Race & Class

http://rac.sagepub.com

Abu Ghraib: imprisonment and the war on terror
Avery F. Gordon
Race Class 2006; 48; 42
DOI: 10.1177/0306396806066646

The online version of this article can be found at:
http://rac.sagepub.com/cgi/content/abstract/48/1/42

Additional services and information for *Race & Class* can be found at:

Email Alerts: http://rac.sagepub.com/cgi/alerts

Subscriptions: http://rac.sagepub.com/subscriptions

Reprints: http://www.sagepub.com/journalsReprints.nav

Permissions: http://www.sagepub.co.uk/journalsPermissions.nav

Citations http://rac.sagepub.com/cgi/content/refs/48/1/42

Abu Ghraib: imprisonment and the war on terror

AVERY F. GORDON

Abstract: The exposure of torture and sadistic treatment of prisoners in US-run prisons in Iraq and elsewhere in the 'theatre' of the war on terror has shed light on the nature of military imprisonment today. However, the actions and policies of military prison guards reflect accepted civilian prison norms. Excessive force, civil disability and the loss of internationally guaranteed rights, and indefinite detention are central means by which the wars on both terror and crime (civilian mass imprisonment) are executed. These practices, amounting to a condition of permanent imprisonment, are being pioneered by the US in its super-maximum civilian prisons. Permanent war and permanent imprisonment are not exceptional but increasingly the routine means by which the racial state organises the abandonment of surplus and potentially rebellious populations and attempts to quarantine the effects of global poverty.

Keywords: ad seg, Guantánamo, military police, supermax prisons, Taguba report, torture

Avery Gordon is professor in sociology at the University of California, Santa Barbara, and the author, most recently, of *Keeping Good Time: reflections on knowledge, power, and people* (Boulder, CO, Paradigm, 2004).

The tradition of the oppressed teaches us that the state of emergency in which we live is not the exception but the rule.

– Walter Benjamin

The ongoing news of torture and abuse of prisoners of war and so-called enemy combatants, notably at Abu Ghraib and Guantánamo Bay (where prisoners have been on a hunger/death strike), has given the US military prison unprecedented public attention. Rarely do any prisons, much less the especially secretive military prisons, emerge from the edge of geo-social consciousness where they reside. Thus our ability today to name some of their locations – Abu Ghraib, Guantánamo Bay, Diego Garcia, Kandahar, Peshawar – is significant, even if these are only a fraction of the estimated 1,000 US military and intelligence (CIA) installations worldwide. It's worth pausing over this number a moment. At last count, in 2001, the US officially reported a total of eighty-nine military prisons, fifty-nine in the US and thirty outside, including recent prison acquisitions in Iraq (officially counted at sixteen) and Afghanistan (officially counted at one), omitting the unknown number of secret prisons.[1] Chalmers Johnson argues that the official figures from the Department of Defense for 2003, of 702 overseas military bases in about 130 countries and 6,000 bases in the US and its territories, significantly undercount the actual number of bases the US occupies globally because the 2003 report omits bases in Kosovo, Afghanistan, Iraq, Israel, Kuwait, Kyrgyzstan, Qatar and Uzbekistan. It lists only one Marine base at Okinawa, Japan, failing to capture the size and scope of the American military colony there. According to Johnson, an 'honest count' (including Royal Air Force bases in Britain which he claims are more properly US military and espionage installations) of 'our military empire would probably top 1000 different bases in other people's countries'.[2] If we make the reasonable presumption that every military base has at least one prison or detention facility, a brig in popular parlance, then the scope of military imprisonment is staggering.

Indeed, the expansion of the reach of the US military into countries not its own, often with coerced or blackmailed permission, and the expansion of its corollary carceral complex add up to an extremely important and dangerous phenomenon. Secretive and closed, with expulsion and discredit the penalty for whistle-blowing, this vast military machine is little known. Some people are closer to its direct touch than others, but the shape and skein of how the war on terror, an ongoing security war, is changing the landscape slowly emerges. The attention lavished on Abu Ghraib prison and more recently directed to the discovery of US secret military and intelligence detention facilities in other countries, particularly in eastern Europe, is thus significant and laudable. However, it has, in the main, obscured and

sometimes denied the continuum between US military prisons abroad and territorial US civilian prisons. It is that connection that I address briefly here. I begin with Walter Benjamin's famous statement that 'the tradition of the oppressed teaches us that the state of emergency in which we live is not the exception but the rule' and with two presumptions or starting points, which follow.

First presumption. While there is abundant cause for moral outrage and disgust, there is no warrant for being surprised or shocked that citizens of the US tortured, abused and ritually humiliated other human beings and that the country's political and military leaders covered up their authorisation of it. There is no cause whatsoever for either angry or startled or presidential assertions that abuse and torture are not 'American', not things that American citizens do or condone.[3] American exceptionalism – the assertion that the US is an inherently more democratic, egalitarian and just society than all others – has always been a lie.[4] The current Bush government has indeed formulated a policy of exceptionalism, claiming the right of the US, as a sovereign God-given Christian nation, to exempt itself from the same laws that govern the conduct of other nations, but this policy is closer to the government's own definition of a rogue state than it is to a model democracy.

