

# Political Action at the End of the World: Hannah Arendt and the California Prison Hunger Strikes

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*On July 8, 2013, over 30,000 prisoners in California joined together across racial and regional lines to launch the largest hunger strike in state history. This article analyzes the prison conditions that led to the hunger strike as a form of world-destroying violence, drawing on Heidegger's account of Being-in-the-world and Arendt's account of being cast out of the common world and deprived of the "right to have rights". The paper then examines the process by which prisoners in the Security Housing Unit (SHU) at Pelican Bay State Prison reached across the social barriers of race and gang affiliation to organize a nonviolent resistance movement and, in so doing, to rebuild a meaningful sense of the world and of political action. Ultimately, the California prison hunger strikes are more than a struggle for human rights; they are also a struggle for meaning, and for the possibility of a common world.*

*Le 8 juillet 2013, plus de 30 000 prisonniers de la Californie se sont rassemblés malgré leurs différences raciales et régionales pour entamer la plus grande grève de la faim de l'histoire de cet État. Cet article analyse les conditions carcérales qui ont mené à cette grève de la faim comme étant une forme de violence destructrice du monde, en faisant fond sur la notion d'« être au monde » de Heidegger et celle d'être exclu du monde commun et d'être dépouillé de son « droit d'avoir des droits » d'Arendt. Cet article examine ensuite le processus par lequel les prisonniers de la SHU (Security Housing Unit) à la Pelican Bay State Prison ont fait tomber les barrières sociales de race et d'affiliation aux gangs pour organiser un mouvement non violent de résistance, et ce faisant, pour redonner un signification valable au monde et à l'action politique. Ultimement, les grèves de la faim en Californie sont devenues plus qu'une lutte pour les droits de la personne; elles représentent aussi une quête de sens et une lutte pour rendre possible un monde commun.*

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## I. Introduction

On July 8<sup>th</sup>, 2013, over 30,000 prisoners in California joined together across racial and regional lines to launch the largest hunger strike in state history.<sup>2</sup> The strike action resumed a campaign beginning in the summer of 2011 in the Security Housing Unit (SHU) of Pelican Bay State Prison (PBSP) in northern California. The organizing committee, known as the Pelican Bay SHU-Short Corridor Collective, has maintained five core demands throughout the multi-year strike action: 1) to end group punishment for individual rule violations; 2) to reform gang validation procedures; 3) to comply with the recommendations of a national commission on long-term solitary confinement; 4) to provide adequate and nutritional food; and 5) to expand rehabilitation, education, and recreation programs.<sup>3</sup>

On September 5<sup>th</sup>, 2013, after a core group of 40 prisoners had refused meals continuously for 60 days, and hundreds more had participated for days or weeks on end, the hunger strike was suspended in response to a commitment by two California lawmakers to hold hearings on solitary confinement and other prison issues before a joint Public Safety Committee. Two hearings have been held to date, the first on October 9<sup>th</sup>, 2013 and the second on February 11<sup>th</sup>, 2014. It remains to be seen whether these hearings will lead to concrete changes.

In this paper, Hannah Arendt's proposal "to think what we are doing" is taken up, both in response to the treatment of prisoners in California and in response to the strike action in resistance to such treatment.<sup>4</sup> The focus throughout the article is the practice of long-term solitary confinement,<sup>5</sup> which is understood as a form of violence, not only against the human rights of the individual prisoner but also, more profoundly, against the relational structure of "being-in-the-world".<sup>6</sup> If human rights are understood to be grounded in the inherent dignity of the individual, and if Arendt is correct in thinking that human rights are impossible to enforce in the absence of an accountable civil structure, then the prisoners at Pelican Bay are engaged in a movement that is

<sup>2</sup> Rory Carroll, "California prisoners launch biggest hunger strike in state's history", *The Guardian* (9 July 2013), online: <[www.theguardian.com/world/2013/jul/09/california-prisoners-hunger-strike](http://www.theguardian.com/world/2013/jul/09/california-prisoners-hunger-strike)>.

<sup>3</sup> "Prisoners' Demands" (3 April 2011), online: Prisoner Hunger Strike Solidarity <[prisonerhungerstrikesolidarity.wordpress.com/the-prisoners-demands-2/](http://prisonerhungerstrikesolidarity.wordpress.com/the-prisoners-demands-2/)>.

<sup>4</sup> Hannah Arendt, *The Human Condition* (Chicago, University of Chicago Press, 1958) at 5 [Arendt, *The Human Condition*].

<sup>5</sup> The phrases solitary confinement and extreme isolation are used interchangeably, with a preference for the latter term because of its technical accuracy (solitary confinement destroys the possibility of solitude, as well as sociality) and because it is common among prison spokespersons to deny that their system practices solitary confinement, even if they isolate prisoners for 22-plus hours a day for years, and even decades, on end.

<sup>6</sup> See Lisa Guenther, *Solitary Confinement: Social Death and its Afterlives* (Minneapolis: Minnesota University Press, 2013), for an extended argument in support of this approach.

both broader and narrower than a human rights struggle. The hunger strike is broader in the sense that the prisoners are not just making a rights claim, nor even a campaign for five core demands: they are also creating a sense of collective existence and solidarity as a prisoner class, which goes beyond the paradigmatic individual of human rights discourse. The movement, however, is also narrower than a human rights movement in the sense that the prisoners are making a claim to civil status and seeking to hold a particular state institution – the California Department of Corrections and Rehabilitation – accountable for respecting their status, not just as human beings but as citizens whose words and deeds matter in the political realm. In this sense, the Pelican Bay Hunger Strikes are not just a struggle for rights, they are a struggle for meaning: for a meaningful sense of the world, of political action, and of human existence.

## II. The Pelican Bay SHU and the End of the World

Pelican Bay State Prison was built in 1989 to house “the worst of the worst” in the California prison system. This does not necessarily mean prisoners who have been convicted of the most violent crimes, or who are serving the longest sentences. Rather, the target population of Pelican Bay is, in the words of the California Department of Corrections and Rehabilitation (CDCR), “difficult management cases, prison gang members, and violent maximum security inmates.”<sup>7</sup> Those who fall in “difficult management cases” may include habitual rule violators, politically-active prisoners, jailhouse lawyers, and the mentally ill.

Pelican Bay is one of the world’s first “supermax” prisons, specifically designed to keep prisoners in long-term isolation.<sup>8</sup> By 1997, there were at least 57 supermax facilities across the US, in addition to countless isolation units of similar design in lower-security prisons, county jails, and juvenile detention centers.<sup>9</sup> Over 1,100 prisoners at Pelican Bay are currently isolated for 22 to 24 hours a day in an 8-foot by 10-foot cell with concrete walls and no windows. Florescent lights illuminate the cell 24 hours a day. The door is made of perforated steel, looking out onto another concrete wall. There is a slot in the door known as a “cuffport” or “meal port” through which the

<sup>7</sup> California Department of Corrections and Rehabilitation, *Pelican Bay State Prison*, online: Prison Facilities <[www.cdcr.ca.gov/Facilities\\_Locator/PBSP.html](http://www.cdcr.ca.gov/Facilities_Locator/PBSP.html)>.

