently oppositional to power relations. Then, I propose how a Foucauldian might respond to Taylor’s objection on two grounds: arguing (1) Taylor relies on a morally arbitrary condition of truth claims that, in fact, immobilizes the strategies of resistance he is concerned with; and (2) Taylor underdetermines the primacy of resistance in Foucault’s account.

Beyond Taylor, I then address a distinct objection that Foucault offers limited possibilities for the unfree to assert freedom, thereby conceding the impossibility of freedom in confinement. Through

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<sup>21</sup> Michel Foucault, *The History of Sexuality: An Introduction*, vol. 1 (New York: Vintage Books, 1980), 93.

<sup>22</sup> Nancy Fraser argues that Foucault’s disinterest in providing a normative account of power minimizes his relevance for feminists, for “only with the introduction of normative notions could he begin to tell us what is wrong with the modern power/knowledge regime and why we ought to oppose it.” See Nancy Fraser, *Unruly Practices: Power, Discourse and Gender in Contemporary Social Theory* (Cambridge: Polity Press, 1989), 29.

articulating a dialectical analysis of freedom and punishment, I argue that theorizing freedom as the intersubjective capacity to struggle responds persuasively to the previous objection. Drawing on Walter Benjamin's theory of revolutionary violence and Hannah Arendt's construction of freedom in the political, I show how we might reimagine, or build on, Foucault's analysis of freedom and power within the carceral context.

*A defense of Foucault's theory of power and resistance*

Foucault's account of freedom and power has generated a wide range of interpretations, from those who suggest his expansive account of power wholly forecloses the possibilities for freedom to others who claim he offers an ambivalent account of freedom. Famously, Charles Taylor charged Foucault with an "incoherent" theory of power that precludes freedom and truth through liberation.<sup>23</sup> Taylor's critique is significant, for it claims that Foucault's account of resistance does not ground a theory of freedom sufficiently oppositional to power. Building on Foucault, I object to Taylor's position on the grounds that (1) truth claims are not a necessary condition of liberation and (2) resistance is more central to Foucault's account than Taylor admits. I show that, in fact, Foucault's view distinctively supports freedom through strategies of resistance. Though Foucault is skeptical about whether overcoming certain evils creates a good, we might consider mobilizing his writings on potentiality to move beyond Charles Taylor's more constrained reading of Foucault.<sup>24</sup>

Taylor takes issue with Foucault's ambivalence, and even disavowal, of the notion that liberation can emerge through the truth and vice versa. Taylor argues that liberation from power is plausible because we each have a capacity to "unmask" power relations and, thus, reveal our more truthful nature. In fact, this reading is evident in Foucault, but he refuses to support it. In Taylor's interpretation, Foucault argues that our modern system of power operates through "masks and

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<sup>23</sup> W.E. Connolly, "Taylor, Foucault, and Otherness," *Political Theory* 13, no. 3 (1985): 365-376.

<sup>24</sup> Charles Taylor, "Foucault on Freedom and Truth," *Political Theory* 12, no. 2 (May 1984): 152-83, 152.

disguises,” or by “falsehoods,” which presupposes a veiled system of truth. In turn, Taylor writes that “we can help to throw [these falsehoods] off partly by unmasking.”<sup>25</sup> Put differently, Taylor thinks we can “cease to be accomplices” of power, as modern power itself assumes a more truthful way of being that we can uncover.

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

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

Because Foucault rejects an exteriority beyond power relations, Taylor concludes that “transformation from one regime [of power] to another cannot be a *gain* in truth or freedom, because each is redefined in a new context.”<sup>30</sup> Yet, according to Taylor, the sexual liberation case is an instance

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<sup>25</sup> Ibid., 163.

<sup>26</sup> Foucault, *The History of Sexuality*, 94.

<sup>27</sup> Ibid.

<sup>28</sup> Foucault does not approach this concern explicitly in *The History of Sexuality* or “The Subject and Power,” but Taylor argues it’s implicit in his analysis of power.

<sup>29</sup> Foucault, *The History of Sexuality*, 162.

<sup>30</sup> Taylor, “Foucault on Freedom and Truth,” 176.

where truth might emerge through liberation. Taylor reads these discourses as permitting a more authentic sexual expression that we can access. If we can “collaborate in our own subjugation,” which Taylor says Foucault allows, then it stands that that we might also *reject* that subjugation through practices of liberation.<sup>31</sup> Put differently, discursively unmasking systems of sexual control lays the groundwork for emancipatory sexual practices.

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

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

First, Taylor’s interest in the truth limits what otherwise might be a capacious reading of freedom in Foucault. If truth is not a necessary condition of liberation, then Foucault’s analysis of resistance – which Taylor downplays because of its inhospitality to truth claims – is quite robust. Where Taylor’s argument that “power requires truth if we can in fact collaborate in our own subjugation, which proffers a certain truth inherent to our own nature,” goes awry is not in his claim

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<sup>31</sup> Ibid, 174.

that we might locate truth claims, some more legitimate than others, through strategies of liberation.<sup>32</sup> It seems perfectly reasonable to suggest that, say, a movement to enfranchise people with felony convictions yields a public truth that incarcerated people are deserving of full constitutional rights. Such a movement would discursively elevate so-called carceral citizens to the status of full citizenship, potentially fostering more authentic forms of recognition and belonging in U.S. society.<sup>33</sup>

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

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

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<sup>32</sup> Ibid., 174.

<sup>33</sup> Reuben Jonathan Miller and Forrest Stuart, "Carceral Citizenship: Race, Rights and Responsibility in the Age of Mass Supervision," *Theoretical Criminology* 21, no. 4 (2017): 532–48.

<sup>34</sup> Taylor, Foucault on Freedom and Truth, 174.

<sup>35</sup> Foucault, *The History of Sexuality*, 162.

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

Second, resistance is more central to Foucault’s account than Taylor acknowledges. To begin with, Foucault proposes a new way of analyzing power through “taking the forms of resistance against different forms of power as a starting point.”<sup>36</sup> Taylor does concede that Foucault “allows...a place for revolt/resistance aided by unmasking” but that Foucault can only provide a basis for “local resistance within a regime.”<sup>37</sup> This is because, in Taylor’s words, “Foucault cannot envisage liberating transformations *within* a regime,” implying that whatever resistance is plausible for Foucault is limited in scale.<sup>38</sup> However, as discussed, truth is essential to Taylor’s conception of liberation. But if truth is less consequential than Taylor claims, then resistance offers a compelling site to ground a more capacious Foucauldian reading of power and freedom. Taylor then arguably underdetermines the emancipatory potential of resistance for Foucault through his truth stipulation.

Instead, Foucault’s understanding of resistance is bound up with potentiality. Power relations are inexplicable without “the means of escape or possible flight,” which foregrounds a “strategy of

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<sup>36</sup> Foucault, “The Subject and Power,” 780.

<sup>37</sup> *Ibid.*

<sup>38</sup> *Ibid.*

struggle” characterized by potentiality.<sup>39</sup> Foucault writes that “every power relationship implies, at least *in potentia*, a strategy of struggle” marked by a “reciprocal appeal, a perpetual linking and a perpetual reversal.”<sup>40</sup> In other words, the expansion of power itself presupposes and generates its own limits, for “every intensification of power” may become a “confrontation between two adversaries” at any given moment (and vice versa).<sup>41</sup> This confrontation is distinct from the other outcome of the “free play” that governs these relationships, which occurs when a “victory...reduces the other to total impotence.”<sup>42</sup>

What emerges as key here, *contra* Taylor’s account, is the language of *in potentia*. The potentiality of resistance provides a defensive account of power that is continually evolving and adapting in order to confront its antagonists. Foucault’s interest in potentiality suggests that resistance, while implausible beyond or outside relations of power, can still reconfigure contexts of power. Foucault is not saying that because there is no resistance plausible beyond power relations, its emancipatory potential is necessarily limited. Instead, strategies of resistance can mobilize points of instability and incoherence and, thus, serve as a permanent “limit” for power relations. It’s also telling that Foucault proposes “analyzing power through the antagonism of strategies,” thus gesturing to the “perpetual linking” of power and struggle. In other words, his methodology foregrounds an analysis of resistance modalities in order to understand the context of power, and not the other way around.

We can now better understand how Taylor’s emphasis on truth is misguided. If our theoretical concern is with locating truths, then we affirm the notion that there are essential truths beyond existing relations of power. If we are looking for a truth beyond power, Foucault might then say we are setting ourselves up to be disappointed. Not only does Taylor’s framing misunderstand how resistance can

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<sup>39</sup> Foucault, “The Subject and Power,” 794.

<sup>40</sup> Ibid.

<sup>41</sup> Ibid.

<sup>42</sup> Ibid.

operate only interior to power, but it also weakens strategies of resistance that can revivify the points of freedom latent in all power relations. Returning to the enfranchisement movement example, we might confuse “essential truths” with truth claims favored by a given regime of power.

A Foucauldian reading of freedom calls for suspicion of claims that power relations can be destroyed or, per Taylor, transformed. We are instead tasked with examining how strategies of resistance are more beholden to existing power relations than we might otherwise think. Foucault’s demand for scrutiny is not asking us to limit our horizons for the political possibilities generated by these strategies, however necessarily interlocking with power they might be. Instead, we might draw from his interest in potentiality to craft a more spacious Foucauldian reading of freedom.

However, contesting Taylor’s critique does not sufficiently address gaps in Foucault’s account of freedom that concern, for example, the possibilities for freedom among the unfree. We are still left with an unstable character of power relations, which raises a temporal concern about what a “possible reversal” of power relations looks like and how enduring it might be. Some might claim this temporal concern diminishes the force of Foucault’s view on freedom, suggesting that the transformative potential of a possible reversal is, in fact, limited. This problem is significant, for it revives Taylor’s critique that a Foucauldian analysis is inhospitable to strategies of resistance beyond the local.

For one answer, we can turn to incarcerated struggles, which are generally considered a political domain of the “unfree.” I propose that a Foucauldian analysis urges a dialectic of freedom and punishment. The unfreedom that punishment prescribes also makes possible diverse forms of freedom through action. To claim thus is not to romanticize the conditions of incarcerated struggles, but to affirm the agency and personhood plausible in dehumanizing political contexts. While Foucault himself might not support dialectics, his discussion of freedom and power is an entry point for

understanding how their contradictions come to the fore in the context of prison resistance.<sup>43</sup> Much like criminologist Lori Sexton argues that we need to understand how people experience punishment in order to understand punishment itself, the same logic can and should be applied to experiences of freedom in confinement.<sup>44</sup>

Moreover, the dialectic of freedom and punishment further supports an alternative interpretation of Foucault's writings on freedom and power. As discussed, many of Foucault's interlocutors have read his claim that "freedom disappears where power is exercised" as foreclosing the possibilities for a meaningful experience of freedom.<sup>45</sup> Yet Foucault's analysis ends on a moment of "possible reversal," which implies that power and freedom relations are less static than his critics suggest. Reading Foucault against the grain of his interlocutors, in conversation with Walter Benjamin and Hannah Arendt, and occasionally against himself, I will argue that he creates an imperative for freedom to exist in brief flashes and unlikely spaces so that we are empowered to imagine its full realization. Power is certainly not banished from this struggle, but the "intransigence of freedom" resurfaces as an enduring antagonist.<sup>46</sup> This reading prompts the inevitable question: how might we understand freedom in the context of political struggle?