You do not even need to believe in 'the evidence of things not seen', as I do, to acknowledge the truth of this lie.[5] Certainly since the invention of photography, the visual evidence is usually available; often, it is itself an artefact or a souvenir of the presumed normalcy and legitimacy of the actions it shows. In this, the amateur photographs of Abu Ghraib that we have seen or whose release are still in dispute (those of army specialist Joseph Darby) most closely resemble the photographs taken of lynchings in the US between the 1880s and the 1930s; resemble them not only in their images of white women and men smiling and grinning at the mutilated bodies of Black women and men hanging from trees and posts, but also in the extent to which they were openly distributed and sold as keepsakes of an afternoon well-spent.[6] I note, as an important aside, that though they have been demanded, there has been no state acknowledgement or press interest in the *official* videotapes and photographs, those from the CCTV surveillance cameras ubiquitous in all prisons. As Shafiq Rasul and Asif Iqbal, two British citizens recently released from Guantánamo Bay, stated:

> We should point out that there were – and no doubt still are – cameras everywhere in the interrogation areas. We are aware that evidence that could contradict what is being said officially is in existence. We know that CCTV cameras, videotapes, and photographs

exist since we were regularly filmed and photographed during inter-
rogations and at other times, as well.[7]

Second presumption. Torture and cruelty towards prisoners, which
are general effects of the larger pattern, historically ancient, of crimina-
lising and capturing vanquished, threatening or unwanted populations,
are by no means only American or national phenomena. The US is
certainly a global leader in both the use of punitive and extra-legal
long-term imprisonment for achieving a variety of social and economic
control objectives and a leader in developing and exporting specific
techniques and portable technologies for securing unpopular terms of
order. But it is not unique and, as Eduardo Galeano said many years
ago of the authoritarian regimes that dominated Latin America in the
period after the second world war, 'it would be unjust not to credit
[their] ruling classes with a certain creative capacity in this field'.[8]
In this case, credit belongs especially to France, which pioneered
and taught the US, Israel and many Latin American countries current
standard operating procedures for urban warfare/counter-insurgency
wars of occupation. Not surprisingly, France's former Foreign
Legion and paratroopers, veterans of the Congo, Madagascar, Ivory
Coast and other postcolonial wars, provide an experienced cadre of
mercenaries and private security guards to the estimated 400 private
security companies, almost exclusively Anglo-American, operating in
Iraq today.[9]

The normalcy of exceptional brutality

There is a continuum that links the US military prison to the US
civilian prison. At the most basic level, it begins with the literal sharing
of personnel.

The modern military prison system began in 1875, in collaboration
with the forerunner to the American Correctional Association (the
American Prison Association) when the US military prison – known
now as the maximum security US disciplinary barracks – at Fort
Leavenworth, Kansas, was established. Today, the military correc-
tional system, as it is known, is primarily oriented to confining soldiers
and military personnel (and historically overwhelmingly for desertion
and mutiny), although the army and the marine corps are also respon-
sible for operating prisoner-of-war camps and detention facilities for
captives in the war on terror. Each branch of the military service –
air force, navy, marine corps and army – operates prisons but only the
army and marine corps permit a career military occupation as prison
guard.[10]

The US army maintains an active duty force of about 500,000
soldiers, but only approximately 1,000 to 2,000 of these are certified

for prison guard duty after completing a four-week course at the mock prison at Fort Leonard Wood in Missouri. These military police (MP) are, according to Colonel George Millan, director for training at the US Military Police School, mainly stationed in US territorial military prisons, creating a demand for military prison guards overseas. This demand has been largely filled by the army reserve.[11] According to a survey conducted by the American Correctional Association, since April 2003, over 5,000 civilian prison guards have been called up for active military duty and the potential exists for that number to rise by as much as 9,000.[12] The US army publishes no information on the specific jobs to which these civilian prison guards are assigned and so we cannot assume that they all become military prison guards. However, the expansion in the number of military prisons overseas and the shortage of military police suggest that traffic between the civilian prison and the military prison increases. Lieutenant Colonel Mark Inch, Corrections and Internment Branch chief in the office of the Provost Marshal General, explains:

> Reservists are an integral part of the total US military force structure. [There are 1.2 million members of the US reserve forces and National Guard.] A noted strength of these forces is the frequent synergy between the soldiers' civilian careers and their assigned military duties . . . Under the current organization, the military personnel who are more likely to perform enemy prisoner of war and detention operations during war reside almost *exclusively* in the Army Reserve and Army National Guard. Therefore, the synergy between the reservist's civilian employment in the corrections field and his or her duty to confine enemy combatants in Afghanistan and Guantanamo Bay, Cuba, and enemy prisoners of war and civilian detainees in Iraq . . . could not be more evident and essential to mission success (emphasis added).

This 'synergy' or, as Major General Ryder calls it, 'professional bond' is quite extensive.[13] Inch proudly details some of its features. At Guantánamo Bay, closed to the press and the public and arbitrarily restrictive to prisoners' legal counsel, the executive director of the American Correctional Association, James A. Gondles, Jr, and its president, Charles J. Kehoe, were given a VIP tour of Camp Delta. The tour was 'designed primarily by members of the 300th Military Police Brigade (Army Reserves, Michigan)', the majority of whom are prison guards from one unnamed 'particular' region in Michigan. Gondles and Kehoe met with the senior non-commissioned officer of the brigade, Command Sgt Major John Vannatta who, in civilian life, is the superintendent of the Miami Correctional Facility in Indiana. For the visitors, Vannatta 'replicated many of his familiar civilian responsibilities as correctional superintendent now in uniform as

Camp Delta's "superintendent"'. Sixty other 'professional correctional officers' are in 'key administrative and leadership positions' in Cuba. Members of the 327th Military Police Battalion, many of whom are Chicago area prison guards and police, currently guard those imprisoned in Afghanistan and run detention operations there. The most well known army reserve and National Guard unit, the 800th Military Police Brigade was put in charge of 're-establishing Iraq's jail and prison system' as well as staffing and managing the army's prisons for enemy combatants and prisoners of war. Captain Michael Mcintyre and Master Sgt Don Bowen, 'designers of the emerging Iraqi prison system', both work at the US penitentiary at Terre Haute, Indiana; they are joined by reservists normally employed by other state prison systems and by the US Federal Bureau of Prisons.