<sup>8</sup> See generally Sharon Shalev, *Supermax: Controlling Risk Through Solitary Confinement* (Portland, OR: Willan Publishing, 2009); Keramet Ann Reiter, “The Origins of and Need to Control Supermax Prisons” (2013) 5:2 Cal J Pol and Pol’y 146 [Reiter, “The Origins of and Need to Control”]; Keramet Ann Reiter, “The Most Restrictive Alternative: A Litigation History of Solitary Confinement in US Prisons, 1960-2006” in Austin Sarat, ed, *Studies in Law, Politics and Society* (Bingley: Emerald Group Publishing Limited, 2012) vol 57 at 71; Alan Eladio Gomez, “Resisting Living Death at Marion Penitentiary, 1972” (2006) 96 Radical History Review 58 (for a history of supermax prisons in the US, and for more detail on the construction of Pelican Bay).

<sup>9</sup> Lorna A Rhodes, *Total Confinement: Madness and Reason in the Maximum Security Prison* (Berkeley: University of California Press, 2004) at 238.

prisoner's hands are cuffed or uncuffed for transportation outside of the cell, and through which meals are delivered twice a day, typically around 4:30am and 4:30pm. The few hours or minutes when prisoners are not in their cells, they are alone in a windowless exercise yard with no view of the outside and only a small glimpse of sky. These yards are often called "dog runs" because of their resemblance to an outdoor kennel.

The average length of time in the SHU at Pelican Bay is 7.5 years, but 89 prisoners have been isolated there for more than 20 years. Between 4,500 and 12,000 prisoners are currently held in some form of restrictive housing in California, out of a total of 80,000 prisoners in isolation across the US, and of 2.3 million prisoners generally. Due to severe overcrowding in California prisons, many people are double-celled in isolation units built for one.<sup>10</sup> Among the 4,500 or more prisoners in isolation in California, approximately 3,000 are isolated indefinitely as a result of CDCR policies for the management of "security threat groups" or prison gangs.<sup>11</sup> These policies are highly controversial, and they form the basis of the hunger strikers' second core demand to radically revise its gang management policies. In California, gang validation (or classification as a gang member) is administered through a points system that tracks criteria such as tattoos, incriminating photographs, banned reading material, telephone conversations and other forms of communication, as well as information from debriefing reports, inmate informants, and the allegations of correctional officers.<sup>12</sup> Three pieces of information – for example, a quote from George Jackson, a picture of a dragon, and the verbal report of a correctional officer – are enough to validate someone as a gang member and to put them in the SHU indefinitely.<sup>13</sup>

<sup>10</sup> Pelican Bay has a design capacity of 2,280 inmates, but in 2011, when the prison hunger strikes began, the prison population at Pelican Bay exceeded this capacity by more than a thousand prisoners. See California Department of Corrections and Rehabilitation, *Pelican Bay State Prison*, online: Institution Statistics, Prison Facilities <[www.cdcr.ca.gov/Facilities\\_Locator/PBSP-Institution\\_Stats.html](http://www.cdcr.ca.gov/Facilities_Locator/PBSP-Institution_Stats.html)>. On June 15, 2011, there were 1,107 prisoners held in the Pelican Bay SHU. Again, this exceeds the design capacity of 1,056, so approximately 100 prisoners were being double-celled in a unit built for one. This reflects a more pervasive overcrowding problem in California prisons, to the point where the Supreme Court ruled in 2011 that the situation constituted cruel and unusual punishment, and ordered the state of California to reduce its prison population to 137.5% of design capacity within two years in *Edmond G Brown, Jr, Governor of California, et al, Appellants v Marciano Plata et al*, 131 S Ct 1910 (2011). California has failed to accomplish this target based on the state's partial compliance with the order. This request was denied, but in September 2013, the state legislature and senate approved a plan to ship prisoners to out-of-state prisons in the short term, to devote some money to drug rehabilitation programs in the hope of diverting addicts from prison, and to make another request for an extension from the Supreme Court on the basis of this plan. See California Healthline, "Calif Lawmakers OK Compromise Plan To Reduce Inmate Population" (12 September 2013), online: California Healthline <[www.californiahealthline.org/articles/2013/9/12/calif-lawmakers-ok-compromise-plan-to-reduce-inmate-population](http://www.californiahealthline.org/articles/2013/9/12/calif-lawmakers-ok-compromise-plan-to-reduce-inmate-population)>.

<sup>11</sup> Sal Rodriguez, *FAQ* (2012), online: Solitary Watch <[solitarywatch.com/faq/](http://solitarywatch.com/faq/)>.

<sup>12</sup> Shalev, *supra* note 8 at 74-88.

<sup>13</sup> Shane Bauer, "Solitary in Iran Nearly Broke Me. Then I Went Inside America's Prisons", *Mother Jones* (November/December 2012), online: <[www.motherjones.com/politics/2012/10/solitary-confinement-shane-bauer](http://www.motherjones.com/politics/2012/10/solitary-confinement-shane-bauer)>.

The only ways out of the SHU as a validated gang member are: 1) to make parole or serve out your sentence (at which point you will be released directly onto the streets after years of isolation); 2) to prove that you have been falsely classified (to the same officials who approved your validation); 3) to remain inactive as a gang member for six years (again, as assessed by an internal review board); or 4) to “debrief” by providing prison authorities with accurate information about gang membership and/or activities. Among prisoners, these alternatives are known as “parole, snitch, or die”.<sup>14</sup> Snitching and dying, however, are by no means mutually exclusive possibilities, as former gang members face retaliation upon reintegration into the general prison population. Additionally, even if they are willing to face this risk, gang members who have been isolated for years or decades often lack reliable information with which to debrief. Their only option for reintegration is therefore to operate as an informant on an ongoing basis, thus putting themselves in danger and/or isolating themselves socially, even in general population. There is often no escape from the nightmare of gang validation.

In a sense, the Pelican Bay SHU is a world unto itself. It has its own rules, its own norms, and even its own lingo. Yet, for those who are isolated there or in similar supermax facilities, it can seem like the end of the world and the destruction of a meaningful human existence.<sup>15</sup> Steven Czifra, a former prisoner in the Pelican Bay SHU, says that his experience of isolation left him “a fractured human being”.<sup>16</sup> Jeremy Pinson, a prisoner in isolation at the federal supermax ADX Florence writes, “[t]he silence can drive you crazy. Makes you feel as if the world has ended but you somehow survived.”<sup>17</sup> Five Omar Mualimm-ak describes his five years in isolation in a New York prison as a process of annihilation: “The very essence of life, I came to learn during those seemingly endless days, is human contact, and the affirmation of existence that comes with it. Losing that contact, you lose your sense of identity. You become nothing.”<sup>18</sup>

<sup>14</sup> Keramet Ann Reiter, “Parole, Snitch, or Die: California’s Supermax Prisons and Prisoners, 1997-2007” (2012) 14:5 Pun & Soc’y 530.