### *Rethinking freedom and potentiality*

Drawing on Foucault, I claim that freedom should be marked by the intersubjective capacity to struggle. This capacity is motivated by an interest in potentiality, or the active — and even subversive — insistence that we must keep alive seemingly impossible futures. In turn, freedom is marked by a fundamental instability. Instead of conceptualizing freedom through certain immutable

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<sup>43</sup> Some have argued that Foucault and dialectics can be reconciled by acknowledging the dialectical footprint in his arguments on power and resistance as well as in his genealogical method. See, e.g., John Grant, "Foucault and the Logic of Dialectics," *Contemporary Political Theory* 9, no. 2 (2010) 220-238, <https://ssrn.com/abstract=1986966>.

<sup>44</sup> Sexton, "Penal Subjectivities," 115.

<sup>45</sup> Foucault, "The Subject and Power," 790.

<sup>46</sup> *Ibid.*, 791.

conditions or by degrees, we might imagine freedom as an orientation toward keeping alive a set of alternative possibilities. Similarly, Foucauldian scholar Johanna Oksala proposes that Foucault supports a definition of freedom as emergent from practices, which does not signify a set of limitless possibilities but the indeterminacy of the present.<sup>47</sup> Building on Oksala, I argue that freedom is structurally conditioned by the here and now of present circumstances but is always attuned to the potentiality of futurity.

Primarily, this theory of freedom draws on Arendt's writings on freedom in the political and Benjamin's discussion of revolutionary violence. Here, I employ Arendt's conception of freedom that requires action in the body politic. We might consider struggle to align with Arendt's understanding of freedom, which is necessarily constituted in concert with others within the political.<sup>48</sup> Famously, Arendt claims that "the *raison d'être* of politics is freedom, and its field of experience is action."<sup>49</sup> This approach is distinct from understanding freedom through the goods acquired *through* struggle, such as an end to solitary confinement.<sup>50</sup> Instead, the capacity to collectively engage in politics is part-and-parcel of asserting freedom.

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<sup>47</sup> Johanna Oksala, *Foucault on Freedom* (Cambridge: Cambridge University Press, 2005), 208. While Oksala centers practices in her Foucauldian reading of freedom, I am more concerned with the relationship between political struggle and potentiality.

<sup>48</sup> Arendt's construction of freedom through action is useful for thinking about how freedom is an inherently political concept. See, for example, her writings on the body politic as a necessary site for the realization of freedom through action in Hannah Arendt, *The Human Condition* (Chicago: Univ. of Chicago Press, 1969) and "What is Freedom?" in *Between Past and Future* (New York: Penguin, 1961), 143–71. It's unclear whether Arendt would consider the prison to fall within the bounds of the political. Others more closely have linked Arendt and the struggles of incarcerated people through her account of stateless people who are exiled from political community; see, e.g., Lisa Guenther, "Political Action at the End of the World - Arendt and the California Prison Hunger Strikes," *Canadian Journal of Human Rights* 4, no. 1 (2015): 33–56. However, we might repurpose elements of an Arendtian body politic in order to work through the possibilities and limitations of political action in carceral spaces.

<sup>49</sup> Arendt, "What is Freedom?," 146.

<sup>50</sup> Certainly, Arendt's argument has limitations for our purposes. As Neil Roberts highlights, violence produces the impossibility of freedom for Arendt. This is because violence's "subsumption of speech and situatedness" outside the political renders it "instrumental, illegitimate, and apolitical." Neil Roberts, *Freedom as Marronage* (Chicago: University of Chicago Press, 2015), 32. In this sense, violence "destroys power" for it is incompatible with the very sphere necessary for power and freedom to exist in harmony. In placing violence outside of the political, Arendt legitimizes forms of power internal and accessible to the body politic. The question remains, however, to whether violence is a legitimate means of action for those excluded from the political. Arendt might respond that revolutions, critical sites of natality, are moments to enact something "beyond politics" where freedom can emerge from the periphery. See Arendt, *On Revolution* (London: Penguin, 2009 [1963]); Albrecht Wellmer, "Arendt on Revolution," in *The Cambridge Companion to Hannah*

Moreover, reading Foucault in conversation with Benjamin's account of revolutionary violence recovers the emancipatory potential of his "possible reversals" and contemporary political struggles more generally. Benjamin locates radical possibility in immediate violence, writing "if the existence of violence outside the law, as pure immediate violence, is assured...revolutionary violence, the highest manifestation of unalloyed violence by man is possible."<sup>51</sup> For Benjamin, this "revolutionary violence" is that which offers a brief yet necessary glimpse into a "coming age" that transforms the current social order. Regardless of their outcomes, these struggles are necessary to keep alive the possibility of a coming age.<sup>52</sup>

Benjamin identifies the revolutionary general strike as an example of this kind of "pure, immediate violence." By "exercising a right to overthrow the legal system that has conferred it," the general strike's demonstration of collective power rejects state authority.<sup>53</sup> In comparison, industry-specific strikes are mired in the logics of the state. Historically, Benjamin explains, the state "conceded" these strikes to workers only because they could be subjected to state control.<sup>54</sup> The former strike keeps alive the possibility of political transformation; without it, we might lack the historical preconditions for a radical future at all. The latter, *pave* Foucault, serves as an object of state regulation and, thus, is a mere extension of its power.

It is difficult to neatly place the National Prison Strike within Benjamin's binary; it neither "declar[ed] its intention to abolish the state," as the historical general strike had, nor was it interested

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*Arendt*, ed. Dana Villa, 1st ed. (Cambridge University Press, 2000), 220–42, 220. By "beyond politics," Wellmer refers to the transformative results of revolution proposed by Marxist and liberal-democratic traditions, respectively. This could look like the Marxist vision of a classless society, or the liberal ideal of social justice.

<sup>51</sup> See Walter Benjamin, "Critique of Violence," trans. Edmund Jephcott, eds. Marcus Bullock and Michael Jennings, in *Selected Writings Volume 1* (Cambridge: Harvard University Press, 1999), 300. This kind of violence stands in contrast to mythical violence, which is subject to the futility of law's necessary condition of self-justification. In turn, Benjamin identifies a pure, immediate violence that destroys law only to be absorbed back into the "mythical cycle" of lawmaking, failing to abolish state violence.

<sup>52</sup> *Ibid.*, 293.

<sup>53</sup> *Ibid.*, 282.

<sup>54</sup> *Ibid.*, 239.

in “power transferred from the privileged to the privileged” and “chang[ing] the masters” of the oppressed.<sup>55</sup> A more crude formulation might locate prison struggles within the domain of revolutionary violence, since they are unsanctioned by law. Regardless, Benjamin helps us understand how “possible reversals” might arise from some strategies, and not others. Moments of revolutionary possibility are not only political significant, but also historically necessary. Bridging Foucault and Benjamin, one might understand moments of “possible reversal” as revivifying possibility in contrast to an enduring temporal phenomenon.

Thus, the present emerges as a necessary site for keeping alive the possibility of socio-political transformation. As interlocutor Luiz Guzmán claims, Benjamin follows Hegel’s distinction between “ought” and “is” in that the realization of “ought” is found in struggle and not actualization as such.<sup>56</sup> The “ought,” like Foucault’s “possible reversal,” is not confined to an unrealized future but is a matter of everyday action. Freedom here is toward keeping alive an alternative set of political possibilities by imagining what they might look like through our practices, per Oksala’s reading. This freedom imaginary is at the forefront of a number of contemporary prison struggles.

Freedom as the intersubjective capacity to struggle proposes that “possible reversals” are part-and-parcel of everyday life. Freedom is not something available to those only in a unique subject position who can sufficiently antagonize power; and, crucially, it is intersubjective. By intersubjective, I refer to a capacity that is necessarily between persons and not individualized. Arendt’s interest in freedom that is attained in concert with others is supportive of this view. She cautions against theories of freedom that presuppose an “atomistic” individual who can autonomously realize her freedom, which neglects to consider the relationship between freedom and political collectivities.<sup>57</sup> In *Cruel*

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<sup>55</sup> Ibid., 291.

<sup>56</sup> Luis Guzmán, “Benjamin’s Divine Violence: Unjustifiable Justice,” *The New Centennial Review*, 14, no. 2 (2014): 49-64, at 52.

<sup>57</sup> Mehmet Kanatli, “The Concept of Freedom in Hannah Arendt’s Political Thought,” *Journal of Current Research on Social Sciences* 7, no. 2 (2017): 101–12, 108.

*Optimism*, Lauren Berlant notes that intersubjectivity is “a wish, a desire, and a demand for an enduring sense of being with and in x and is related to that big knot that marks the indeterminate relation between a feeling of recognition and misrecognition.”<sup>58</sup> In the context of freedom, intersubjectivity as desire and demand manages collective anxieties about atomization through proposing legible collectivities that can do political work together.

Freedom is a capacity insofar as it is available to everyone. It is not the domain of only those in a unique subject position but, as Foucault would argue, present wherever power asserts itself.<sup>59</sup> Per the intersubjective stipulation, however, freedom is available to all but only realized collectively. Collectivity brings us to struggle. Less conventionally, we might understand struggle as akin to Arendt’s view of world-making, or the “ability to begin anew.”<sup>60</sup> The potentiality of *what could be*, or, more specifically, *what worlds could be*, is inherent to struggle. Put differently, struggle attends to the “could have been otherwiseness” of everyday life, opening up new imaginaries and ways of being that reject the here and now status quo.<sup>61</sup> Similarly, struggle is interested in building the destituent power outlined by Agamben that “inaugurates a new reality” by centering moments of potential embedded in every distinct “mode of living.”<sup>62</sup>

Some might argue that having the potential – but not the immediate capacity – to realize transformative possibilities is antithetical to freedom. *The possibility for freedom*, they might say, *is not the same as freedom itself*. Or, *if we resign freedom to possibility, then can freedom be meaningfully realized at all?* These concerns are important. Yet it’s worth reiterating that this conception of freedom is not meant to romanticize oppressive conditions as the only plausible domains of freedom. Instead, I hope to

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<sup>58</sup> Lauren Berlant, *Cruel Optimism* (Durham, NC: Duke University Press, 2011).

<sup>59</sup> Foucault, “The Subject and Power.”

<sup>60</sup> Lisa Wedeen, *Authoritarian Apprehensions* (Chicago: University of Chicago Press, 2019), 14.

<sup>61</sup> Lauren Berlant adapts Adorno’s phrase, in quotes, which literally translates to “it should be otherwise.” Berlant, *Cruel Optimism*, 13, quoted in Wedeen, *Authoritarian Apprehensions*, x. The original phrase comes from Theodor Adorno, “Commitment,” trans. Francis McDonagh, *New Left Review* 87-88 (September/December 1974): 75–89, 89.

<sup>62</sup> Giorgio Agamben, “What Is a Destituent Power?” trans. Stephanie Wakefield, *Environment and Planning D: Society and Space* 32, no. 1 (February 2014): 65–74, 71; *Ibid.*, 73.

complicate how freedom appears implausible in such contexts. Similar how to Darko Suvin characterizes utopia as a “a method rather than a state [that] cannot be realized or not realized,” we might consider freedom as something that’s always-in-the-making.<sup>63</sup> The pockets of freedom available to us now only foreshadow the possibilities to come. In my discussion of the National Prison Strike, I revisit these questions in more detail.