What is the nature of the virtual identity between civilian and military prison guards? Though not widely reported, several of the reserve soldiers in Iraq, and two of the most celebrated, charged with various offences at Abu Ghraib – assault, maltreatment, dereliction of duty, indecent acts and conspiracy – are indeed civilian prison guards. Army reserve Staff Sgt Ivan L. 'Chip' Frederick II, who was convicted and sentenced on 22 October 2004, was a prison guard in Virginia. He confessed, as part of a plea deal, 'to beating and humiliating Iraqi prisoners while taking souvenir pictures of the deeds . . . Frederick said he wrapped loose wires around a prisoner's finger and threatened to electrocute him if he fell off a narrow box. He confessed also to punching a prisoner and ordering him to masturbate in front of others "just to humiliate him"'.[14] His defence (assisted by psychologist Philip Zimbardo, the co-author of the celebrated Stanford prison experiments) was that the environment was 'stressful' and 'chaotic' and that he was poorly trained, notwithstanding the fact that he was identified in annex 1 (the psychological assessment) of the Taguba report (on the alleged abuse of prisoners at Abu Ghraib) as one of the 'ringleaders' by virtue of his expertise in what is euphemistically known as the field of corrections.

Until the moment of his own sentencing in January 2005 to ten years in federal prison, Corporal Charles A. Graner, Jr, Lynndie England's boyfriend and the soldier famously shown with her smiling behind a pyramid of naked Iraqi prisoners, had been employed by the State Correctional Institute at Greene (SCI-Greene) on full pay. Graner was familiar to prison activists, particularly the Pennsylvania Abolitionists, since he has been repeatedly implicated in violence against prisoners at the super-maximum security prison in western Pennsylvania. This institution is best known to those outside the state as the prison on whose death row Mumia Abu-Jamal sits, as he puts it, 'teetering on the brink between life and death'.[15] Prison activists and the Pennsylvania Department of Corrections have documented (including

on video-tape) many instances of prisoner abuse at SCI-Greene, start-ing in 1988, continuing and reaching a peak in 1998. This was two years after Graner's arrival; he had been given good riddance, according to his former warden, from a six-year stint as a prison guard at Fayette County prison. At that time, guards were accused of routinely beating and humiliating prisoners, including 'through a sadistic game of Simon Says in which guards struck prisoners who failed to comply with barked instructions'. According to army reports, Graner was called up for active duty in May 2003 and given supervisory positions at Abu Ghraib precisely because of his experience as a prison guard.[16]

Neither the warden nor any prison guard were ever criminally pro-secuted for any offence in connection with the documented prisoner abuse at SCI-Greene. Nor has any single member of, or contractor to, the US Department of Defense in Iraq, Cuba, Afghanistan or else-where been charged with torture, inflicting cruel and unusual punish-ment or war crimes. And it is arguably the case that the lesser order of charges – dereliction of duty, indecency, assault – against the lowest ranking were crumbs thrown to a roused press and agitated public. The reason for this is taken for granted by prison guards, whether they are employed in civilian or military prisons: even by those rather low standards that presume an authentic distinction between misapplied and normal imprisonment, both the abuse of power and torture in US prisons are, despite the sanctioned ignorance that pretends otherwise, 'common', to use the word approved by Reuters.[17] Torture, humiliation, degradation, sexual assault, assault with weapons and dogs, extortion, blood sport always have been part of US prison culture and behaviour. Angola, Attica, Marion, Florence, Corcoran – the names of these prisons carry their histories in tow, in part because they broke through the invisibility barrier. They brought into public view the images and the stories of ordinary ongoing violence and deprivation that became, finally, at that moment intoler-able to the men who lived with them. As corroborated by prisoners themselves, prisoner rights advocates, human rights organisations such as Amnesty International and Human Rights Watch, civil rights organisations such as the American Civil Liberties Union (ACLU) and the National Lawyers Guild, scholars in a number of fields, not to mention various departments of corrections and state and federal departments of justice, 'racialized sadism' in US prisons, to use William Pinar's term, is routine. It has a history exactly co-extensive with the history of imprisonment in the US, which is itself co-extensive with the nation's history.[18]

The utter normality of exceptional brutality explains why there was, according to the Taguba report, an 'easy' 'collaboration' between Graner and Frederick, the reservist prison guards tagged as the 'ring-leaders', and the other MP soldiers and dog handlers, military intelli-

gence personnel and civilian contract interrogators and interpreters. This comfortable collaboration went approved and unremarked until photographs of its activities became public; became something called a scandal, as much, one must say, for becoming public as for happening in the first place. The presumed normality also explains why, when interviewed by the FBI, no one reported observing any 'misconduct' or 'mistreatment' of those detained at Abu Ghraib. As the documents recently released to the ACLU under a Freedom of Information Act suit show, none of what the Abu Ghraib personnel saw – prisoners handcuffed to the wall with nylon bags over their heads being deprived of sleep; 'retraining' of detainees spread-eagled on the floor, yelling and flailing; naked prisoners kept prone on wet floors; men ordered to strip and then placed in isolation; use of electric shock; police guards repeatedly kicking prisoners in the stomach; threats to harm family members; burning; branding – none of this 'rose to the level of mistreatment' in the minds of observers because these were, to quote the respondents in the report, '*no different from . . . procedures we observed used by guards in US jails*'.[19]

The FBI interviewed almost everyone involved in policing at Abu Ghraib. Not one initially claimed that they had seen any behaviour that could be construed as mistreatment, much less torture as defined in international law. What they witnessed was, they thought, acceptable prison guard behaviour. And they were right. The Abu Ghraib photographs did not expose a few 'bad apples', or an exceptional instance of brutality or perversity. The Abu Ghraib photographs exposed the dehumanisation that is the *modus operandi* of the lawful, modern, state-of-the-art prison.[20]