<sup>15</sup> This may also hold for the correctional officers who spend 8-12 hours a day in such facilities as and other prison staff. See Ted Conover, *Newjack: Guarding Sing Sing* (New York: Random House, 2000).

<sup>16</sup> Geoffrey Mohan, “From Prison Isolation to a Sense of Doom”, *LA Times* (8 November 2913) online: <[www.latimes.com/science/la-sci-c1-prison-isolation-czifra-20131108-dto,0,1314281.htmlstory#axzz2o2sgY7r9](http://www.latimes.com/science/la-sci-c1-prison-isolation-czifra-20131108-dto,0,1314281.htmlstory#axzz2o2sgY7r9)>. In his testimony at the October 9 hearings on solitary confinement in California, Czifra added: “So I went all those years without touching anybody and I’ve been with my partner for over 7 years and it took 5 years before she could touch me without it hurting my skin” in *Transcript: Assemblyman Tom Ammiano’s QA with Dorsey Nunn, Dolores Canales & Steven Czifra at the joint legislative hearing on solitary confinement in California* (9 October 2013), online: What the Folly <[www.whatthefolly.com/2013/10/22/transcript-assemblyman-tom-ammianos-qa-with-dorsey-nunn-dolores-canales-steven-czifra-at-the-joint-legislative-hearing-on-solitary-confinement-in-california-oct-9-2013/](http://www.whatthefolly.com/2013/10/22/transcript-assemblyman-tom-ammianos-qa-with-dorsey-nunn-dolores-canales-steven-czifra-at-the-joint-legislative-hearing-on-solitary-confinement-in-california-oct-9-2013/)>.

<sup>17</sup> Susan Greene, “The Gray Box: An investigative look at solitary confinement”, *Ochberg Society* (24 January 2012), online: Ochberg Society <[www.ochbergsociety.org/magazine/2012/01/the-gray-box-an-original-investigation/](http://www.ochbergsociety.org/magazine/2012/01/the-gray-box-an-original-investigation/)>.

<sup>18</sup> Five Omar Mualimm-ak, “Solitary confinement’s invisible scars”, *The Guardian* (30 October 2013), online:

A phenomenological framework for interpreting the experience – or unraveling of experience – of prisoners in extreme isolation has been developed elsewhere.<sup>19</sup> This position will briefly be summarized. It will be followed by the development of an account of the world and its destruction through a reading of Hannah Arendt, followed by an analysis of the Pelican Bay hunger strikes as a collective re-creation of the common world through political action.

### III. From Phenomenology to Politics

From a phenomenological perspective, the subject of a meaningful life is not an individual but a relation; it is what Heidegger calls “being-in-the-world”, where the world is not just a container for my existence but an intrinsic element of it. Individuals are not in the world the way water is in a glass; rather, one’s existence extends into the world through one’s projects and perceptions, and it emerges out of the world as the material and cultural background for one’s particular way of being. The world is the “there” of one’s “being-there” or Dasein.

Heidegger distinguishes between four senses of world, two of which are particularly relevant for the present analysis of extreme isolation: 1) the world understood as the pre-ontological, existential context wherein Dasein lives, such as the public “we-world” or the private world of the home, and 2) the worldhood of the world: the ontological structure of world, distinct from its particular historical incarnations.<sup>20</sup> It is unthinkable for Dasein to exist without an ontological relation to world, and yet it is possible for particular worlds to be more or less supportive of Dasein’s potentiality-for-being. In his later work, Heidegger focused on modern technology as way of ordering the world through “enframing [*Gestell*]”, whereby everything is revealed as “standing-reserve [*Bestand*]” or raw material for the extraction of use-value. Trees appear as lumber, workers appear as “human resources”, and, arguably, prisoners appear as raw material for the prison industrial complex, or for the cost-intensive management of “security threats”. A particular historical world can be so rigidly ordered and so difficult to inhabit that it undermines the potentiality-for-being of those who find themselves within it. Dwelling is reduced to mere persistence in being; it begins to resemble the placement of things in a box or water in a glass. This is what Heidegger might call a deficient or inauthentic mode of “being-in-the-world”; the ontological structure of worldhood persists, but without the ontic support of a concrete, open-ended elaboration of essential

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<[www.theguardian.com/commentisfree/2013/oct/30/solitary-confinement-invisible-scars](http://www.theguardian.com/commentisfree/2013/oct/30/solitary-confinement-invisible-scars)>.

<sup>19</sup> Guenther, *supra* note 6.

<sup>20</sup> Martin Heidegger, *Being and Time* (New York: Harper Collins Publishers, 2008) at 93.

possibilities for “being-in-the-world”.

Such is the world of the supermax: a world-destroying world. Some people call it “the box”; it is a world without windows, without darkness, and without the bodily presence of other human beings. In effect, it’s a storage unit for people. In supermax confinement, the basic structures of Dasein, such as “being-in-the-world” and “being-with others”, persist on an ontological level, while being hollowed out to an absolute minimum on the concrete, ontic level. It is one thing to keep a hat in a box; hats are entities within the world, and they do not exist as “being-in-the-world”. To keep Dasein in a box is a form of violence, not just against the human rights of an individual, but also against the ontic and ontological possibilities of “being-in-the-world”.

This violence is not just an issue for prisoners in isolation; it is an issue for anyone who shares the world, willingly or unwillingly, with people in boxes. The public “we-world” of the United States (US), and of a growing number of other nations including Canada, is a place where thousands of people are kept in isolation, and millions of people are kept behind bars, apparently for the protection of others. Sociologist Loïc Wacquant calls the US “the first genuine prison society of history”.<sup>21</sup> In addition to the extreme isolation of around 80,000 prisoners across the US, over 2.2 million Americans are in prison or jail, and a total of 7 million are under some form of correctional supervision such as parole or probation. This is the largest prison population and the highest rate of incarceration in the world. Even after a person is released from prison, social isolation and political exclusion continue in the form of felony disenfranchisement (whereby almost 6 million US citizens have permanently or temporarily lost the right to vote), the permanent disqualification of people with drug felony convictions for social programs such as Section 8 housing and food stamps, and multiple social and economic structures that exclude formerly-incarcerated people from gainful (and legal) employment.<sup>22</sup>

These forms of social, political, and economic exclusion do not affect everyone equally. The poor and people of colour are disproportionately stopped and searched by police, arrested, convicted, sentenced to long prison terms, and isolated in supermax units. In 2008 in the US, young black males above the age of 18 had a 1 in 15 chance of being incarcerated, compared to a 1 in 36 chance for Hispanic males and 1 in 106 chance for white males, both in the same age bracket. This rate went up to 1 in 9 for black males between the ages of 20 and 34. Black females are more than three-and-a-half times more likely to be behind bars than white females, and they represent the fastest-rising prison population in the US.<sup>23</sup>

<sup>21</sup> Loïc Wacquant, “Deadly Symbiosis: when Ghetto and Prison Meet and Mesh” (2001) 3:1 *Pun & Soc’y* 95.