## PRISON STRUGGLE HISTORIES

Prison strikes have existed for as long as there has been prison labor. Yet contrary to popular coverage of prison strikes, prison strikes infrequently regard labor as their sole political concern.<sup>64</sup> The goals of prison strikes are as diverse as their reasons for being, from fulfilling basic needs like food and water access, to fair wages and unionization, and to abolishing the prison and igniting revolution. In order to draw on the diverse forms that prisoner resistance takes while remaining attentive to histories most relevant to the National Prison Strike, I will employ “prison strike” as a broad term. That is, I will historically trace conventional forms of prison striking like work stoppages, commissary boycotts, hunger strikes, and sit-ins, while also analyzing the role of prison riots in informing today’s prison strikes.<sup>65</sup> Following Dan Berger and Touissant Losier, I understand prisons as sites of social control that have historically warehoused marginalized, radical individuals who have formed the backbone of the prison movement, which runs “parallel to and intersects other movements for justice.”<sup>66</sup> More broadly, I claim that prison strikes mobilize organized incarcerated interests in challenging (and, perhaps, dismantling) the prison’s socio-political order.

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<sup>63</sup> Darko Suvin, “Locus, Horizon, and Orientation: The Concept of Possible Worlds as a Key to Utopian Studies,” *Utopian Studies* 1, no. 2 (1990): 69-83, 74.

<sup>64</sup> This is in part due to the legibility of political concerns like voting and labor rights to a liberal public. Later, I will take up what this means for the National Prison Strike as a project of freedom.

<sup>65</sup> I modified this loose definition of strikes from Yoseph T. Desta, “Toward a Better Understanding of Prison Strikes,” *Harvard Law Review* 132 (2018): 1490. Desta stresses the non-violent element of prison strikes, while I attend to the role of violent resistance in shaping contemporary prison strike politics and possibilities.

<sup>66</sup> Dan Berger and Toussaint Losier, *Rethinking the American Prison Movement* (New York: Routledge, 2018), 3.

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

Following the Civil War, Black convict laborers struggled in response to brutal labor practices demanded by the growing Southern plantation economy. In order to enforce social control over recently freed Black men and disincentivize poor whites from unionizing, these punitive labor regimes escalated in cruelty and violence.<sup>68</sup> As this problem of incarceration grew in size and brutality, prisoners responded with over a dozen major riots and strikes between 1879 and 1892.<sup>69</sup> Though quickly suppressed, these strikes "symbolically empowered inmates, who could no longer be considered 'powerless, broken men who could do nothing but toil obediently for their masters.'" <sup>70</sup> This "symbolic" register re-emerges throughout prison strike history, apparent in uprisings that failed to secure material gains but garnered significant outside attention. Yet scholars also consider the public outrage and media attention that ensued from these late-19<sup>th</sup> century strikes to be significant in their own right, contributing to the demise of contract prison labor and chain gangs.<sup>71</sup>

Moving to the 20<sup>th</sup> century, the period between 1968 and 1972 saw a significant uptick in prison struggles, providing a testing ground for political questions of unionism and revolutionary action that continue to beset prison strikes today. During this era, a broad coalition of prisoners' rights

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<sup>67</sup> Desta, "Toward a Better Understanding of Prison Strikes," 1493.

<sup>68</sup> Donald F. Tibbs, *From Black Power to Prison Power: The Making of Jones v. North Carolina Prisoners' Labor Union*, (New York, NY: Palgrave Macmillan, 2012), 184.

<sup>69</sup> Desta, "Toward a Better Understanding of Prison Strikes," 1495.

<sup>70</sup> Ibid., 1496.

<sup>71</sup> Ibid.

groups, academics, lawyers, journalists, and incarcerated activists emerged in support of the growing prison movement. In particular, the 1970 Folsom Prison Strike was a major inflection point for the U.S. prison movement.<sup>72</sup> While no demands were met, prisoners claimed the right to unionize for the first time in U.S. history, along with economic, labor, and general human rights. The early 70s saw other major prison uprisings, with San Quentin and Attica among the most notorious.

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

Beyond appealing to Black prisoners, Black radicalism attracted whites through its message that all incarcerated people belonged to a distinctly exploited underclass.<sup>75</sup> The possibilities for multiracial solidarity presented by Black radicals threatened the prison’s hegemony over the socio-political order. During prison uprisings in Walla Walla and Walpole, for instance, Black Power

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<sup>72</sup> Ibid. Also see Tibbs, *From Black Power to Prison Power*.

<sup>73</sup> Tibbs, *From Black Power to Prison Power*, xvi.

<sup>74</sup> Ibid., 81.

<sup>75</sup> Ibid., 116.

organizers and prisoner unions fought and temporarily won self-governance.<sup>76</sup> Though this demand for self-governance is largely absent from today's prison struggles, the instinct toward self-determination remains visible in hunger strike campaigns that assert prisoners' subjectivity.

Accompanied by the rise of Black Power in prisons were campaigns to organize the convict class through unionization. Following Folsom, for which unionization was an important demand, hundreds of prisoners organized union campaigns across the country alongside a larger wave of wildcat strikes in the 1970s.<sup>77</sup> Over this period, deep differences emerged between Black Power radicals and their unionist contemporaries over the political and revolutionary character of prison organizing. As Dan Berger puts it:

Were prisons tools of racial domination or economic exploitation? Had prisoners been pushed out of the labor force, or were they workers laboring in a factory? Was prison protest aligned with the Third World colony or the domestic shop floor? And fundamentally, was the prison a legitimate institution for dealing with social problems?<sup>78</sup>

Sharp differences in political analysis complicated alliances between Black radicals and unionists in the 1970s. Unionists argued for the primacy of labor issues in prisoner campaigns, claiming that organizing a prison is akin to organizing a workforce. These organizers were less interested in opposing the prison's legitimacy as they were its conditions. Many prisoner unions conceded to certain terms of incarceration; Berger writes that the United Prisoners Union "accept[ed] incarceration for reasonable periods as punishment, but only after conviction."<sup>79</sup> Tactically, this concession was thought to help leverage political demands with the prison administration.

For Black radicals, the prison was inherently a question of political subjectivity. Far from an acceptable mode of punishment, confinement constituted "soul murder."<sup>80</sup> These activists refused to

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<sup>76</sup> Berger, *Captive Nation: Black Prison Organizing in the Civil Rights Era* (Chapel Hill, NC: The University of North Carolina Press, 2016), 185. In Walla Walla, incarcerated people ran the prison for four months, while Walpole prisoners won a power-sharing agreement with prison officials for three years.

<sup>77</sup> Berger, *Captive Nation*, 185.

<sup>78</sup> *Ibid.*, 186.

<sup>79</sup> *Ibid.*, 187.

<sup>80</sup> *Ibid.*

accept the social order of the prison and bourgeois society itself. Berger claims these distinctions between prison radicals can be traced to whether one organized on the basis of a political relationship to the state or of an economic relationship to the means of production. Paraphrasing Frank Wilderson, while the worker demands democracy in labor, the slave calls for the end of production itself.<sup>81</sup> These distinctions, as I will discuss later, re-emerge in contemporary's organizers ambivalence and occasional cynicism toward the union model of incarcerated organizing.

The late-70s era of prisoner union organizing saw a complicated relationship to the use of legal remedy as a means of achieving freedom. Because prisons barred union activity, organizers turned to the courts for recognition. Amid a wave of defeats for legal recognition, the North Carolina Prisoners' Labor Union (NCPLU) won the right for prisoners to unionize for the first time in U.S. history in 1976. The district court decision, however, was overturned by the Supreme Court in *Jones v. North Carolina Prisoners' Labor Union*. The NCPLU's legal argument hinged on proving their union activity did not "disrupt the operation of the penal institution," thereby making union recognition contingent on support for the prison's socio-political order.<sup>82</sup> Ultimately, the Supreme Court reversed the District Court's unanimous ruling and claimed the court did not give "appropriate deference to the decisions of prison administrators."<sup>83</sup>

Tibbs claims that SCOTUS's "hands-off" approach to reviewing penal administrative practices reinforces the 1871 *Ruffin v. Commonwealth* ruling that prisoners *qua* lawbreakers forfeit "their claim to equal rights and were nothing more than 'slaves of the state.'"<sup>84</sup> Here, the ideological distinction

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<sup>81</sup> Ibid., 188. On this point, Berger cites Frank Wilderson's "The Prison Slave as Hegemony's (Silent) Scandal," *Social Justice* 30, no. 2 (2003): 18-27, 22 and Steve Hahn's *A Nation Under Our Feet: Black Political Struggles in the Rural South from Slavery to the Great Migration* (Cambridge, MA: Belknap Press of Harvard University Press, 2003).

<sup>82</sup> *North Carolina Prisoners' Labor Union, Inc. v. Jones*, 409 F. Supp. 937 (E.D.N.C. 1976), 944, quoted in Tibbs, *Black Power to Prison Power*, 166. This is not to say that prisoner unions were, by design, compatible with the institutional order of prisons but that their recognition demanded appeals to compatibility. As Tibbs writes, the NCPLU's overarching ideology was grounded on the idea that freedoms of speech, association, and political engagement were afforded to incarcerated people just as they are free people. See Tibbs, *Black Power to Prison Power*, xiv.

<sup>83</sup> *Jones v. North Carolina Prisoners Labor Union, Inc.*, 433 U.S. 119 (1977), quoted in Tibbs, *Black Power to Prison Power*, 187.

<sup>84</sup> Tibbs, *Black Power to Prison Power*, 184.

between workers and slaves re-emerges as a central problem for incarcerated organizers seeking redress through the courts. Though the NCPLU litigated as workers, they were ultimately regarded as slaves in Tibbs' reading.

The NCPLU's claims to be recognized as rights-deserving agents were undermined by the Court's deference to prison grievance procedures.<sup>85</sup> As Amanda Hughett highlights in her account of the NCPLU, grievance procedures made it possible for judges and prison administrators to prohibit prison organizing without violating First Amendment rights.<sup>86</sup> The rise of prison grievance procedures also enabled judges to reduce their caseloads, drastically lowering the number of prisoners who could pursue legal action in court. By the 1980s and early 1990s, the prison movement's emphasis on radical struggle and collective rights was checked by prisoner litigation and the individual grievance process.<sup>87</sup>

According to Berger and Losier, a "growing spirit of prison abolition" re-emerged in the mid-1990s alongside a hollowing out of the prison movement attributable to packages of mass incarceration policies, like the 1994 Crime Bill. Truth in sentencing also went into effect, requiring anyone convicted of a violent offense to serve at least 85% of their sentence before becoming eligible for parole. While more Black and Brown people were being sent to prison than ever – and for longer sentences than ever – abolitionist collectives like Critical Resistance and INCITE! also began to take shape. In 1998, the Critical Resistance conference foregrounded abolitionist politics as a necessary response to the injustices of incarceration. In the years following that conference, abolitionist tendencies surfaced in a number of contemporary social movements, particularly among anticarceral feminist and queer activists.<sup>88</sup>

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<sup>85</sup> Edelman, "When Organizations Rule."