State-of-the-art and super-maximum

Nowhere is this more clear than in the growth, over the past two and a half decades, of super-maximum imprisonment, the cutting edge in carceral technology and, arguably, the prototype for the retooling of the military prison to house and guard prisoners of war, enemy combatants and security threats in the war on terror.[21] Indeed, it is a cruel irony that the 'first step in the development of the modern supermax prison' was the conversion, in 1933, of the former military prison at Alcatraz island, California, into a fortified 'custody prison', designed to 'concentrate', 'isolate', 'segregate' and control 'the most serious disciplinary problems' in a context dedicated, the then FBI director J. Edgar Hoover emphasised, to severe and unremitting punishment.[22]

The history of the development of the super-maximum prison is beyond my scope here, but it is worth mentioning two relevant aspects. First, in many ways, Alcatraz was a public-relations directed invention, masterminded by Hoover to demonstrate publicly that the era's great

gangsters, like Al Capone, ever popular as outlaws, had been defeated by legitimate forces of law and order. The supermax prison today pretends to the same delivery of order and public safety in the face of gangsters running underground economies and societies. Second, as Ward and Werlich point out, as early as 1973, political prisoners were being sent to Marion; the conversion of the federal prison at Marion into the contemporary super-maximum regime and into what came to be known as the Marion model was the direct result of prisoner strikes against brutal conditions at the prison. Here, too, we find an important precedent for the criminalisation of dissent, a core function of mass imprisonment.

In the US, there are approximately 7 million people in prison or jail or on probation/parole; another 65,000 imprisoned under the authority of the Immigration and Naturalization Service and the office of the US Marshall. Of these prisoners, 41 per cent are Black and 20 per cent are Latino. Eighty-one per cent of those sentenced to state prisons in 2000 were convicted of non-violent crimes, primary drug offences and petty economic crimes, while violent crime rates continue to decline.[23] As a criminal class, their danger is almost always misinterpreted, if not overestimated. And yet, currently, nearly 2 per cent of the prison population is in what is called administrative segregation, without even access to the restricted due process that ordinary prisoners possess. Housed in fortified security units, these are literally prisons within a prison. Under conditions of super-maximum imprisonment, men and women spend their waking and sleeping hours locked in small, usually windowless cells, sealed with solid steel doors. They are locked down (or in) twenty-three to twenty-four hours a day, only permitted to leave their cells shackled and handcuffed and supervised by at least two guards, perhaps a few times a week for showers and solitary exercise in a human-size cage. Administratively segregated prisoners are almost never not caged; animals in a zoo live in larger cages. In security housing units (SHU), prisoners are routinely subjected to 'excessive' levels of force because there excessive force is permitted: forced cell extractions, discharge of electronic stun devices, chemical sprays, shotguns with rubber and real bullets, the use of psychotropic drugs for pacification, total isolation for days and days, sensory deprivation and sensory overload. Pointedly, every supermax or SHU has a sign, written in formal legal language, but which means 'we shoot to kill here, even if you get taken hostage', and which any rare visitor must verbally acknowledge as having accepted before being allowed to enter. While these practices violate both the International Convention on Civil and Political Rights and UN standard minimum rules for the treatment of prisoners, the US does not recognise these standards.

In fact, the US Supreme Court has enshrined in law the legitimacy of super-maximum imprisonment *sui generis* by treating it not as punish-

ment at all, but as a set of administrative procedures for managing high-security populations. This is the burden of Joan Dayan's magnificent work on the legal history of the erosion of the US Constitution's eighth amendment's prohibition on cruel and unusual punishment.[24] The legal permission to treat what were once considered cruel and unusual punishments as the 'ordinary incidents' of prison life entered a prison environment shaped by embedded logics of classification, profound distrust of educated and politicised resistance, and powerful will to institutionally reproduce. It has stretched what constitutes a special disciplinary problem or an urgent threat to the physical safety of persons to the distinctive point, the *ne plus ultra* utterly characteristic of the criminal justice *mentalité* and prison culture, where the arbitrary and the paranoid meet. The consequence is that administrative segregation has become far more than a temporary or extraordinary response to situational security or disciplinary needs. It has become an identity, a type of prisoner (known inside as 'ad seg') who belongs *permanently*, because it is in his or her 'nature', and who is classified as such in utterly corrupt and demeaning administrative hearings where senior police officers act as legal counsel for the prisoner. And thus, increasingly and frighteningly, because long-term exposure to super-maximum imprisonment leads to madness, inhumanity and death, ever larger percentages of prisoners are spending more than sixty months in administrative segregation.[25]

Too many prisoners now live permanently or semi-permanently in super-maximum imprisonment. It's likely that, eventually, most prisoners will live there. It's hard to convey what happens to someone confined indefinitely in conditions designed to break down all resistance to authority, self's or another's, in twenty-four to forty-eight hours.[26] The ones who beat it have a worn strength, dignified, that nevertheless lets you know the cost of the battle; the others have become shadows, mournful spectres. Under such deficient and deadly conditions, prisoners are no longer (and the extent to which they were before is questionable) conceived as human in any meaningful sense at all. Today more than ever, the original impulse behind the specific wording of the US Constitution's thirteenth amendment, that which abolished chattel slavery, is clear: *neither slavery nor involuntary servitude, except as a punishment for crime whereof the party shall have been duly convicted, shall exist within the United States, or any place subject to their jurisdiction*.

The destiny of the captive

The increasing erosion of the distinction enshrined in the eighth amendment between cruelty and decency and between the humane and the barbaric is tied to the production of a permanent prison population.