<sup>22</sup> Michelle Alexander, *The New Jim Crow: Mass Incarceration in the Age of Colorblindness* (New York: New Press, 2010).

<sup>23</sup> Public Safety Performance Project, *One in 100: Behind Bars in American 2008* (2008) at 6, online: Pew Center

In Canada, Aboriginal people (including First Nations, Métis and Inuit) are at least 10 times more likely to be incarcerated than non-Aboriginal people.<sup>24</sup> Saskatchewan has the highest Aboriginal incarceration rate in the country. In 2007-8, First Nations accounted for 8% of the province's adult population but 80% of the male prison population and 87% of the female prison population.<sup>25</sup> Aboriginal women are the most disproportionately incarcerated group in Canada, representing 4% of the population and 34% of the federal inmate population; these numbers have increased by 86.5% in the past 10 years.<sup>26</sup>

A disproportionate number of prisoners in solitary confinement are also people of colour<sup>27</sup>. In the state of New York, for example, African Americans make up 14% of the state population, 50% of the prison population, and 59% of the population in solitary confinement.<sup>28</sup> In Canada, a third of all prisoners in extreme isolation are Aboriginal.<sup>29</sup>

This is the world we live in: a world of isolation and exclusion for some, and protection and privilege for others. Isolation and protection are radically different social positions, but they are also mutually implicating. To live in a prison society, even as the member of a group for the sake of whose apparent safety others are locked in storage units, is to have one's concrete possibilities for "being-in-the-world" shaped by the structures of isolation and exclusion.<sup>30</sup> The world of the supermax is our world, and it is a world-destroying world.

#### IV. Hannah Arendt on the Destruction of the World

As a student of Heidegger, and also a survivor of the disaster in Nazi Germany which he implicitly and explicitly supported, Hannah Arendt extended Heidegger's account of the world, but also revised it in a political

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on the States, <[www.pewstates.org/uploadedFiles/PCS\\_Assets/2008/one%20in%20100.pdf](http://www.pewstates.org/uploadedFiles/PCS_Assets/2008/one%20in%20100.pdf)>.

<sup>24</sup> Office of the Correctional Investigator, *Background: Aboriginal Offenders – A Critical Situation* (16 September 2013), online: Office of the Correctional Investigator <[www.oci-bec.gc.ca/cnt/rpt/oth-aut/oth-aut20121022info-eng.aspx](http://www.oci-bec.gc.ca/cnt/rpt/oth-aut/oth-aut20121022info-eng.aspx)>.

<sup>25</sup> ArrowMight Facts and Figures, *First Nations Justice in Canada*, online: ArrowMight Canada <[www.arrowmight.ca/docs/AM-FACT-FN%20Justice%20Stats.pdf](http://www.arrowmight.ca/docs/AM-FACT-FN%20Justice%20Stats.pdf)>.

<sup>26</sup> Katerina Tefft, "Canadian Justice System Failing Aboriginal People", *The Manitoban* (12 August 2013) online: <[www.themanitoban.com/2013/08/canadian-justice-system-failing-aboriginal-people/15822/](http://www.themanitoban.com/2013/08/canadian-justice-system-failing-aboriginal-people/15822/)>.

<sup>27</sup> Bruce A Arrigo & Jennifer Leslie Bullock, "The Psychological Effects of Solitary Confinement on Prisoners in Supermax Units: Reviewing What We Know and Recommending What Should Change" (2008) 52:6 Intl J Offender Therapy & Comp Crim 622 at 633.

<sup>28</sup> National Religious Campaign Against Torture, *Confronting Solitary Confinement in an Age of Mass Incarceration*, online: <[www.nrnat.org/storage/documents/hrd2013-bulletin-insert.pdf](http://www.nrnat.org/storage/documents/hrd2013-bulletin-insert.pdf)>.

<sup>29</sup> Brett Story & Craig Desson, "Solitary confinement a growing issue in Canadian, U.S. prisons", *CBC News* (8 September 2013) online: <[www.cbc.ca/news/canada/solitary-confinement-a-growing-issue-in-canadian-u-s-prisons-1.1699487](http://www.cbc.ca/news/canada/solitary-confinement-a-growing-issue-in-canadian-u-s-prisons-1.1699487)>.

<sup>30</sup> See Ryan Conrad, ed, *Against Equality: Prisons Will Not Protect You* (Lewiston, Me: Against Equality Publishing Collective, 2012) (for an argument that prisons do not reduce violence, but rather intensify violence against the marginalized).



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

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

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

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

A life without speech and without action... is literally dead to the world; it has ceased

<sup>31</sup> Arendt, *The Human Condition*, *supra* note 4 at 246.

<sup>32</sup> While it is beyond the scope of this paper to develop this argument, it is thought by this author that Arendt’s account of natality as the capacity to begin again, her view of power as collective empowerment, and her elaboration of the importance of forgiveness in political life, offer interesting and compelling theoretical resources for a defense of restorative justice.

<sup>33</sup> Arendt, *The Human Condition*, *supra* note 4 at 8.

<sup>34</sup> *Ibid* at 202.

<sup>35</sup> *Ibid* at 22.

to be a human life because it is no longer lived among men.<sup>36</sup>

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

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

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

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

Arendt calls this world-destroying violence "total war": it is a violence directed not just against things or physical bodies but against voices, relationships, and meaningful action.<sup>40</sup> Total war is a form of violence against the very possibility of political life; it casts some people "outside the

<sup>36</sup> *Ibid* at 176. According to Arendt, the distinction between biological death and social death was indiscernible to the Romans: "Thus the language of the Romans, perhaps the most political people we have known, used the words "to live" and "to be among men" (*inter homines esse*) or "to die" and "to cease to be among men" (*inter homines esse desinere*) as synonyms" in Arendt, *The Human Condition*, *supra* note 4 at 7-8. If we shared the Roman form of political animality, then we would recognize solitary confinement as a death sentence, and refuse its resignification as a prison management strategy or administrative tool.

<sup>37</sup> See Elaine Scarry, *The Body in Pain: The Making and Unmaking of the World* (New York and Oxford: Oxford University Press, 1985) at 38 (where the author describes the logic of torture in terms of an "unmaking of the world"). It is difficult to think of a better description for the SHU. There is no need for electrical cords or dental drills to torture a person; you just need to stuff them in a concrete box and force them to bear the whole weight of their being in isolation from others. According to Scarry, torture "uses the prisoner's aliveness to crush the things that he lives for", see *ibid*. This is true also for the torture of solitary confinement: it exploits a prisoner's power as a subject of meaning, turning their own capacities for feeling, enjoyment, perception, and thought into an instrument of their own undoing. Scarry describes this as a forced self-betrayal: "Each source of strength and delight, each means of moving out into the world or moving the world in to oneself, becomes a means of turning the body back in on itself, forcing the body to feed on the body" in *ibid* at 48. The hunger strikers at Pelican Bay and across the California prison system are engaged in a process of making this otherwise invisible violence visible.