<sup>86</sup> Amanda Hughett, "A 'Safe Outlet' for Prisoner Discontent: How Prison Grievance Procedures Helped Stymie Prison Organizing During the 1970s," *Law and Social Inquiry* 44, no. 4 (2019): 893–921.

<sup>87</sup> Kitty Calavita and Valerie Jenness, *Appealing to Justice: Prisoner Grievances, Rights, and Carceral Logic* (Berkeley, CA: University of California Press, 2015).

<sup>88</sup> Berger and Losier, *Rethinking the American Prison Movement*, 180.

The first U.S. prison strike of the 21<sup>st</sup> century took place at Guantanamo Bay, where detainees organized a series of hunger strikes in response to conditions that included psychological violence and torture, in addition to suspension of habeas corpus and due process.<sup>89</sup> Following the camp's opening in 2002, hunger strikes transpired frequently throughout the decade. Prison strikes also grew increasingly organized in scale with the rise of digital communications and online media.<sup>90</sup> In 2010, prisoners throughout the state of Georgia launched what was considered the largest prison work strike in U.S. history, demanding better conditions and programming for over six days. Shortly after, the Pelican Bay hunger strikes of 2011 and 2013 saw over 30,000 prisoners collectively protest solitary confinement.

In 2016, the Free Alabama Movement (FAM) organized one of the largest prison strikes in U.S. history, during which over 24,000 people participated.<sup>91</sup> During the National Prison Strike of 2016, Canadian prisoners in Nova Scotia and immigrant detainees in Tacoma, Washington took up the call too, striking and issuing their own set of demands.<sup>92</sup> The 2016 Strike ushered the U.S. prison movement to a new era of national organizing, laying the groundwork for its successor in 2018. The rise of organizations like Jailhouse Lawyers Speak, the Free Alabama Movement, and the Incarcerated Workers Organizing Committee facilitated membership growth through the inside-outside model, in which free organizers publicize and mobilize strike activities from the outside.

The prison movement's tactical move toward strikes can be located in the Free Alabama Movement's manifesto "Let the Crops Rot in the Fields." FAM's manifesto marks a significant turning point in the U.S. prison movement during the mid-2010s. Arguing the prison-industrial complex born of racial capitalism has reached its crescendo, FAM urges an economic line of attack that focuses on

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<sup>89</sup> Ibid., 179.

<sup>90</sup> Desta, "Toward a Better Understanding of Prison Strikes," 1500.

<sup>91</sup> Ibid.

<sup>92</sup> Jordan House, "Why Canadian Prisoners Are Participating in the US Prison Strike," *Jacobin Magazine*, September 5, 2018, <https://www.jacobinmag.com/2018/09/canada-prison-strike-burnside-jail-incarceration>.

the “factors of production – the people being forced into this slave labor.”<sup>93</sup> Put differently, a general prison strike could attack the prison-industrial complex at its core. This strategy consists of three parts: (1) strikes; (2) national boycotts of major corporations; and (3) centralizing protest activity at one prison per state.

FAM proposes this strategy in opposition to “the old way” – hunger strikes, marches at political offices, and letter writing campaigns. Dismissing hunger strikes as tactically ineffective, FAM writes that “the businessmen will gladly let us die from starvation so long as their assembly lines keep running.”<sup>94</sup> While acknowledging the political import of the 2013 Pelican Bay hunger strikes, FAM argues that, unlike labor shutdowns, hunger strikes fail to puncture mass incarceration at its center. Similarly, FAM called for marches to shift from the state capitol to the prison “where our economic strength can be felt,” just as “when the people protest against police brutality in Ferguson, Memphis, and California, they are doing it at the police stations.”<sup>95</sup> As Alejo Stark points out in his discussion of FAM’s manifesto, this reference to Ferguson is not incidental. Struggles in and beyond prison walls share interlocking form and content, “generating a kind of feedback loop,” the rhythms of which are “also part of the broader abolitionist strategy today.”<sup>96</sup>

By 2018, the 13<sup>th</sup> Amendment’s authorization of prison slavery and its consequences became part of a shared vernacular among incarcerated revolutionaries and their comrades. Work strikes were increasingly embraced across the prison movement, especially in prison labor hotspots throughout the

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<sup>93</sup> Free Alabama Movement, “Let the Crops Rot in the Fields: A Call For New Strategy in The National Movement Against Mass Incarceration and Prison Slavery,” February 26, 2015, <https://freealabamamovement.wordpress.com/2015/02/26/let-the-crops-rot-in-the-fields/>, 2.

<sup>94</sup> Free Alabama Movement, “Let the Crops Rot in the Fields,” 5.

<sup>95</sup> Ibid.

<sup>96</sup> Alejo Stark, “Like a Game of Chess: The Prison Strike and Abolitionist Strategy,” *Abolition Journal*, September 6, 2018, [https://abolitionjournal.org/like-a-game-of-chess/#\\_edn13](https://abolitionjournal.org/like-a-game-of-chess/#_edn13).

South.<sup>97</sup> Crucially, FAM's vision of a mass strike where incarcerated workers let the crops rot in the fields was partly realized – twice – over the next four years.

#### THE NATIONAL PRISON STRIKE OF 2018

On August 21, 2018, the 47<sup>th</sup> anniversary of political prisoner and theorist George Jackson's death in San Quentin State Prison, incarcerated people across the country stopped working. The anniversary of Jackson's murder at the hands of prison officials is an annual site of prison rebellion. For years throughout Black August, an annual observance of Black struggle that began among political prisoners in the 1970s, incarcerated people held demonstrations in protest of inhumane prison conditions, including prison slavery, as well as issues like disenfranchisement. 2016 saw the first National Prison Strike in which over 24,000 prisoners participated in over 24 states. Despite being in U.S. history, the strike failed to capture mainstream media attention and was criticized as strategically ineffectual for not developing a national platform of political demands.

2018 was different. The nation's deadliest prison riot in a quarter-century had occurred at Lee County Correctional Institution, an overcrowded prison in South Carolina where seven prisoners died and at least 17 were seriously injured. The death toll was widely viewed as preventable, causing an uproar among incarcerated people, impacted families, and supporters across the country.<sup>98</sup> Just over one week later, Jailhouse Lawyers Speak announced a National Prison Strike in order to demand humane living conditions and an end to prison slavery, among other issues.<sup>99</sup> One outside organizer, Nick, tells me that the Strike was initially planned for 2019, but the "level of carnage and grief" born from the Lee Correctional Massacre prompted incarcerated organizers, many of whom are from the

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<sup>97</sup> Jared Ware, "Abolition & the #August21 Prison Strike with Devyn Springer," *Millennials Are Killing Capitalism* (podcast), August 19, 2018, 49:03, <https://millennialsarekillingcapitalism.libsyn.com>

<sup>98</sup> Heather Ann Thompson, "How a South Carolina Prison Riot Really Went Down," *New York Times*, April 28, 2018, <https://www.nytimes.com/2018/04/28/opinion/how-a-south-carolina-prison-riot-really-went-down.html>.

<sup>99</sup> Jailhouse Lawyers Speak, Twitter Post, April 24, 2018, 8:28AM, <https://twitter.com/JailLawSpeak/status/988771668670799872/photo/1>.

South and know “the way prisoners are set upon each other and manipulated into carnage” to call it a year early. The Strike lasted from the anniversary of Jackson’s death to September 9, the anniversary of the 1971 Attica Prison uprising, which indexes the organizers’ interests in situating their movement’s place in history.

Not only was the Strike a logistical feat for organizers, who coordinated strike actions across dozens of states and prisons, but it also generated unprecedented media coverage for any prison struggle of recent memory. In part, this is because the Strike helped advance a prisoner class consciousness among incarcerated organizers, some of whom otherwise operated in factions. Three main sites made this solidarity possible: (1) the universalism of the Strike’s demands; (2) tactics of disruption; and (3) Jailhouse Lawyers Speak’s newsletter, *Solid Black Fist*. The consciousness that progressed throughout this 18-day strike, if only briefly, provided experiences of freedom in its glimpses into life beyond state repression and social control.

#### *Data collection & methods*

### **Methods**

For this project, I conducted four interviews with outside organizers and analyzed seven accounts from incarcerated organizers published in *Truthout*, *Shadowproof*, *The Appeal*, *The New Yorker*, *The Guardian*, and other publications. My interviews were with the following participants: Nick and Wyatt of the Incarcerated Workers Organizing Committee (IWOC), Jade, a media liaison for Jailhouse Lawyers Speak (JLS), and Jamie of the Indiana Department of Corrections Watch (IDOC Watch). Nick is based in Oakland, California, and Jamie lives in Bloomington, Indiana.<sup>100</sup> Wyatt and Jade declined to state their locations for confidentiality reasons. These interviews took place by video and phone from September 2019 to February 2020. All organizers’ names, and occasionally their

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<sup>100</sup> On April 25, 2020, IWOC’s Oakland chapter announced they were formally disaffiliating from the Incarcerated Workers of the World and IWOC. Because Nick was a member of what was formerly known as IWOC Oakland at the time of our interview, I refer to him as such throughout.

organizational affiliations, have been changed to protect confidentiality. I only anonymize their organizational membership when naming the organization poses a significant risk to confidentiality.

With participant consent, all interviews were audio-recorded and later transcribed. I then used Atlas.ti software to code interview data. My main areas of analysis concerned participants': (1) personal and political motivations for prison organizing; (2) experiences with the National Prison Strikes of 2016 and 2018, where applicable; (3) perspectives about inside-outside organizing; (4) opinions about the strategies, outcomes, and transformative potential of the Strike; and (5) political imaginations for the future, specifically concerning the U.S. prison movement and the possibilities for abolition. Other sites of interest emerged throughout the coding process, such as the importance of prisoner class consciousness and the limits of labor organizing in prisons.

In conversation with these interviews, I also draw on incarcerated organizers' perspectives through secondary source material acquired through media coverage, social media, and official Strike report-backs. When citing secondary source interviews with incarcerated organizers, which I did not conduct, I use the names given. Due to the high risk of retaliation by prison officials, these names are often pseudonyms.

Accurate information about the Strike's scale is hard to come by. Prison officials frequently denied that strikes were occurring and, when they didn't, minimized the impact of uprisings that occurred. *Perilous Chronicle*, an online archive of contemporary prison struggles in the U.S. and Canada, and *It's Going Down*, an anarchist digital community collective that posted ongoing updates throughout the Strike, were indispensable sources of communal knowledge throughout my data collection. These resources, with the support of the Strike media team, relied on testimony from incarcerated organizers with access to contraband cell phones. As expected, many Strike participants were silenced by prison officials, whether through solitary confinement, blocking communication, or physical violence. In

sharing the stories of the Strike, I recognize the violence that was (and is) part of bringing this information to light.

One limitation of this project is lack of personal testimony from incarcerated organizers. The Institutional Review Board (IRB) requires all study participants to be cleared in advance, and including non-approved data is considered a violation of ethical research standards. While I have corresponded with incarcerated folks before and during this project, I was not approved to use their data in my research. Moreover, receiving IRB clearance to include incarcerated participants was not realistic for the roughly eight-months duration of this project. Doing so would have required obtaining permission from correctional officials at a number of prisons across the country which, given the subversive nature of this topic, would have posed a high risk to study participants. I gauged that the likelihood of prisons allowing me to discuss internal uprisings with incarcerated folks was also slim.