Permanent not only in the sense of always available but permanent also in the sense of perpetuity, of assigning to certain groups of people – in the US Blacks, Indians and Latinos – the caste and stigmata of the perpetual prisoner. The modern transatlantic slave system, which captured millions of Africans, inventively introduced permanent or hereditary enslavement, thereby making being a slave no longer a temporary social status, however despised or dishonoured, but, rather, a constitutive condition of one's social and juridical being. The significance of slavery to the historical development of the US prison system and to who became and still today most frequently becomes a prisoner is well known.[27] But racism, by which I mean 'group vulnerability to premature death',[28] explains not just who becomes a prisoner but also *what the prisoner becomes*. In the US, where slavery was most elaborated and remained so essential to national development, the fundamental racial ontology of permanent slavery was transferred, after the formal abolition of slavery, to the prisoner. It was prisoners who became, with the scientific legitimacy of criminal anthropology and bearing always the double burden of racialist ontology, an inferior race in and of themselves. 'The captive', Orlando Patterson has written, 'always appears . . . as marked by an original indelible defect which weighs endlessly upon his destiny.'[29]

And what is the destiny of the captive today? In a word, permanent abandonment. As Ruth Wilson Gilmore has forcefully argued, abandonment is the 'rigorously coordinated and organized setting aside of people and resources'.[30] It is the core feature of the expansion of a parasitic security/war economy rooted in mass imprisonment. Mass imprisonment warehouses surplus labour, that is people, the majority of whom are Black, for whom no room will be made in the legal capitalist economy. And, by criminalising poverty and resistance to saturation policing, mass imprisonment removes from civil society potentially active, angry and demanding political subjects to a remote and closed place where they are civilly disabled and socially dead.[31] In both these imperatives, individuals and communities are abandoned to a vast system of social control whose reach extends well beyond its seemingly targeted population to us all. At the same time, the so-called free society is abandoned, left bereft of the company and the contributions of these same individuals and communities.

From the vantage point of the US, where mass imprisonment and its constituent role in what passes for economic development has advanced to unprecedented and alarmingly taken-for-granted levels, and where African American communities in particular are staggering under the historical weight of what Gilmore aptly describes as 'rounds and rounds' of regimes of abandonment, the tendency to permanent captivity is perhaps more evident than elsewhere.[32] As I've tried to suggest, the expansion of super-maximum imprisonment is one important

indicator and means. Another is the extension of civil disability. The collateral consequences of felony conviction in the US include loss of civil rights and citizenship rights while imprisoned (or while paroled or on probation) and now, increasingly, upon final release, that is to say, indefinitely: loss of access to the law, to the right to vote, to serve on a jury, to hold public office, to live in certain neighbourhoods, to live in public housing, to associate with certain individuals, to hold certain jobs. Perpetual civil disability requires, in effect, treating the prisoner and the former prisoner as socially dead, as having lost the right to belong; a condition of liminal social existence (a living dead person) lacking public worth, social standing and honour. Upon application, social death is always permanent, a condition or a taint that appears to belong to the captive (or slave); his or her essential mark, so to speak. And, in this, it is a powerful legitimising and racialising tool for justifying the indefinite imprisonment of people who might otherwise be your neighbours or fellow citizens/residents or friendly, or even utterly strange, strangers. Orlando Patterson rightly called social death an 'idiom of power'. And he strikingly described how a society's outsiders – foreigners, infidels, prisoners of war – and a society's insiders – criminals, the destitute – could both be conceived as people who did not and could never belong: 'The one fell because he was the enemy, the other became the enemy because he had fallen.'[33]

War and peace

Being or becoming the enemy returns us to the complicated imbrication of imprisonment and war with which I began. An increasingly permanent captive population in the US has been created out of the spoils of Indian wars, civil wars, anti-communist cold wars, wars on crime, wars on drugs and now a war on terror. While war has always been the handmaiden of captivity and imprisonment, what is distinctive in the post-second world war period is the invention of perpetual wars, general wars without end, made on false promises of security and waged against ever shifting spectral enemies, driven by ideologies of order and counter-insurgency and by policies to contain and quarantine the effects of global poverty.[34] Endless war, endless captivity. Permanent war, perpetual prisoners of war.

In the early history of warfare, there was no recognition of a status of prisoner of war, for the defeated enemy, considered the property of the victor, was either killed or enslaved by him. Despite the Geneva Convention and international laws governing the conduct of warfare, the US has retained, as befits the imperial power it is, the ancient right of the strong and the conqueror to enslave fallen enemies. Thus, in the war on terror, there are no longer any prisoners of war in the modern, post-Westphalian sense, only 'enemy combatants', fallen captives.

Here, in the new permanent security war, the 'foreign' enemy captured, tortured, ritually humiliated, detained indefinitely, often secretly, tragically finds his complement in the 'internal' enemy. Both are the raw material of an organised abandonment in the service of a parasitical war economy; both are subjects of a corrupt, malleable law that indicts without substantive representation; both are subject to a crushing punishment, renamed administration. And the social death and dishonour of both are presented as the necessary price for 'our' safety and security. (Sometimes, of course, the external and the internal enemy are one and the same).