<sup>38</sup> "[T]he term 'public' signifies the world itself, in so far as it is common to all of us and distinguished from our privately owned place in it" in Arendt, *The Human Condition*, *supra* note 4 at 52.

<sup>39</sup> Hannah Arendt, *The Promise of Politics* (New York: Schocken, 2005) at 161-2.

<sup>40</sup> *Ibid* at 146-53.

common world” and undermines the space of mutual appearance that politics presupposes.<sup>41</sup> There are no innocent bystanders in a total war of extreme isolation, and even its apparent beneficiaries are also deprived of the full plurality of the human world when any particular group of people is isolated and excluded from public life.

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

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

While Arendt does not use this language, her account of statelessness is read as an implicit theory of civil and social death. Civil death, is meant as a legal fiction whereby someone is *legally* positioned as *dead in law*.<sup>44</sup> Their body may be alive and their mind sharp, but they are denied the legal status of a citizen with the right to vote, to bring a legal case to court, and to exercise their civil right to free speech, free association, and peaceful protest. Social death is meant as the effect of a social practice in which a person or group of people is excluded, isolated, and/or dominated, to the point of becoming dead to the rest of the world.<sup>45</sup> They may speak, but their voice is not heard and their

<sup>41</sup> Hannah Arendt, *Origins of Totalitarianism* (New York: Harcourt, Brace, Jovanovich, 1973) at 302 [Arendt, *Origins of Totalitarianism*].

<sup>42</sup> *Ibid* at 296.

<sup>43</sup> *Ibid* at 295 [emphasis added].

<sup>44</sup> See generally Colin Dayan, *The Story of Cruel & Unusual* (Boston: MIT Press, 2007); Caleb Smith, *The Prison and the American Imagination* (New Haven: Yale University Press, 2009) (for more on civil death in relation to the US prison system).

<sup>45</sup> See generally Orlando Patterson, *Slavery and Social Death: A Comparative Study* (Cambridge and London: Harvard University Press, 1982); Lisa Marie Cacho, *Social Death: Racialized Rightlessness and the Criminalization of the Unprotected* (New York: New York University Press, 2012); Jared Sexton, “The Social Life of Social Death: On Afro-Pessimism and Black Optimism” (2011) 5 *InTensions Journal* 1, online: <[www.yorku.ca/intent/issue5/articles/pdfs/jaredsextonarticle.pdf](http://www.yorku.ca/intent/issue5/articles/pdfs/jaredsextonarticle.pdf)> (for more on social death in relation to slavery and contemporary racism).

words do not matter. They may protest, but their action remains unsupported and ultimately ineffective. They may analyze the central dynamics of power and privilege in twenty-first century America, but their analysis gets lost in the news cycle and buried by official rhetoric. They may be very much alive to themselves, and to their family and friends, but they are positioned as dead to the world. They are excluded from the space of mutual appearance in a common public realm. Social death is the condition under which some people can be condemned to civil death, while the rest of us fail to care or even to notice. It is the condition under which entire groups of people may be exposed to disproportionate state violence, neglect, and/or exploitation, without provoking the concern or support of other members of the community. Social death is both a condition of civil death and one of its effects; they amplify one another in a vicious circle that is difficult to interrupt.

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

In the contemporary US, criminalization and state punishment are powerful mechanisms of civil death and social death. In her book, *Social Death: Racialized Rightlessness and the Criminalization of the Unprotected*, Lisa Cacho argues that terms like “gang member”, “illegal alien”, and “suspected terrorist”, function to condemn some people to social death in order to protect and securitize the lives of others. Identification as a “gang member” operates as a *de facto* status crime that exposes racialized subjects to criminalization, not on the basis of what they have done but on the basis of who they are, or are perceived to be. A status crime “is not contingent on criminal conduct; it is

<sup>46</sup> Arendt, *Origins of Totalitarianism*, *supra* note 41 at 296. “There is no question that those outside the pale of the law may have more freedom of movement than a lawfully imprisoned criminal or that they enjoy more freedom of opinion in the internment camps of democratic countries than they would in any ordinary despotism, not to mention in a totalitarian country. But neither physical safety - being fed by some state or private welfare agency - nor freedom of opinion changes in the least their fundamental situation of rightlessness. The prolongation of their lives is due to charity and not to right, for no law exists which could force the nations to feed them; their freedom of movement, if they have it at all, gives them no right to residence which even the jailed criminal enjoys as a matter of course; and their freedom of opinion is a fool’s freedom, for nothing they think matters anyhow”. But much the same could be said of prisoners in a situation of mass incarceration to the point of civil and social death.

premised upon bodies perceived to be criminal.”<sup>47</sup> This perception is made by those with enough social power to identify their own status with the law, its enforcement, and the punishment of those whose status does not shield them from criminalization.

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

## V. Resisting Social and Civil Death in the California SHU

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

In an article entitled, “Why I joined the multi-racial, multi-regional Human Rights Movement to challenge torture in the Pelican Bay SHU” leadership team member Antonio Guillen argues that the intended purpose of extreme isolation in the SHU is to “create an environment that discourages a man’s ability and/or desire to socialize with other human beings.”<sup>50</sup> In effect,

<sup>47</sup> Cacho, *supra* note 45 at 43.

<sup>48</sup> Prisoners’ Demands, *supra* note 3 [emphasis added].

<sup>49</sup> Paige St John, “Prison hunger strike leaders are in solitary but not alone”, *LA Times* (28 July 2013) online: <[www.latimes.com/news/local/la-me-ff-ashker-20130729,0,1059923.story?page=2](http://www.latimes.com/news/local/la-me-ff-ashker-20130729,0,1059923.story?page=2)>.