While I attempt a discussion of freedom and its making through struggle, I also recognize that freedom is a distinctively personal matter. I don't seek to make claims about individual experiences of freedom but show how freedom is plausible in unlikely contexts – and how freedom and struggle are inextricably linked. Where I cannot provide direct statements from incarcerated organizers, I draw from political manifestos, their comrades agitating on the outside, or participants from my own interviews. Interviews with non-incarcerated organizers return in full force by the concluding section on freedom and abolition.

### **Background: Organizations and ideologies**

A coalition of abolitionist organizations including Jailhouse Lawyers Speak (JLS), the Incarcerated Workers Organizing Committee (IWOC), the Free Alabama Movement (FAM), the Fire Inside Collective (FIC), and Millions for Prisoners (MfP) organized the Strike. Independent media outlets, like *Shadowproof*, *KiteLine*, *The Appeal*, and the *Beyond Prisons Podcast*, also supported the Strike through media coverage and interviews with incarcerated organizers on the ground. All of these

collectives are ideologically diverse, with memberships comprised of anarchists, communists, abolitionists, reformists, or some combination. From the organizers I spoke with, I gained the sense that many, if not all, members across organizations are committed to prison and police abolition and other principles popular on the Left, such as the dissolution of the ruling class. The Strike media committee did not present the movement as explicitly revolutionary or abolitionist, as I discuss later, in order to reach a broader public that might be alienated by radical demands.<sup>101</sup>

The similar aims of these organizations reflect a shared commitment to decarceration among the modern U.S. prisoners' movement, whether it takes the form of abolition, reformism, or a more general revolutionary ethos. Making sense of their distinctions brings out the sheer logistical ingenuity required to coordinate the strike across dozens of prisons, jails, and cities across the U.S. For instance, these organizations are diverse in scale in scope. Some, like JLS, are comprised entirely of incarcerated organizers. IWOC's membership, by contrast, includes more non-incarcerated people, who form a majority in some chapters.

More specifically, JLS is an organization of incarcerated activists that agitates for prisoners' rights and provides mutual aid through legal services. Over the last five-to-six years, JLS has facilitated truces between street organizations inside prisons and educated incarcerated groups about the prisoners' movement.<sup>102</sup> Based in Alabama, FAM is a collective of incarcerated organizers that also coordinated the 2016 National Prison Strike, among other prison strikes in the South. FAM is a founding member of the Freedom Movement, which seeks to unite incarcerated workers through

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<sup>101</sup> This is not to say the Strike did not call for a radical overhaul of the criminal-legal system; it did. However, the demands articulated reforms of mass criminalization in terms accessible to a liberal audience, such as through labor rights and enfranchisement.

<sup>102</sup> Jared Ware, "I'm for Disruption': Interview with Prison Strike Organizer From Jailhouse Lawyers Speak," *Shadowproof*, August 16, 2018, <https://shadowproof.com/2018/08/16/im-for-disruption-interview-with-prison-strike-organizer-from-jailhouse-lawyers-speak/>.

coordinated mass labor stoppages. Though the organizers I spoke with are located generally across the U.S., FAM and JLS are largely based in the South.

IWOC is a branch of the Incarcerated Workers of the World (IWW) led by incarcerated people and outside allies that seeks to end prison slavery as well as the criminalization and exploitation of working-class people. IWOC began as a committee of the IWW, which was the only union inclusive of incarcerated people as fellow workers. Through my conversations with IWOC organizers, I learned that the IWW union model is only a blueprint for IWOC; not all members consider themselves Wobblies or unionists more generally.<sup>103</sup> According to Nick, “labor is just one small piece” of IWOC’s political strategy.

*Why strike? Prison conditions and consciousness building during the Strike*

Deteriorating conditions across prisons nationwide made calls for a strike all the more urgent. South Carolina’s prisons, which closely resemble others throughout the U.S., are an illuminating window into the issues most at stake in the Strike. Poor medical care, unsanitary conditions, staff misconduct and abuse, and restricted access to sunlight are just a few issues rampant throughout the state.<sup>104</sup> One organizer based in South Carolina, using the name “E,” said that these conditions led to a sense of “hopelessness” while exacerbating factional violence. Elsewhere known as “inmate solidarity groups,” factions support their members “via collection action” and through enforcing social order.”<sup>105</sup> In South Carolina, like other states, these solidarity groups often take the form of prison gangs. However, E claimed escalating violence cannot be reduced to differences between prison

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<sup>103</sup> I learned about the relative disconnect between IWOC and IWW through conversations with Nick and Wyatt, alongside IWOC’s social media. See IWOC Oakland, *Instagram*, IWW symbol graphic, August 12, 2017.

<sup>104</sup> Brian Sonenstein, “At Great Risk, Prisoners Seize Reform Narrative and Engage in National Strike,” *Shadowproof*, August 20, 2018, <https://shadowproof.com/2018/08/20/great-risk-prisoners-seize-reform-narrative-engage-national-strike>. In 2019, South Carolina prisoners submitted an appeal to the United Nations to take action in response to worsening conditions. See Jared Ware, “South Carolina Prisoners Call for UN Intervention as Abusive Conditions Worsen,” *Shadowproof*, December 17, 2019, <https://shadowproof.com/2019/12/17/south-carolina-prisoners-call-for-un-intervention-as-abusive-conditions-worsen/>.

<sup>105</sup> R. V. Gundur, “The Changing Social Organization of Prison Protection Markets: When Prisoners Choose to Organize Horizontally Rather than Vertically,” *Trends in Organized Crime*, February 28, 2018, 2.

factions. If “you take three or four different tribes, who many normally get along...but you put them in a box and you don’t separate them,” violence is unsurprising.<sup>106</sup> One goal of the Strike was to dispel reductive narratives about prison violence, while also making clear the ongoing deprivation in America’s prisons and jails.

In turn, another Strike objective sought to spur prisoner consciousness across racial and class lines in order to build solidarity across factions. This goal is directly tied to concerns about curtailing factional violence. IWOC Oakland organizer Nick explained that a more unified prisoner movement would mean that “a Lee could never happen again.” Building consciousness across prison walls had the potential to provide a foundation for collective action, growing the prisoner movement itself. IWOC member Wyatt affirmed that IWOC “tr[ies] to help prisoners see themselves as a class rather than as, you know, whatever internal population segment they affiliate themselves.”

This interest in prisoner class consciousness, a term embraced by some Strike organizers, was far from symbolic. For a number of Strike organizers, prisoner class consciousness is historically situated and materially significant. By historically situated, I mean that it is inseparable from the longer arc of the U.S. prison movement, which has experimented with political questions of unionism and revolutionary mobilization – *is there a “prison class” and, if so, what is its political potential?* – since at least the 1960s.<sup>107</sup> Drawing on these longstanding debates, the Strike worked to develop a robust prisoner class consciousness that could evoke new relationships of solidarity within and across prison walls.

According to Nick, a third goal of the Strike was to “insert prisoner movements’ demands into the mainstream conversation by force.” Both of these goals are bound up with each other: spreading

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<sup>106</sup> Jared Ware, “Interview: South Carolina Prisoners Challenge Narrative Around Violence at Lee Correctional Institution,” *Shadowproof*, May 3, 2018, <https://shadowproof.com/2018/05/03/interview-south-carolina-prisoners-challenge-narrative-around-violence-lee-correctional-institution/#q7>.

<sup>107</sup> For rich discussions of the American prison movement’s historical relationship to unionism and revolution, see Tibbs, *From Black Power to Prison Power*; Berger, *Captive Nation*; and Berger and Losier, *Rethinking the American Prison Movement*, Chapters 3 and 4.

prisoner class consciousness builds solidarity so that demands may be better amplified, while demands have the capacity to unite prisoners across shared injustices. In turn, the Strike's demands echoed immediate problems experienced by most incarcerated people, regardless of their situation. JLS member George affirmed this point in an interview with *Shadowproof*, saying that the demands were chosen so that "every prisoner [could] be able to relate to something on that list."<sup>108</sup> For Nick, the Strike was "an opportunity to insert prisoner movements' demands into the mainstream by force."

In turn, many of the Strike's national demands – ending prison slavery, re-instating Pell grants, requiring rehabilitation services, to name a few – were concerned with baseline conditions. But it's worth noting that these concerns, in the words of Eddie, a JLS organized incarcerated in South Carolina, are also a "matter of life and death."<sup>109</sup> Nick from IWOC made a similar point about how the demands were ultimately about a "bid for rehumanization" drafted by and for incarcerated people.

Taken together, the severity of prison conditions and baseline character of the Strike's political demands further speaks to the urgency of developing prisoner class consciousness. Eddie observed if prison conditions and factionalism remained as is, then incarcerated communities would "have issues far worse than [prison officials] have ever seen, far worse than Attica."<sup>110</sup> Through mass collective action, the Strike provided grounds for this historically mediated yet burgeoning form of prisoner class consciousness to take shape. This solidarity is closely linked to freedom-in-the-making, for it encourages new ways of being and relating to one another through common identity and collective struggle.

The Strike's impact on prisoner consciousness was palpable even before August 21<sup>th</sup> itself, inspiring pre-Strike uprisings and truces across prisoner factions. These moments of rebellion illuminate how collective struggles offer a window into freedom-in-the-making, or the potentiality of

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<sup>108</sup> Sonenstein, "At Great Risk, Prisoners Seize Reform Narrative and Engage in National Strike."

<sup>109</sup> Rakia, "There's an All-Out Manhunt."

<sup>110</sup> Ibid.

alternative political futures. One month after JLS called for the Strike in April 2018, four rival factions at a Crossroads Correctional Center in Missouri signed a truce and mounted a day-long uprising called Operation P.O.W. It's unclear who, exactly, comprised these factions. However, the author of the announcement emphasized their political power in the prison, writing "once the prison commune witnesses the [factional] hierarchy compromising [with one another], then there'll be no limit to what we can accomplish."<sup>111</sup>

During the uprising, incarcerated radicals collectively refused guards' orders to disband and reclaimed how they spent their time in the prison, which is typically at the discretion of correctional officers. After organizing a sit-down protest where at least 200 participants refused officers' commands to get up, they hot-wired a forklift and broke into a massive prison factory.<sup>112</sup> Kitchen, cafeteria, storage area, and staff office infrastructure were subsequently wrecked.<sup>113</sup> In a written statement to IWOC, the protestors made their solidarity with the Strike clear by "calling on all Gs to join us as one around the Nation on August 21."<sup>114</sup> The protest, termed a riot by the media, cost the Missouri Department of Corrections \$1.3 million. Ensuing financial damage forced Crossroads to close the following year.<sup>115</sup>

The Crossroads case shows how collective struggles can, if only briefly, reconfigure existing power relations on new moral terms. This uprising, like others before and during the Strike, overcame

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<sup>111</sup> Also in solidarity with the Strike, at least one prisoner in North Carolina called for a truce so that people could unify for a statewide demonstration. See "Announcing Operation P.O.W.: NC Prisoner Calls For Truce And Solidarity With The National August 21st Strike," *It's Going Down*, July 16, 2018, <https://itsgoingdown.org/announcing-operation-p-o-w-nc-prisoner-calls-for-truce-and-solidarity-with-the-national-august-21st-strike>.