These are the terms of the war on terror the US is waging and soliciting in every part of the world. It does not act alone, however. Europe's xeno-racist carceral complex for refugees, asylum seekers and the economically precarious; Israel's genocidal occupation and enclosure of the Palestinians in a concentration camp state; South Africa's adoption of a US-style war on crime and its consequent imprisonment of ever larger numbers of black youth (sadly the Soweto generation and their children); soaring rates of imprisonment (the second highest in the world) in Russia and its previously or presently occupied territories, Turkmenistan, Ukraine, Kazakhstan, Latvia, Lithuania, Estonia, Kyrgyzstan, Moldova and Chechnya; the transformation of the Caribbean Basin into an off shore-banking-tourist-prison archipelago . . . And so on, and on, and on.[35] Increasingly, long-term captive populations worldwide are being created by a 'global state security apparatus' with many participating nation states facilitating the fastest growing business sector in the world.[36]

Bloated militarism in a crushing world economy dependent on the 'productive' destruction of places, communities, social wealth, shared intelligence and the systematic abandonment of entire peoples pave the road to ruin upon which the US and its allies travel. This way of life is not sustainable, despite the imperial announcements of victory and invincibility. In the meantime, it is necessary to raise the call and the movements for the abolition of permanent war and the captivity and negation that accompany it. Worldwide, most individuals do not favour (and many actively oppose) the occupation war in Iraq. Even in the US, where majorities have supported it, these are declining. This presents an opportunity to transform strong sentiment against one war in Iraq and its estimated $700 billion price tag into a stronger movement for what Seymour Melman liked, after a lifetime fighting for it, to just call conversion – the transition from a militaristic or war social economy to a peace social economy.[37] This will involve, as a first step, understanding the broader patterns underlying the behaviour of soldiers and police in Iraq and the larger context in which the military prison operates, and bringing these understandings as necessities

into the political mobilisations against the war in Iraq and the ongoing war on terror.

Mass imprisonment and organised abandonment play a central role today in the perpetuation and expansion of a 'secure' or security-centred world economy and in its extreme and untenable social costs, one of which is our young people and their right to a future, to a destiny determined by themselves. One of the ugliest and most suppressed facts about the expansion of imprisonment in the world today, whether in the US or France or the United Kingdom or South Africa or Brazil or Turkey or Nigeria, is that the vast majority of the world's prisoners are young. As are its soldiers. And thus our young men and women alike, our most vulnerable young, those in need of the greatest care and protection, are increasingly faced with the choice – rendered starkly in the photos taken at Abu Ghraib and in the US's insistence that Iraqi independence be contingent on its possessing a US-approved militarised police force – of being prisoner or police/soldier. The Mothers of the Plaza de Mayo, the mothers of the 'disappeared', would call this state of affairs, military civil authoritarianism. It is a contraction of possibility for living – a captive destiny – that is a cruel patrimony and a shameful inheritance. Peace is never just the absence of a war; it is, as Melman described it, the 'moving peacefully' towards the elimination of institutions and decision-making powers that plan, make, support and love war. It is necessary today, yet it is inconceivable without the abolition of its adjunct, mass imprisonment.

References

  1 On the official figures, see < www.ojp.usdoj.gov/bjs/pub/pdf/cpus9808.pdf > . On CIA-run secret prisons in the Middle East and Europe, see the break-out story by the *Washington Post*'s Dana Priest, 'CIA holds terror suspects in secret prisons: debate is growing within agency about legality and morality of overseas system set up after 9/11' (2 November 2005), A01, and subsequent reports. Human Rights Watch also issued a number of independent studies on rendition and secret prisons.
  2 Chalmers Johnson, 'America's empire of bases', < www.TomDispatch.com > (15 January 2004) and *Sorrows of Empire: militarism, secrecy, and the end of the republic* (New York, Metropolitan Books, 2004). See Natalie Nougayrède, 'Une ''prison secrète'' américaine a existé dans un camp de l'OTAN au Kosovo', *Le Monde* (26 November 2005), p. A 4, on Camp Bondsteel, the newly uncovered secret camp in Kosovo. See also P. W. Singer, *Corporate Warriors: the rise of the privatized military industry* (Ithaca, Cornell University Press, 2003).

3 Bush asserted that the Abu Ghraib photographs 'do not represent America'. See Mark Danner, 'The logic of torture', *New York Review of Books* (24 June 2004), p. 74. Mark Danner's *Torture and Truth: America, Abu Ghraib, and the war on terror* (New York, New York Review Books, 2004) reveals the failed efforts by Schlesinger and Fay in their respective investigative reports to sustain the 'bad apples' theory. Again and again, they themselves provide the very evidence of its inadequacy.

4 See Jasbir K. Puar, 'Abu Ghraib: arguing against exceptionalism', *Feminist Studies* (Vol. 30, no. 2, 2004), pp. 522–34.

5 James Baldwin, *The Evidence of Things Not Seen* (New York, Holt, Rinehart & Winston, 1985) and Avery F. Gordon, *Ghostly Matters: haunting and the sociological imagination* (Minneapolis, University of Minnesota Press, 1997).

6 See James Allen, Hilton Als, Congressman John Lewis and Leon F. Litwack, *Without Sanctuary: lynching photography in America* (Santa Fe, New Mexico, Twin Palms Publishers, 2000). To view the most comprehensive collection of the photographs of torture taken at Abu Ghraib prison, see < http://www.thememoryhole. org/war/iraqis_tortured/ > . Please be advised that this page takes you directly to the photographs, which are graphic and disturbing.

7 Shafiq Rasul and Asif Iqbal, 'Open letter to President George W. Bush from two former detainees' in Rachel Meeropol (ed.), *America's Disappeared: secret imprisonment, detainees, and the 'war on terror'* (New York, Seven Stories Press, 2005), p. 28. No doubt, these are one source for Secretary Rumsfield's original warning that should all the unreleased photographs be made public 'it's going to make matters worse' and for the Defense Department's refusal to release 'secret' photographs and videotapes following a federal judge's order. See 'Rumsfeld: unreleased images "cruel and inhuman"', < www.cnn.com > , Saturday 8 May 2004, and Kate Zernike, 'Government defies an order to release Iraq abuse photos', *New York Times* (23 July 2005). Despite the most recently aired photographs from Abu Ghraib by Australian television, the law suit seeking government release of all documents, including the images, pertaining to prisoner abuse at all US-run prisons in Iraq is still in the Court of Appeals. For information on the suit and its progress, see the ACLU web-site at < www.aclu.org > .