<sup>50</sup> Antonio Guillen, “Why I joined the multi-racial, multi-regional Human Rights Movement to challenge torture in the Pelican Bay SHU”, *The San Francisco Bay View National Black Newspaper* (29 August 2013), online: <[sfbayview.com/2013/why-i-joined-the-multi-racial-multi-regional-human-rights-movement-to-challenge-torture-in-the-pelican-bay-shu/](http://sfbayview.com/2013/why-i-joined-the-multi-racial-multi-regional-human-rights-movement-to-challenge-torture-in-the-pelican-bay-shu/)>. Guillen writes: “In an effort to achieve the intended purposes

this is the production of a worldless environment in which dehumanization and hyper-privatization are the norm. Guillen's interpretation is consistent with the official rationale of supermax confinement, which seeks to manage security threats by isolating leaders, blocking communication, and limiting the possibilities for social interaction among prisoners – all in the name of increased safety and harm reduction. Guillen's account, however, adds a critical analysis of the CDCR's *unofficial* policy of amplifying and exploiting racial hatred as a means of further isolating prisoners by dividing them against each other, in spite of the many interests they share in common. According to Guillen, prison officials "[i]ntentionally assigned rival prisoners from different races and/or regional groups to a pod. The idea being, if a pod were populated with those who didn't socialize with each other to begin with, then this would further serve the intended purpose of discouraging their ability and/or desire to socialize."<sup>51</sup> While it is difficult to prove (or disprove) intent in such situations, Guillen's analysis is consistent with independent reports from prisoners across the US of racial baiting in prison, including "gladiator fights" staged and/or tolerated by correctional officers, sometimes as opportunities to place bets on winners and losers.<sup>52</sup> For centuries, racial

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of PBSP SHU, which is to create an environment that discourages a man's ability and/or desire to socialize with other human beings, the powers that be took the following steps: A) Modeled the design of PBSP SHU on out-of-state SHUs that divided each housing unit into six pods of eight men each; B) Implemented local operations procedures that prohibit a prisoner from stopping at another prisoner's cell to converse or pass items from one cell to the next (PBSP O.P.); C) Utilized a CDCR regulation to prohibit a prisoner from conversing with another prisoner in a different pod (CCR Title 15, Section 3005 Conduct, Subsection (b) Obeying Orders); D) Utilized practices used to maintain single cell occupation in order to reduce the head count per each pod, thus limiting the number of persons one has access to converse with, and; E) Intentionally assigned rival prisoners from different races and/or regional groups to a pod. The idea being, if a pod were populated with those who didn't socialize with each other to begin with, then this would further serve the intended purpose of discouraging their ability and/or desire to socialize."

<sup>51</sup> *Ibid.*

<sup>52</sup> See generally Reiter, "The Origins of and Need to Control", *supra* note 8 on so-called "gladiator fights" in California prisons. See also Steve Champion, "Gang Validation: the New Inquisition", *The San Francisco Bay View National Black Newspaper* (18 February 2011), online: SF Bay View <sfbayview.com/2011/gang-validation-the-new-inquisition/> for a critique of the CDCR's unofficial policy of "micromanaging" racial hatred for the sake of dividing prisoners against each other, and blocking the formation of a radical political consciousness among prisoners. According to Champion, the objective of this unofficial policy is fourfold: "1. To define any "in prison" political activism as gang activity. 2. To criminalize and dehumanize politically conscious prisoners – past and present – by labeling them gang members. 3. To redefine revolutionary and leftist writings as gang literature. 4. To institute countermeasures that will disrupt, inhibit and delegitimize the emergence and growth of individuals and groups that could in any way be influenced by radical views." Champion continues: "What also facilitates the suppression of political consciousness is the unending cycle of ethnic and sectarian violence that permeates the U.S. prison system. Violence is micromanaged to perpetuate racial hatred and division among prison groups. And let me be honest, prisoners make it easy for prison administrators to accomplish this when they fail to redress the stark contradictions between their intransigent conflicts against each other and the repressive and often brutal treatment meted out to them by the prison regime. As long as prisoners don't frame their conditions and treatment in a political context, they will remain powerless to alter their situation. The gang mentality cannot produce viable change for prisoners. This can only come from conscious prisoners who are willing to struggle collectively." Champion's acknowledgement that prisoners "make it easy" to intensify racial hatred and violence when they fight against one another rather than grasping the political

hatred has functioned in the US, and elsewhere, as an instrument of social control for the poor and disenfranchised, who might otherwise notice that they have more reason to join together in struggle rather than to fight against each other.<sup>53</sup>

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

In the original call to engage in hunger strikes, issued in the summer of 2011, Duguma describes the situation in the Pelican Bay SHU as a form of “psychological and physical torture, as well as... civil death”.<sup>56</sup> He identifies the CDCR’s policies on gang validation and debriefing as a way of “sentenc[ing] all of us on Indeterminate SHU program to a ‘civil death’ merely on the word

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significance of their shared situation points to the difficulty of de-escalating racial violence behind bars, even for well-intentioned prison administrators. See generally Dale Noll, “Building a New Identity: Race, Gangs, and Violence in California Prisons” (2012) 66 U Miami L Rev 847 for a legal scholar’s perspective on the challenges of racial integration in the California correctional system.

<sup>53</sup> See Sitawa Nantambu Jamaa, “CDCR’s \$9.2 Billion Corruption Machine vs Prison Human Rights Movement”, *Prisoner Hunger Strike Solidarity* (18 August 2013), online: <prisonerhungerstrikesolidarity.wordpress.com/2013/08/18/cdcrs-9-2-billion-corruption-machine-vs-prison-human-rights-movement/> (where SHU prisoner and Short Corridor Collective leader, Sitawa Nantambu Jamaa, writes: “We realize nothing productive can be done to change the current state of our situation, our prison environment, unless we end the hostilities between prisoners and end all racial and gang violence within the CDCR. We feel that prisoners are the victims of a systematic process that manipulates them through racial and gang violence in order to prevent greater unity”).

<sup>54</sup> James Crawford & Mutop DuGuya (aka Bow Low), “Why Prisoners are Protesting”, *Prisoner Hunger Strike Solidarity* (1 July 2011), online: Prisoner Hunger Strike Solidarity <prisonerhungerstrikesolidarity.wordpress.com/voices-from-inside/why-prisoners-are-protesting/>.

<sup>55</sup> See Angela Y Davis, *Are Prisons Obsolete?* (New York: Seven Stories Press, 2003); Joy James, ed, *The New Abolitionists: (Neo) Slave Narratives and Contemporary Prison Writings* (New York: SUNY Press, 2005); David M Oshinsky, *Worse Than Slavery: Parchman Farm and the Ordeal of Jim Crow Justice* (New York: The Free Press, 1996); Guenther, *supra* note 6 for a more detailed analysis.

<sup>56</sup> Mutope Duguma (s/n James Crawford), “The Call”, *Prisoner Hunger Strike Solidarity* (2011), online: Prisoner Hunger Strike Solidarity <prisonerhungerstrikesolidarity.wordpress.com/voices-from-inside/the-call/>. In his prison memoir, Jack Henry Abbott, *In the Belly of the Beast: Letters from Prison* (New York: Vintage Books, 1991) at 114, the author also describes the social position of prisoners as a form of civil death: “In the American judiciary, anyone who is sent to prison suffers civil death . . . There is no legal relationship between prisoners, and any social relationship among prisoners [that is] not monitored directly--a ‘forced’ social relationship--by the pigs is in violation of the rules. It is insubordination.”

of a prison informer.”<sup>57</sup> These policies not only allow the word of one prisoner to disqualify the voice of another and condemn him to isolation; they actively create an incentive for this betrayal by constricting the possibilities of SHU prisoners to the triple bind of “parole, snitch, or die”. In “Why Prisoners Are Protesting” Duguma writes:

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

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

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

Any ongoing formal or informal organization, association or group of three or more persons which has a common name or identifying sign or symbol whose members and/or associates, individually or collectively, engage or have engaged, on behalf of that organization, association or group, in two or more acts which include, planning, organizing, threatening, financing, soliciting or committing unlawful acts of misconduct classified as serious pursuant to the California Code of Regulations (CCR), Title 15, Division 3, Section 3315.<sup>60</sup>

The emphases above highlight the flexibility of this definition in criminalizing and gang-validating a wide range of behaviors and associations.<sup>61</sup>

<sup>57</sup> Duguma, *supra* note 56.