<sup>112</sup> The Fire Inside Collective, "Prison Strike 2018 Zine," 2018, <https://fireinside.noblogs.org/2018prisonstrikes/>. It's worth noting that the Missouri protestors faced severe legal retaliation the following year, including a grand jury indictment against 22 individuals.

<sup>113</sup> Perilous Chronicle, "Protest and Uprising at Crossroads Correctional, Missouri," May 12, 2018, <https://perilouschronicle.com/2018/05/12/protest-and-uprising-at-crossroads-correctional-missouri/>.

<sup>114</sup> "Missouri Prisoner Uprising: Statement From Inside and Call to Action," *Incarcerated Workers Organizing Committee*, May 16, 2018, <https://incarceratedworkers.org/news/missouri-prisoner-uprising-statement-inside-and-call-action>.

<sup>115</sup> Madeline McClain, "Grand Jury Indicts More Than 24 People Relating to Crossroads Correctional Center Riots," *KQ2.Com*, September 10, 2019, <https://www.kq2.com/content/news/Grand-Jury-indicts-more-than-24-people-relating-to-Crossroads-Correctional-Center-Riots-559983642.html>.

significant factional tensions in order to organize collectively. Accordingly, the protestor who wrote the statement to IWOC noted that, “August 21 was wrote on the walls. We are calling on all Gs to join us as one around the Nation on August 21. *Stage more sit ins. Make peace for this.*”<sup>116</sup> His call to action illustrates how collective struggles are not self-contained phenomena, but instead are bound up with potentiality. The Crossroads uprising overcame deep interpersonal divides in order to build political power, making thinkable that, perhaps, others could potentially do the same. While it’s unclear whether factional divisions continued to be put aside beyond the uprising, the point stands that the struggle provided conditions of possibility for peace.

*Disruption, reproduction, & the carceral state*

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

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<sup>116</sup> Anonymous, “Missouri Prisoner Uprising: Statement From Inside and Call to Action.” Emphasis mine.

<sup>117</sup> Alejo Stark provides a compelling account of how an abolitionist strategy of disruption upsets the reproduction of the carceral state. See Stark, “Like a Game of Chess” and Stark, “Crisis and the Prison Strike,” *Commune Magazine*, October 14, 2018, <https://communemag.com/crisis-and-the-prison-strike/>.

<sup>118</sup> Stark, “Crisis and the Prison Strike.”

force the state's hand in conceding to strikers' demands, like higher wages, but that the state must devote extra resources to keep prisons alive.<sup>119</sup>

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

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

Strikers were influenced by “Redistribute the Pain,” a set of essays by Bennu Hannibal Ra-Sun of the Free Alabama Movement, who called on his fellow prisoners to mobilize their economic power to “boycott, defund, and bankrupt.”<sup>123</sup> Ra-Sun urged a commitment to “defund[ing] prison operations

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<sup>119</sup> Ibid.

<sup>120</sup> Ware, “Interview: South Carolina Prisoners Challenge Narrative Around Violence at Lee Correctional Institution.”

<sup>121</sup> Thinking about the Strike in terms of disruption also helpfully disengages us from a means/end binary that considers direct action only in terms of how certain tactics produce particular ends. For instance, we might ask whether and how certain Strike demands were met, or even how many people participated in the Strike at all. While these metrics can provide a helpful quantitative perspective about the Strike, they also fail to capture the emancipatory potential of more quotidian resistance acts.

<sup>122</sup> Before the 2016 Strike, the influential “Let the Crops Rot in the Fields” pamphlet casted hunger strikes as involving high sacrifice for low reward. But since

<sup>123</sup> Free Alabama Movement, “Let the Crops Rot in the Fields: A Call for New Strategy in the National Movement Against Mass Incarceration and Prison Slavery,” December 30, 2017, <https://freealabamamovement.wordpress.com/2017/12/30/campaign-to-redistribute-the-pain-partiv-2018/>.

budgets” by eliminating spending on commissary, collect phone calls, and incentive packages would shrink a prison’s finances.<sup>124</sup> Accordingly, Strike organizers employed a multiplicity of tactics tailored to participants’ levels of access in the prison. For instance, while people on lockdown couldn’t participate in a work stoppage, they could join a boycott or hunger strike.

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

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

Following the prison movement’s long tradition of inside-outside organizing, Strike disruptors understood what happened on the outside to shape the conditions of possibility on the inside.<sup>128</sup> For

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<sup>124</sup> Ibid.

<sup>125</sup> Ware, “Abolition & the #August21 Prison Strike with Devyn Springer,” 51:00.

<sup>126</sup> Ibid.

<sup>127</sup> Meg O’Connor, “Dozens of Miami Prisoners Strike to Protest Inhumane Treatment, Organizers Say,” *Miami New Times*, August 31, 2018, <https://www.miaminewtimes.com/news/inmates-in-five-florida-prisons-participating-in-national-strike-organizers-say-10686454>.

<sup>128</sup> Berger and Losier, *Rethinking the American Prison Movement*, 11.

instance, Gainesville's IWOC chapter coordinated a string of solidarity actions, including an eight-day encampment outside a work release camp.<sup>129</sup> In response to a call to escalate strike solidarity over Labor Day weekend, Gainesville IWOC, Fight Toxic Prisons, and Occupy ICE Tampa organized a 24/7 occupation across from the Florida Department of Corrections' Gainesville Prison Work Camp. The protestors called for an end to "slave labor contractors" between FDOC, the City, County, and University of Florida, in addition to the Strike's demands.<sup>130</sup> Over a hundred people participated in the demonstrations, which included blocking and delaying City vehicles from leaving for work assignments and staging protests at work sites.

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

In the absence of direct testimony from incarcerated organizers, we can heed Foucault's dictum of analyzing power (and, by proxy, freedom) through the strategies of its antagonists.<sup>132</sup> Returning to FAM's "Let the Crops Rot in the Fields," Gainesville protestors collectively "confronted the system at the site of its oppression: the prisons," centralizing resources and forcing the state's response.<sup>133</sup> By forcefully demanding sets of political alternatives, incarcerated strikers and comrades offered glimpse into what life beyond carcerality could look like. IWOC organizer Nick conceded that

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<sup>129</sup> Perilous Chronicle, "2018 National Prison Strike: Florida," timeline, 2018, <https://perilouschronicle.com/2018/08/21/national-prison-strike-florida>.

<sup>130</sup> Fight Toxic Prisons, "Gainesville, FL: Occupation Highlights Local Slave Contracts and National Prisoner Strike," *It's Going Down* (blog), September 6, 2018, <https://itsgoingdown.org/gainesville-fl-occupation-highlights-local-slave-contracts-and-national-prisoner-strike/>.

<sup>131</sup> Ware, "I'm for Disruption." Emphasis mine.

<sup>132</sup> Foucault, "The Subject and Power," 780.

<sup>133</sup> Free Alabama Movement, "Let the Crops Rot in the Field," 4.

“withholding labor” for extended periods of time “as a way of crippling the system is a way’s off,” but also that cases like Gainesville set the pace for larger-scale protests in the future.

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

*Kite flying, newsletter writing, & freedom-in-the-making*

Beyond direct action itself, prison writings have historically fostered conditions of possibility for freedom in repressive contexts.<sup>135</sup> During the 2018 Strike, this was no different. Newsletters to incarcerated subscribers, political statements by incarcerated organizers, and manifestos that inspired the Strike served as pockets of freedom, sharing information and messages of solidarity across prison walls. In particular, newsletters like JLS’s *Solid Black Fist: Across the wires! Freedom Fighters’ news!* served as key vehicles through which incarcerated participants could connect political struggles beyond their immediate context, such as with the broader international prisoner solidarity movement.

Normally, news about upcoming struggles spreads through word of mouth throughout prisons, where according to an unnamed South Carolina JLS member, “somebody on lockup might

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<sup>134</sup> Fight Toxic Prisons, “Gainesville, FL: Occupation Highlights Local Slave Contracts and National Prisoner Strike.”

<sup>135</sup> See Tom Wicker, *Prison Writing in 20th-century America* (New York: Penguin Books, 1998).

get word to somebody on the yard with a little note. We call them ‘kites’ – sending up a kite.”<sup>136</sup> At prisons where contraband cell phone or internet access was limited, radio and news media promotion was crucial for spreading awareness.<sup>137</sup> The same JLS organizer remarked that this outreach, coordinated across organizations, was meant to “let prisoners know, ‘this is bigger than me, this is bigger than my little organization, this here is a movement.’”<sup>138</sup> In this sense, information sharing is fundamentally a practice of movement-building – and subversive in itself. The kites operate within, but at a distance from, the prison’s system of social control, offering flickers of free movement and association.

Pockets of freedom further emerged through JLS’s bi-weekly newsletter, *Solid Black Fist* (SBF), which drummed up prisoner class consciousness throughout its May-to-September 2018 circulation. In advance of the Strike, prisons began to crack down on organizing activity by limiting communication and placing organizers in solidarity. Mailed to incarcerated subscribers across the country, the newsletter bolstered morale by sharing messages of international solidarity and stories of resistance.<sup>139</sup> Like the kites, *Solid Black Fist* defied the hegemonic relations of prison life that control when, how, and what information is shared to subjects. In other words, the newsletter provides conditions of possibility for conversations and struggles that might not occur otherwise.

For instance, each newsletter contained a similar set of elements: direct action report-backs from different cities, endorsement lists, messages from supporters, Strike demonstration timelines, and calls for solidarity with other social movements. Moreover, each publication opened with the National Strike Demands and concluded on the United Nations’ basic principles for the treatment of

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<sup>136</sup> Daniel Gross, “An Inside Account of the National Prisoners’ Strike,” *The New Yorker*, September 6, 2018.

<sup>137</sup> It’s worth mentioning that contraband cell phones are often sold by guards for a profit. See Episode 21 of *Millennials are Killing Capitalism*.

<sup>138</sup> Ibid.

<sup>139</sup> Amani Sawari, “Prison Strike Solidarity Update: Solid Black Fist Newsletter Released as Striking Continues,” *San Francisco Bay View*, September 23, 2018, <https://sfbayview.com/2018/09/prison-strike-solidarity-update-solid-black-fist-newsletter-released-as-striking-continues/>. My discussion of *Solid Black Fist* also draws on conversations with JLS member Jade, who contributed to the newsletter’s circulation.

prisoners. Through reiterating the Strike demands and the United Nations' principles, *Solid Black Fist* fostered a common set of terms among Strike participants and supporters. The newsletter's readers emerged with a shared language that might, ideally, inspire new solidarities across different factions.

Importantly, *SBF's* calls to collective action also rooted the National Prison Strike in the longer arc of the U.S. prison movement and with international prisoner struggles. In *SBF's* fifth issue, released during the early days of the Strike, JLS spokesperson Amani Sawari urged supporters and participants to recognize the significance of the historical moment in their wake. Writing that "the world is watching and waiting for your lead," she implored readers to unite through George Jackson's message of multiracial solidarity.<sup>140</sup> *SBF* also shared statements in solidarity from incarcerated people in Greece and Palestine, situating the Strike in a broader international context. In the newsletter's sixth issue released during the Strike's last days, Palestinian prisoners incarcerated in Israeli jails expressed solidarity with the strikers' shared struggle against U.S. imperialism. Connecting the strikers' fight with the struggle for liberation in Palestine, they wrote "we know that your victory will also be a victory for Palestine – just as our victories in Palestine will be a victory for all of the struggles against imperialism, racism and oppression in the United States and globally."<sup>141</sup> The interconnectedness of struggles in Palestine and U.S. prisons and jails also hints at the possibility for a global prison movement to come.