8 Eduardo Galeano, *Open Veins of Latin America: five centuries of the pillage of a continent*, trans. Cedric Belfrage (NY, Monthly Review Press, 1978), p. 305.

9 See Neil MacMaster, 'Torture: from Algiers to Abu Ghraib', *Race & Class* (Vol. 46, no. 2, 2004), pp. 1–21 and Patrice Claude, 'Profession: mercenaire français en Iraq', *Le Monde* (26 November 2005), p. 3.

10 See David K. Haasenritter, 'The military correctional system: an overview', *Corrections Today* (December 2003).

11 Dave Moniz and Peter Eisler, 'U.S. missed need for prison personnel in war plans', *USA Today* (24 June 2004).

12 See Mark S. Inch, 'Twice the citizens', *Corrections Today* (December 2003).

13 Major General Donald J. Ryder, 'Military and civilian corrections: the professional bond', *Corrections Today* (December 2003).

14 Monte Morin, 'GI gets 8-year sentence after guilty plea in abuse scandal', *Los Angeles Times* (22 October 2004), p. A4.

15 Mumia Abu-Jamal, *Live From Death Row* (Boston, Addison-Wesley, 1995).

16 See Paul Pierce, 'Fayette reservist implicated in scandal', *Pittsburgh Tribune Review* (5 May 2004); Pennsylvania Abolitionists, 'Currently employed SCI-Greene prison guard supervised torture of prisoners in Iraq; PA officials covering up his PA record' (6 May 2004), < www.pa-abolitionists.org > or < www.thejerichomovement.com/ 5-6-04paudp.html > ; 'In the shadow of Abu Ghraib: death row prisoner Mumia Abu Jamal on Iraq prison scandal' and 'Former military police officer (Paul Wright) jailed for 17 yrs describes routine mistreatment and brutality in US prisons' broadcast on
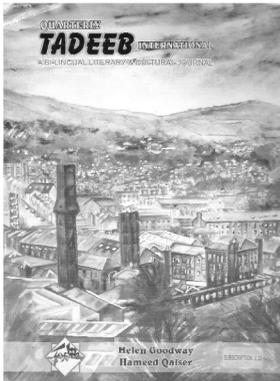
Democracy Now (10 May 2004), archived at: < www.democracynow.org >; Alan Elsner, 'Abuse common in US prisons, activists say', *Reuters Wire* (6 May 2004). It should be noted as well that, since 1997, local judges have issued at least three protection orders against Graner on behalf of his wife Staci who accused him of beating her, threatening her with guns, breaking into her house and stalking her after their separation in 1997.

17 Elsner, ibid. The extremely violent corporeal abuse of prisoners is also common – definitive of the genre's spectacle – in the enormous number of films and television series (paradigmatically like *Oz*) on prisons. The general public's appetite for seemingly realistic fictional accounts of prisoner abuse is in exactly inverse proportion to their interest in seemingly fantastic real accounts of prisoner abuse. This pattern of cultural consumption raises some thorny questions about the desire that underlies or satisfies it and questions about what people claim to know and not know, the latter sometimes difficult to interpret as other than a willful refusal of social responsibility.

18 See William F. Pinar, 'Cultures of torture', unpublished manuscript kindly supplied to the author. On the long history of imprisonment in the US as foundational to American, see Scott Christianson, *With Liberty for Some: 500 years of imprisonment in America* (Boston, Northeastern University Press, 1998) and H. Bruce Franklin, *Prison Literature in America: the victim as criminal and artist*, expanded edition (New York, Oxford University Press, 1989).

19 Emphasis added. The ACLU successfully sued for documents related to overseas detention facilities under the Freedom of Information Act. After a year of stonewalling, on 21 October 2004, the government released nearly 6,000 pages of documents, including the annexes to the Taguba report. Many of the documents, newly arriving each week, are heavily redacted but they can be retrieved at < www.aclu.org >.

20 The photographs certainly did not expose the relative merits of using torture to secure needed information, as some have suggested. As Elaine Scarry pointed out some time ago, 'The idea that the need for information is the motive for the physical cruelty arises from the tone and form of the questioning rather than from its content: the questions, no matter how contemptuously irrelevant their content, are announced, delivered, *as though* they motivated the cruelty, *as if* the answers to them were crucial.' See *The Body in Pain: the making and unmaking of the world* (New York, Oxford University Press, 1985), pp. 28–9. US military officials have admitted that 85–90 per cent of the detainees at Abu Ghraib (and at Guantánamo Bay too) were of no intelligence value whatsoever. See Mark Danner, *Torture and Truth*, op. cit., chapter 3.

21 On super-maximum imprisonment, see Joan Dayan, 'Legal slaves and civil bodies', unpublished manuscript, and 'Ruses of beneficence and rituals of exclusion', < www.louisville.edu/journal/workplace/issue6/dayan.html >. See also Craig Haney and Mona Lynch, 'Regulating prisons of the future: a psychological analysis of supermax and solitary confinement', *New York University Review of Law & Social Change* (Vol. XXIII, no. 4, 1997).

22 David A. Ward and Thomas G. Werlich, 'Alcatraz and Marion: evaluating super-maximum custody', *Punishment & Society* (Vol. 5, no. 1, 2003), pp. 53–75.

23 Bureau of Justice Statistics available online or from The Sentencing Project, < www.sentencingproject.org >.

24 Dayan, 'Legal slaves and civil bodies', op. cit., p. 26 and her 'Servile law', in Eduardo Cadava and Aaron Levy (eds), *Cities Without Citizens* (Philadelphia, Slought Foundation, 2003), p. 99. See also Joan Dayan, 'Cruel and unusual: the end of the eighth amendment', *Boston Review* (October/November 2004).