<sup>58</sup> Crowford, *supra* note 54.

<sup>59</sup> Of course, this possibility of solidarity among prisoners is further undermined by racial tensions that are not limited to the California prison system, even if this system tends to exaggerate them. The fact that hunger strikers were willing and able to join together across such deeply-entrenched racial divisions is further testimony to the strength of the movement. Thank you to Keramet Reiter for emphasizing this point.

<sup>60</sup> State of California Department of Corrections and Rehabilitation, *Security Threat Group Prevention, Identification and Management Strategy* (2012), online: <[www.cdcr.ca.gov/Reports/docs/Security-Threat-Group-Prevention-Identification-and-Management-Model-03-01-2012.pdf](http://www.cdcr.ca.gov/Reports/docs/Security-Threat-Group-Prevention-Identification-and-Management-Model-03-01-2012.pdf)> [emphasis added].

<sup>61</sup> See Sal Rodriguez, “Inmates in Solitary Confinement in California Respond to Prison Policy Reforms”, *Solitary Watch* (1 May 2012), online: <[solitarywatch.com/2012/05/01/inmates-in-solitary-confinement-in-california-respond-to-prison-policy-reforms/](http://solitarywatch.com/2012/05/01/inmates-in-solitary-confinement-in-california-respond-to-prison-policy-reforms/)>, where Kijana Askari, a prisoner who has been in the



Under these criteria, a person who informally associates with two other people, to whom an identifying sign (such as a drawing or a colour) has been collectively attributed, and can be identified as *planning* two or more acts of unlawful misconduct with these people, can therefore be isolated for the rest of his life on the basis of this identification.

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

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

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

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

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

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SHU since 1994 after being validated as a member of the Black Guerilla Family, wrote to *Solitary Watch* in May 2012, in response to the CDCR's revised guidelines for Security Threat Management, issued in March 2012 in response to the 2011 hunger strikes: "At the crux of the revisions is a lack of a definitive and 'behavioral-based' criteria, as to what actually constitute as being gang activity. Meaning, any and everything can and will still be considered as gang activity, in spite of how innocuous the activity may be."

<sup>62</sup> Champion, *supra* note 52.

different.

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

At first it seemed to start off with common tier courtesies, then to casual conversations which lead to more in depth discussions about a variety of topics. This allowed each of us to gain a better understanding of the next man – who he was, the things he cared about or believed in and his way of thinking. At least for me, I soon realized that many of these men were no different from who I am. We shared the same interests and things of importance, and some of us even thought along the same lines.

As time went by, we soon started to share reading materials – books, magazines, newspapers etc. – and providing legal assistance – filing prisoner grievances and court litigation. And for those men who didn't have the means to purchase items from the prison commissary – writing materials, personal hygiene, food, beverages – the rest of the pod would get together and help out when we could...

Now this is not to say that everything has been sunshine and roses since then. There are still many negative forces that we routinely contend with – namely, those that have led to the evolution of these hunger strikes. It was, however, the courage and determination of the men who chose to stand up to the CDCR and challenge the torturous intent for PBSP SHU on all fronts – but specifically in the area of men's ability and/or desire to socialize – that ultimately forged strong and respectful relationships between men of different races and regional backgrounds that in turn allowed many of us to come together and bring this Human Rights Movement!<sup>63</sup>

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

Guillen acknowledges that, when he came to prison, he brought with him “attitudes and mindsets that were shaped and hardened by the years of gangbanging in the streets of San Jose and the several years spent in the California Youth Authority.” Rather than interrupting this pattern and introducing the possibility of different, less violent forms of sociality, Guillen's experience of prison was continuous with his experience of the streets; he describes the prison yard as “no different from any other hostile environment I had experienced.” It took a prisoner-led movement, beginning with everyday small talk and leading to the eventual identification of common interests, to create a meaningful alternative to the world-destroying violence of the streets

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<sup>63</sup> Guillen, *supra* note 50.

and the prison yard. For Guillen, the “ability and/or desire to engage in deep, meaningful and stimulating conversation about similar interests”, “the sharing and debating of thoughts and ideas”, and the act of “offering moral support in times of personal loss or tragedy” are “the things that make human beings, human beings.”<sup>64</sup>

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

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

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

This account stands as a testament to the power of words and deeds to (re)create a meaningful sense of political action in a common world, even in a space of extreme isolation. Ashker emphasizes the importance of both

<sup>64</sup> *Ibid.*

<sup>65</sup> Todd Ashker, “CA Prisoner Todd Ashker on His Evolution From Violence to Peaceful Hunger Strike”, *Democracy Now* (23 August 2013), online: <[www.democracynow.org/blog/2013/8/23/exclusive\\_audio\\_california\\_prisoner\\_on\\_hunger\\_strike\\_and\\_how\\_he](http://www.democracynow.org/blog/2013/8/23/exclusive_audio_california_prisoner_on_hunger_strike_and_how_he)>. See also Jose Villarreal, “Prison struggle: ‘The only alternative is to resist to survive’”, *Liberation* (23 August 2013), online: <[www.pslweb.org/liberationnews/news/prison-struggle-the-only.html](http://www.pslweb.org/liberationnews/news/prison-struggle-the-only.html)>, for hunger striker Jose Villarreal’s open letter from the Pelican Bay SHU, on the importance of class consciousness for hunger strikers: “Marx once said when differentiating himself with Feuerbach: ‘The chief defect of all hitherto existing materialism – that of Feuerbach included – is that the thing, reality, sensuousness, is conceived only in the form of the *object or of contemplation*, but not as *sensuous human activity, practice*, not subjectively.’ Just like Marx, I see our current actions in this prison strike as ‘sensuous activity.’ Our actions are revolutionary acts that are much more important than may be perceived by the state just as Feuerbach or others would have perceived our acts.”