It's worth reiterating that the newsletter provided subversive information that "shouldn't belong" inside prisons, like calls for action and solidarity through struggle. Foucault's discussion of freedom and power resonates here, for he writes that "it would not be possible for power relations to exist without points of insubordination which, by definition, are means of escape."<sup>142</sup> In *Solid Black Fist*, "means of escape" are found in report-backs about work strikes in South Carolina, solidarity messages from incarcerated Palestinians, and ecumenical calls for unity across factions. By connecting

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<sup>140</sup> Amani Sawari, "Letter to the Editor," *Solid Black Fist*, Issue 5, August 2018, 1.

<sup>141</sup> "Solidarity Letter from Palestinian Prisoners," *Solid Black Fist*, Issue 6, August 20, 2018, 8.

<sup>142</sup> Foucault, "The Subject and Power," 794.

incarcerated subscribers with each other and to a broader international resistance movement, *Solid Black Fist* offered new conditions of possibility for struggle and solidarity.

*Post-strike outcomes: the neo-suffrage movement and prison slavery discourse*

Of the Strike's ten national demands, two were particularly central to subsequent media coverage: (1) restoring voting rights to currently and previously incarcerated people and (2) abolishing prison slavery. Voting rights became the subject of the Right2Vote campaign, a self-described "new suffrage movement" led by Amani Sawari, JLS's national spokesperson during the Strike. By contrast, political gains from the prison slavery demand have been largely discursive. Though the prison slavery demand helped the Strike gain mainstream traction, Strike organizers and abolitionists have argued it misrepresents the Strike's broader aims of self-determination.

**(1) Rise of the neo-suffrage movement**

The Right2Vote movement emerged shortly after the Strike to demand voting rights for previously and currently incarcerated individuals, including those serving pre-trial sentences. The campaign had two main initiatives: (1) building a "potent voting bloc" by organizing the "prison class" alongside (2) growing the "political capital" of families and allies of those disenfranchised.<sup>143</sup> The hope was that securing the right to vote would serve as a point of entry to making disenfranchised' voices "count" so they could subsequently impact other policy areas.<sup>144</sup>

Following the Strike's conclusion, Jade took a role with the Right2Vote campaign organizing incarcerated people and their communities. Reflecting on the suffrage demand's purpose during the Strike, Jade surmised it "ended up being the central theme of [post-Strike organizing] because it was the most ambitious. People in prison having the right to vote sounds, or sounded, super radical." But in Jade's view, the right to vote isn't only a symbolic marker of citizenship. Rather, suffrage is an entry

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<sup>143</sup> Amani Sawari, "Right2Vote Campaign," *Sawari Media*, <https://sawarimi.org/right-2-vote-campaign>.

<sup>144</sup> Ibid.

point to restoring other citizenship benefits that are forfeited during incarceration. Jade posed this concern rhetorically: If we give prisoners the right to vote back, then why not end racial overcharging? Why deny access to rehabilitation?" The neo-suffrage movement could open a conversation about, in Jade's words, "what it means to be a citizen in a democracy," paving the way for other rights gains.

Nick, who was not involved in voting rights advocacy after the Strike, was more critical of the suffrage campaign. Unlike Jade, he viewed suffrage as "the least threatening of the demands," given its buy-in from mainstream Democratic politicians. More skeptically, he cast doubt on the suffrage demand itself and its interest in conferring "participat[ion] in this corrupt so-called democracy." In the "liberal imagination," Nick lamented, "to be human is to be a citizen, to be a basic subject of the state." We can sense cynicism from Nick's comments toward the liberal project of citizenship, which for him, establishes an upper limit on how radical the suffrage demand could be. He's clear enough that suffrage is "least threatening" since its consistent with a liberal-democratic way of doing politics.

However, Nick also noted that the popularity of the suffrage demand is "kind of what we [Strike organizers] predicted. That's the way to get traction." So on one hand, he sees the suffrage demand as making concessions to mainstream liberal politics' consecration of democratic participation. But perhaps just as importantly, he also foregrounds this concession as a deliberate strategic move deployed to break into the mainstream.

So while Jade and Nick disagreed about the radical potential of the neo-suffrage movement, neither denied its strategic value. Moreover, both were impressed at the scope of the Right2Vote campaign. By 2019, 17 states introduced legislation for enfranchisement, whether for people in prison, on parole, or on probation. Jade went on to highlight that "the fact that so many states in this sweep across that nation introduced legislation really was an immediate response to prisoners striking."

It remains to be seen whether enfranchisement will become the kind of entry point to incarcerated political participation that Jade envisions. Future research might consider the relationship

between incarcerated struggle and mainstream liberal politics, particularly around questions of suffrage, and its political upshot.

## **(2) Mainstreaming of prison slavery discourse**

During and in the aftermath of the Strike, prison slavery became a focal point of mainstream news coverage about the Strike. Multiple organizers I interviewed believed that centering labor exploitation as a site of injustice enabled the Strike to gain stronger coverage than its 2016 predecessor. While prison slavery rhetoric may have allowed the Strike to better resonate across the U.S. public, it also created a discursive problem for organizers who thought the Strike was misrepresented as a result.

Unlike the 2016 Strike, which only issued regional demands, the 2018 Strike's national demands gained widespread mainstream media attention. Prison labor exploitation, which some outlets even described by using JLS's prison slavery language, were at the forefront of this coverage.<sup>145</sup> For instance, *The New York Times* framed their initial report of the Strike as being about "[poor] conditions and pay" made urgent by a recent uptick in prison violence, while the *New Yorker's* coverage led with IWOC's aim to "end prison slavery" amid limited-to-no pay for incarcerated workers.<sup>146</sup> Similarly, *Vox* reporting claimed Strike participants were protesting labor exploitation, focusing on an alleged tradeoff between the "moral argument against prison labor" and the financial "costs" of raising wages.<sup>147</sup> *Vox* went on to describe prison labor as the "one issue inmate protestors are united on," which may be true in the context of the Strike's demands, but also belies the diversity of opinions held by organizers described above. Overwhelmingly, media coverage of the Strike effectively equated the uprising with its demand for the abolition of prison slavery.

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<sup>145</sup> German Lopez, "America's Prisoners Are Going on Strike in at Least 17 States," *Vox*, August 22, 2018, <https://www.vox.com/2018/8/17/17664048/national-prison-strike-2018>; Erik Loomis, "Serving Time Should Not Mean 'Prison Slavery,'" *New York Times*, August 30, 2018, <https://www.nytimes.com/2018/08/30/opinion/national-prison-strike-slavery.html>.

<sup>146</sup> Mitch Smith, "Prison Strike Organizers Aim to Improve Conditions and Pay," *New York Times*, August 26, 2018, <https://www.nytimes.com/2018/08/26/us/national-prison-strike-2018.html>; Gross, "An Inside Account of the National Prison Strike."

<sup>147</sup> Lopez, "America's Prisoners Are Going on Strike in at Least 17 States."

Jade, the JLS media advisor, was pleased that Strike coverage focused on incarcerated people's stories and not solely those of prison officials. She said that, because "the demands were the story," unlike in 2016, "the voice on the people on the inside had to be central."<sup>148</sup> It's also worth noting how impressive the coverage was given the usual degree to which prison repression limits what information can actually be spread. This coverage speaks to the savvy of prisoner organizing and their communication networks. IWOC member Nick concurred, noting that "prisoners inside were very consciously using the 13th Amendment argument and the slavery argument as a media tool," which is clearly reflected in the *New York Times*' and *Vox*'s coverage.

However, media coverage of the Strike had its limitations. Not all organizers were pleased about the degree to which the uprising was reduced to a series of work stoppages and how labor exploitation was portrayed as the primary site of injustice within prisons. During an interview with *Truthout*, incarcerated JLS organizer Eddie criticized news coverage of the Strike for "oversimplifying" the diversity of tactics employed, since most prisoners don't work and instead "participated via sit-ins, boycotts and hunger strikes."<sup>149</sup> This kind of reductionism is significant because it misrepresents – and possibly hinders – the heart of what the prison movement aims to accomplish, which goes far beyond abolishing prison slavery.

Beyond misrepresenting tactics, other organizers highlighted the discursive pitfalls of the prison slavery narrative, which quickly became a proxy for understanding the injustices of incarceration itself. For context, contemporary abolitionists, like their late 20<sup>th</sup>-century counterparts, have a vexed relationship with the importance of prison labor/slavery to the carceral project. Prison labor conditions are generally abysmal, conferring minimal protections and minimal-to-no wages to

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<sup>148</sup> Though Jade also criticized some reporters for asking to speak with incarcerated people and then not using their quotes because they refused to use real names for I fear of retaliation. This point came across in interviews with Nick and Jamie as well.

<sup>149</sup> Kelly Hayes, "Prisoners Strike for Civil Resurrection," *Truthout*, September 9, 2018, <https://truthout.org/articles/prisoners-strike-for-civil-resurrection/>.

workers. Many incarcerated workers also appreciate having a chance to move around and get out of their cell; incidentally, work is considered a highly sought “privilege.”<sup>150</sup> Abolitionists like Ruthie Wilson Gilmore and James Kilgore, among many others, argue that it is wrong to center prison labor at the forefront of prison resistance for two reasons: (1) the primary function of incarceration is social control, not profiteering and (2) less than three percent of incarcerated people in the U.S. actually work.<sup>151</sup> They argue that attempts to portray the problem with incarceration as a problem of labor exploitation are based on misconceptions about violence in the prison.

With the political context of prison labor in mind, Nick of IWOC Oakland had mixed feelings about how the public received the demands. Though he acknowledged the strategic value of the prison slavery demand – “you have to have some kind of shorthand to punch through the media fog to get attention at all” – he also lamented that “in the liberal imagination, the only things that register when it comes to be[ing] rehumanized are the wage and the vote.” But he was also emphatic that the Strike was clear enough: it was never just about labor. The end to prison slavery was only one of ten demands among strikers’ “bid for rehumanization.” So, while some concessions to the prison slavery narrative were necessary to capture the attention of the liberal public, Strike organizers did mount an effort to broaden their fight beyond labor issues.

#### *Possibilities & limitations for the prison abolition movement*

Each interview concluded with discussion about the relationship between the Strike, the long-term prospects of mass incarceration, and the future of abolition in the U.S. More specifically, my questions considered: (1) long-term prospects for abolition in the aftermath of the Strike; (2) the future of the U.S. carceral landscape; (3) the possibilities for freedom in confinement more generally. This

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<sup>150</sup> Gilmore and Kilgore, “Some Reflections on Prison Labor.”

<sup>151</sup> Ruth Wilson Gilmore and James Kilgore, “Some Reflections on Prison Labor,” *Brooklyn Rail*, June 2019, <https://brooklynrail.org/2019/06/field-notes/Some-Reflections-on-Prison-Labor>.

discussion builds on the previous section's discursive analysis of prison slavery rhetoric in order to launch a more speculative inquiry into how the Strike fits into the arc of ongoing abolitionist struggle in the U.S.