25 Ward and Werlich estimate that during the eighteen years between 1984 and 2000, the average term in super-maximum control units increased from thirty-six to sixty

months. Their estimate is based on prisoner stay in Florence, AZ, the most notorious security housing unit in the US, but the general pattern is confirmed in California and elsewhere. (David A. Ward and Thomas G. Werlich, 'Alcatraz and Marion: evaluating super-maximum custody', *Punishment & Society* (Vol. 5, no.1, 2003), pp. 53–75.)

26 See Lorna Rhodes, *Total Confinement: madness and reason in the maximum security prison* (Berkeley, University of California Press, 2004). The 2001 German film *Das Experiment*, based on the Stanford prison experiments conducted in 1971, is effective in conveying the institutional power of the prison to override human and ethical impulses nurtured otherwise.

27 See, for example, Angela Y. Davis, *Are Prisons Obsolete?* (New York, Seven Stories Press, 2003); her collected essays on imprisonment in Joy James (ed.), *The Angela Y. Davis Reader* (London, Blackwell, 1998); Matthew J. Mancini, *One Dies. Get Another: convict leasing in the American South. 1866–1928* (Columbia, South Carolina Press, 1996); David Oshinsky, *'Worse Than Slavery': Parchman Farm and the ordeal of Jim Crow justice* (New York, Free Press, 1996); Alex Lichtenstein, *Twice the Work of Free Labor: the political economy of convict labor in the new South* (London, Verso, 1996).

28 Ruth Wilson Gilmore, 'Race and globalization' in R. J. Johnson, Peter J. Taylor, and Michael J. Watts (eds), *Geographies of Global Change: remapping the world* (Oxford, Blackwell, 2002).

29 Orlando Patterson, *Slavery and Social Death: a comparative study* (Cambridge, MA, Harvard University Press, 1982), p. 38. On criminal anthropology, see Stephen Jay Gould, *The Mismeasure of Man*, rev. ed. (New York, W. W. Norton, 1996), pp. 151–75.

30 Ruth Wilson Gilmore, 'Tossed overboard: Katrina, imprisonment, and the politics of abandonment', 2005, unpublished manuscript kindly supplied to the author. See also R. Gilmore, *Golden Gulag: prisons, surplus, crisis, and opposition in globalizing California* (Berkeley, University of California Press, 2006). See also Andrew Leyshon and Nigel Thrift, 'Geographies of financial exclusion: financial abandonment in Britain and the United States', *Transactions of the Institute of British Geographers* (Vol. 20, 1995), pp. 312–41.

31 It is perhaps obvious to say that though the vast majority of prisons in the United States are public, under the jurisdiction of the states or the federal government, they are private in every other way. Try to visit a prison and you will quickly learn how inaccessible they are and how even minimal contact with them transfers to you the status of ward, in effect, temporary prisoner.

32 It is certainly what is at stake in the recent revolts by French *banlieue* and inner-city youth against Interior Minister Sarkozy's law and order policies. Despite the fact that they have been overwhelming characterised by the press and left intellectuals as lacking any serious political awareness, the youth understand better than most the link between the government's promotion of neo-liberal market policies, the erosion of the social state, and the building of a security policing complex in which they are the raw material for precisely the kind development abandonment involves. In this, the youth have a better grasp of what Americanisation really means.

33 Patterson, *Slavery and Social Death*, op. cit., p. 44.

34 See P. Wilkin, 'Global poverty and orthodox security', *Third World Quarterly* (Vol. 23, no. 4, 2002); Mike Davis, 'Planet of slums', *New Left Review* (Vol. 26, March-April 2004). In Immanuel Kant's famous essay written in 1795, 'Perpetual peace: a philosophical sketch', he makes a rather convincing case that perpetual war is the norm, in fact has been characteristically what states do. Given that the presence or absence of monarchical rule has made little difference in the ongoing history of omnipresent warfare, we may be mistaken in claiming that permanent war is a post-second world war invention.

35 See Liz Fekete, 'Anti-Muslim racism and the European security state', *Race & Class* (Vol. 46, no. 1, 2004); Liz Fekete, 'The deportation machine', *European Race Bulletin* (No. 51), 2005; Tony Roshan Samara, 'Policing development: crime, security and urban renewal in Cape Town', *Journal of Southern African Studie*s (Vol. 31, no. 1, 2005). Hélène Chåtelain, director, with René Lefort, of the celebrated documentary on the 1971 prisoner revolts in France, *Les Prisons aussi*, has made a new film, *Goulag* (2005), about the extensive Soviet prison system that forms the infrastructure for its current system. The International Centre for Prison Studies, King's College, University of London has an online database of world prison rates at < www.kcl.ac.uk/depsta/rel/icps/worldbrief > . The United States and Russia have the largest prison population rates in the world. Surprisingly, St Kitts and Nevis are third (559), Bermuda is fourth (532), Virgin Islands is sixth (521), Cuba is eighth (487), Belize and Suriname, the Cayman Islands, Bahamas, and Dominica are eleventh through fifteenth. Puerto Rico, Barbados, Netherland Antilles, Panama, St. Vincent, Aruba, Trinidad and Tobago, French Guyane, St Lucia and Antigua are all in the top thirty-five.

36 Peter Wilkin, 'Global poverty and orthodox security', op. cit., p. 634.

37 Seymour Melman, *The Peace Race* (New York, Ballantine Books, 1961); *Pentagon Capitalism* (New York, McGraw-Hill, 1970); *The Permanent War Economy* (New York, Simon & Schuster, 1984); *The De-Militarized Society* (Montreal, Harvest House, 1988); *After Capitalism: from managerialism to workplace democracy* (New York, Alfred Knopf, 2001).