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

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

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

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

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

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

<sup>66</sup> Jeffrey Beard, “Hunger strike in California prisons is a gang power play”, *LA Times* (6 August 2013), online: <[www.latimes.com/news/opinion/commentary/la-oe-beard-prison-hunger-strike-20130806,0,636927.story](http://www.latimes.com/news/opinion/commentary/la-oe-beard-prison-hunger-strike-20130806,0,636927.story)>.

of the SHU to further our gang agenda on the mainline".<sup>67</sup>

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

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

There is much to learn, both for the CDCR and for the rest of the world, from the political action of the Pelican Bay SHU Short Corridor Collective. Through their collective words and deeds, prisoners in extreme isolation have managed to create and sustain a meaningful sense of collective existence and collective resistance, even within a system that structurally undermines them. The hunger strikers and their supporters have labeled their political action a human rights movement: a label that is not contested so much as to try to situate it within a context that demonstrates how their movement gives

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<sup>67</sup> *Ibid.*

<sup>68</sup> California Department of Corrections and Rehabilitation, *About CDCR: Vision, Mission, Values, and Goals*, online: <[www.cdcr.ca.gov/About\\_CDCR/vision-mission-values.html](http://www.cdcr.ca.gov/About_CDCR/vision-mission-values.html)>.

<sup>69</sup> *Ibid.*

<sup>70</sup> See Guenther, *supra* note 6 for a more detailed account of the criminalization of collective resistance in the California prison hunger strikes.

meaning to the human, not just as an individual with inherent rights and freedoms but as a relational “being-in-the-world” and a political “being-with others” in a shared, but contested space of mutual appearance. That prisoners have managed to create this space of mutual appearance without even seeing each others’ faces is a testament to their power as political actors, even in a situation of criminalization and civil death.

## VI. Directions for Future Research

It is improbable that Hannah Arendt would have recognized the California prison hunger strikes as an example of political action. This is for several reasons:

- 1) Her identification of the social with an apolitical form of mass sociality or a “giant household” is not rich enough to grasp Guillen’s point about the importance of everyday sociality for building a political movement, nor for grappling with the issues of racial and class inequality that condition both the strike action and the situation of mass incarceration more generally.<sup>71</sup>
- 2) Her definition of political as the discourse of free and equal citizens whose bodily needs have already been taken care of, such that they do not need to bring the needs of the body into the political sphere, problematically affirms the implication that a class of people (women and slaves) will be consigned to the provision of bodily needs and excluded as such from the political realm.<sup>72</sup> She is therefore unable to account for the possibility of people who have been excluded from public life as unfree and unequal to insert themselves into the realm of the political and claim their freedom and equality. See Arendt’s disastrous response to school desegregation on this point.<sup>73</sup>
- 3) Her account of the private or intimate realm as a necessary complement to the public, political realm is insightful, but it suffers from a problematic identification of the private with private property, and even represents the body as “the quintessence of all property”.<sup>74</sup> A hunger strike cannot make sense starting from these faulty presuppositions. A hunger strike puts the survival of bodies on the line; it is a strategy that only makes sense for those who have been denied a political voice. The point of a hunger strike is not

<sup>71</sup> Arendt, *The Human Condition*, *supra* note 4 at 22-49.

<sup>72</sup> *Ibid* at 72.

<sup>73</sup> Hannah Arendt, “Reflections on Little Rock” *Dissent* 6 (1959) 45.

<sup>74</sup> Arendt, *The Human Condition*, *supra* note 4 at 112.

just to secure the means of survival, nor is survival irrelevant to the struggle; rather, people who participate in a hunger strike find in their bodies and in the question of their collective survival a basis on which to (re)claim a political voice, and to create the conditions of a common world, starting from a position of exclusion. A different account of the body as a site of collective struggle, and even a different account of survival as a political agenda, is required to make sense of this strategy.

- 4) Arendt's opposition between the stateless person and the convicted criminal, and her representation of the criminal as a "lonely figure" "who must hide himself from others", because he has positioned himself "against all men" and must therefore "remain outside the pale of human intercourse" as a "politically, marginal figure", make it difficult to grasp the possibility of a "prisoner class".<sup>75</sup> The members of the Short Corridor Collective are neither 'criminals' in Arendt's sense nor 'political prisoners' in the sense of someone who is incarcerated on the basis of their political views. Rather, they are convicted criminals who have been politicized, both on the streets and behind bars, and a more subtle taxonomy of guilt and innocence, criminal and activist, social prisoner and political prisoner, would be needed to articulate the precise social and political position(s) of the hunger strikers.

There is an argument to be made for theorizing the California prison hunger strikes as an example of political action in Arendt's sense of the word, even if she herself might not have evaluated it in these terms. This is for several reasons:

- 1) Arendt's account of the common world, and her account of the destruction of the world through the exclusion of some people from "the right to have rights", offers a rich and compelling theoretical framework for assessing the harm of extreme isolation and mass incarceration, even if she herself might not have included the convicted criminal among those who have been cast out of the common world.
- 2) Arendt writes that, "[t]he polis, properly speaking, is not the city-state in its physical location; it is the organization of the people as it arises out of acting and speaking together, and its true space lies between people living together for this purpose, no matter

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<sup>75</sup> *Ibid* at 180.

where they happen to be.”<sup>76</sup> This raises questions, which deserve to be explored in greater depth: Can the prison be a polis? And if so, how? To what extent does the self-identification of a prisoner class constitute a polis within the prison, and to what extent is it undermined by the policies and pronouncements by which prisoner resistance is interpreted and managed as an example of “gang violence”?

- 3) As problematic as Arendt’s account of society may be, it does offer a critical lens through which to evaluate the CDCR’s reduction of the political issues raised by crime and punishment to a neoliberal economic calculus of means and ends, inputs and outcomes, clients and stakeholders. If engaged critically, and put in conversation with other literature such as Foucault’s critique of neoliberalism and Loïc Wacquant’s analysis of the neoliberal landscape of mass incarceration, Arendt’s account of the social as an economic reduction of political life could make an important contribution to current discussions of prisons and neoliberalism.<sup>77</sup> Her account of privacy as privation could form the basis of an interesting critique of neoliberal prison policies as a “hyper-privatization” of the human condition of plurality, which in turn opens possibilities for theorizing dehumanization in prison without deploying a hierarchical opposition between human and non-human animals.<sup>78</sup>
- 4) Arendt’s account of natality suggests a fresh and provocative way to think about collective resistance behind bars (or anywhere, for that matter) in terms of a natal resistance to civil and social death. This possibility warrants exploration in relation to the literature on natal alienation and social death in slavery.<sup>79</sup>

In any case, the collective action of the Short Corridor Collective raises the opportunity for critically engaging with Arendt’s work, more than fifty years later, in a way that Arendt would have been keen to pursue, given her commitment to “think what we are doing” in every historical situation, and to revise existing concepts or create new ones in order to address the particular problems raised by any given situation.

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<sup>76</sup> *Ibid* at 198.

<sup>77</sup> Wacquant, *supra* note 21.

<sup>78</sup> See Guenther, *supra* note 6 at ch 5-6 for an attempt to rethink dehumanization in prison as a form of de-animalization.

<sup>79</sup> See e.g. Patterson, *supra* note 45; Claude Meillassoux, *The Anthropology of Slavery: The Womb of Iron and Gold* (Chicago: University of Chicago Press, 1991).