### **Abolitionist futures**

Since all participants identified as abolitionists, I asked whether and how they thought the Strike fit into the longer arc of abolitionist struggle. Meditations on freedom were woven in and throughout these conversations, which occasionally blurred with the notion of abolition itself.

For Jade, the Strike's emphasis on prisoners' struggle for self-determination was part-and-parcel of the abolitionist project. When I asked her if there was anything else she thought I should know about the Strike, she responded that, "in amplifying the voices of people on the inside, in talking about their struggle, we are abolishing prisons, we're pulling out brick by brick, each piece of what the prison is built on." She added that abolition sounds "like this huge overwhelming thing until you reduce it to *when I am writing a letter back to this person [inside], I am taking a brick out.*" Jade's comments resonate with the idea of abolition as processual: a phenomenon that's always in the making. Abolition isn't a project resigned to the future but one that is constantly in motion as more and more "bricks" are removed.

By contrast, Nick held more complicated views on what he dubbed abolition's "implicit optimism." Though abolitionism "completely dovetails" with Nick's "anticolonial, revolutionary point of view," he exercised skepticism about the prospect of an abolitionist future amidst the climate crisis. Unlike Jade, who saw the Strike as expanding political options for incarcerated people in the present, Nick thought of the Strike in foreboding terms of crisis. When I asked Nick how the Strike might affect the future of U.S. incarceration, he remarked that, "You gotta recognize at this point, anything we do is essentially a rehearsal for when shit really falls apart. This isn't some chess game where we're gonna move pieces to win at the end. *This is prefigurative.* You basically oughta be building those skills

now, building those networks so when shit goes down, you have something to work with.” In other words, Nick believed the Strike served as a site of preparation for future struggles that arise from the climate crisis.

Nick’s understanding of crisis and rehearsal resonates with Walter Benjamin’s account of revolutionary violence, which argues “if the existence of violence outside the law, as pure immediate violence, is assured...revolutionary violence, the highest manifestation of unalloyed violence by man is possible.”<sup>152</sup> Paraphrasing Benjamin, present struggles are necessary sites of preparation without which we cannot imagine more radical futures – whether emancipatory or destructive. Evidently, Nick is not optimistic about the future that awaits “when shit goes down.” Contending “there is no U.S. of A. possible without policing and prisons,” Nick alluded to the historical necessity of revolution to overthrow the state and, therefore, dismantle prisons.<sup>153</sup> He conjured a near-future apocalyptic imaginary that draws tactical lessons from uprisings of the past, like the Strike. The “skills” and “networks” cultivated during these uprisings will be necessary during future crises, for “however much the pressures of life in 2019 feel oppressive and smothering, right now, we have the few years left of some breathing space.”

Nick’s view diverges from those who think about the Strike primarily in terms of policy outcomes, political wins, or even uptake of the demands themselves. His “chess game” metaphor is clear enough: the political consequences at stake in the aftermath of the Strike go far beyond legislative victories and formal recognition by the state. He didn’t deny that incarcerated people might win political gains over the next few years, but more incisively zeroed in on the Strike’s historical and tactical functions within the longer arc of U.S. crisis and dispossession. Drawing from Nick, we might

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<sup>152</sup> Benjamin, “Critique of Violence,” 300.

<sup>153</sup> Ibid.

read the Strike as laying the tactical groundwork for future, unknown struggles by fostering an international community of solidarity and support.

### **The future of incarceration in the U.S.**

Participants observed the Strike's impact in two key areas: (1) the relative mainstreaming of abolitionist discourse and (2) the popularization of prisoners' rights demands in U.S. politics. Two organizers raised points of concern regarding how the rise of alternatives to incarceration, like electronic monitoring, are restructuring the U.S. carceral landscape. As more Americans are "e-incarcerated" through ankle monitors and the like, organizers recognized that the prison movement will have to adapt its tactics and strategies accordingly.

First, participants noted discursive shifts in the wake of the Strike's demands, which have trickled into popular and political conversations over the past year. Wyatt referenced the mainstreaming of abolitionist discourse following the Strike, while both Jamie and Jade noted how the Strike's demands have influenced U.S. politics and policymaking. In Wyatt's words, "prison abolition has gone from words that not anyone had heard, except for a specialized few in political activism and maybe in academia." Abolition is "mentioned on TV" and could even be on its way to "becoming a household word." It's unclear, however, how much the popularization of abolitionist discourse can be attributed to the Strike. But it is worth noting that mainstream liberal publications – the *New York Times*, *New Yorker*, and *Politico*, among others – have increasingly published commentary on abolition since fall 2018.<sup>154</sup> These articles take the abolitionist project seriously, and not only as a fringe cause. The *New York Times*, for instance, has published two lengthy profiles on abolitionists over the past

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<sup>154</sup> Rachel Kushner, "Are Prisons Necessary? Ruthie Wilson Gilmore Might Change Your Mind," *New York Times*, April 17, 2019, <https://www.nytimes.com/2019/04/17/magazine/prison-abolition-ruth-wilson-gilmore.html>; Janelle Bouie, "12 Deaths in Mississippi Tell a Grim Story: The Only Way to 'Fix' a Problem like the American Prison System Is to End It," *New York Times*, January 31, 2020, <https://www.nytimes.com/2020/01/31/opinion/mississippi-prison-deaths.html>; Dorothy Wickenden, "What Would a World Without Prisons Be Like?," *The New Yorker*, January 27, 2020; Ruairí Arrieta-Kenna, "Abolish Prisons' Is the New 'Abolish ICE,'" *Politico*, August 15, 2018, <https://www.politico.com/magazine/story/2018/08/15/abolish-prisons-is-the-new-abolish-ice-219361>.

year-and-a-half, which may not seem like much overall, but is significant given the complete absence of coverage prior to early 2019. Even *Playboy Magazine* rehashed Angela Davis's famous provocation, *are prisons obsolete?*, illustrating how abolition is breaking into uncharted terrain.<sup>155</sup>

Jamie's outlook on the presumptive impact of Strike demands was more sedated. She conceded that "bits and pieces of the demands" have entered Democratic Party discourse, providing the example of how then-presidential nominee Bernie Sanders' campaign endorsed the restoration of voting rights for currently and formerly incarcerated people. "Ideas that seemed outlandish to reformists or liberals have been endorsed by people who may not have always thought about prisoners' rights in that way," according to Jamie. But "whether things will be implemented is another story." For Jamie, the relationship between the Strike and concrete policy changes is hopeful at best and doubtful at worst.

More speculatively, Jade offered a hopeful prediction of how the U.S. prison movement will shape the next several years. The Strike provided an entry point to supporting prisoners' rights for many, enabling terms like "prison slavery" and the neo-suffrage movement to gain traction among U.S. liberals in particular. Over time, decarceration will become more and more plausible. By 2025, Jade conjectured the following changes would be in place: "People in prison will be making the prevailing wage. People in prison will be voting. The truth in sentencing laws that began with the crime bill of '94 – those will be completely repealed nationwide by 2025." Mandatory minimums laws will also be annulled, limiting overcrowding in prisons and allowing more people "to get time off for getting a degree, working consistently, joining different programs."

Turning to the forthcoming conditions of U.S. incarceration, both Jamie and Wyatt predicted that electronic monitoring would become an increasingly popular alternative to incarceration, which could create significant challenges for the abolitionist project. Jamie noted that there's a national move

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<sup>155</sup> Eli Day, "A World Without Prisons," *Playboy*, June 11, 2019, <https://www.playboy.com/read/the-new-abolitionists>.

“toward [new] jails and electronic monitoring” that has also trickled down to Indiana, where there’s a “new jail on a toxic waste site.” Wyatt elaborated that the “long-term fate [of incarceration] is going to be the 25 million ankle monitors...the man was going to figure out, like, *hm, you know what? [ankle monitors] are actually a lot less expensive and still end up getting us what we want.*” To Jamie, reformist approaches have led to “budding concerns” that incarceration reconstitutes itself on different moral terms, framing new jails or electronic monitoring as more “humane” options than incarceration while still reproducing its central tendencies of social control.

Returning to Jade’s earlier comments about the instantiation of progressive prisoners’ rights legislation, we can see how such legislation might have unintended consequences alongside Wyatt’s and Jamie’s readings. Decarceral policies might shift the locus of incarceration from prisons to electronic monitoring, creating new challenges and opportunities for the U.S. prison movement.<sup>156</sup> Bridging Jade’s, Jamie’s, and Wyatt’s predictions, the prison movement will ultimately have to account for how people who are incarcerated in these “digital prisons” can be organized and mobilized for political action.

Through Jamie’s and Wyatt’s anticipation, we might wonder how struggle and freedom will be reconfigured in a new digital context. For instance, people on electronic monitoring must follow restrictions on where they can and cannot go, which is usually limited to school, work, and medical or legal appointments.<sup>157</sup> If freedom is (pre-)emergent through collective struggles, what might those struggles look like from the confines of house arrest? The experiences of freedom that are plausible in prison or jail struggles might be less thinkable on an ankle monitor. As incarceration goes increasingly digital, future scholars and organizers might consider these questions.

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<sup>156</sup> See, e.g., James Kilgore, “Let’s Fight for Freedom From Electronic Monitors and E-Carceration,” *Truthout*, September 4, 2019, <https://truthout.org/articles/lets-fight-for-freedom-from-electronic-monitors-and-e-carceration/>.

<sup>157</sup> Electronic Frontier Foundation, “Electronic Monitoring,” July 12, 2019, <https://www EFF.org/pages/electronic-monitoring>.

In conversation with Wyatt's and Jamie's skepticism, Jade's vision of the future is provocative. Jade's prophetic commitment to the Strike's demands, in the words of Lisa Baraitser, constitutes "a kind of agitation in present time" through the "release of imagined action in the now."<sup>158</sup> Rejecting the present as a fixed blueprint for the future, Jade shows how the two are more linked than we might otherwise think. Put differently, Jade's bullish affect – she doesn't say I *hope* mandatory minimums will be annulled, but that they will – "brings the future into the present and makes it happen."<sup>159</sup> Freedom is constantly in-the-making and, paraphrasing Angela Davis, it demands our unwavering struggle.<sup>160</sup>

## CONCLUSION

I would like to conclude by thinking about the political possibilities for prison organizing beyond carceral walls. As theorists like Michel Foucault have noted, we live in the "first genuine" prison society.<sup>161</sup> The manifold grotesque conditions of U.S. prisons are also many of the conditions endured and contested by the nominally free dispossessed. Yet, we might turn to projects of worldmaking behind and adjacent to prison walls for hope. The stories of prison resistance are stories of people trying to live meaningfully in a carceral world of alienation. Prison organizing affords an unlikely space for self-determination among those who are denied voice, representation, and political power. More than just organizing the prison, incarcerated radicals and their comrades are crafting a politics of socio-political transformation. The free world would do well to follow their lead.

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<sup>158</sup> Lisa Baraitser, *Enduring Time* (London: Bloomsbury, 2017), 130.

<sup>159</sup> Ibid.

<sup>160</sup> Davis, *Freedom is a Constant Struggle*.

<sup>161</sup> Foucault, *Discipline and Punish*.

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