

THE POLITICS OF PRISONS AND PRISONERS

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They are getting ready to activate another super-max prison. This one is a reconditioned prison built a decade ago in Thomson, Illinois. Like Pelican Bay, Marion, and Florence, this prison will be dedicated to holding people in solitary confinement. They say it will double the federal government's isolation capacity. They say it is for "the worst of the worst." But we know what that means. They pretend to refer to the incorrigibly violent, but we know it refers to political prisoners. Prison administrations have nothing against violence. They use violence as part of their very profession. A prison system is already a form of violence (kidnapping). Torture occurs there free of any accountability. They even use violent "offenders" for the purpose of "getting" someone they don't like (Yogi Pinell, for instance). And they make a game of instigating "gladiator" contests between prisoners (which sometimes give guards a chance to shoot someone).

Solitary is not for the violent. It is for those who have a political consciousness and a critique of the prison system, or of the social system. The administration does not want them talking to other prisoners. Political consciousness has a way of spreading.

The administration also knows that **solitary is a form of torture that will drive most people insane if held in isolation for years or decades. It leaves no marks on the body but it destroys the mind.** When it is consciousness that this system wishes to erase, and that is what the system wants to do with political critics and their political consciousness, then solitary confinement is ideal. There are over 80,000 prisoners held in solitary in the US today. Some have been there for over 40 years. A despotic system will go to any lengths to destroy the consciousness of those who pose ideas of democracy and freedom against it. For such a system, they are a real threat. And conversely, when the ideas of equality and democracy are a threat, we know we face a despotic system.

What is a political prisoner?

The traditional notion of a political prisoner is a person who is imprisoned for political ideas and political activities, whether those activities are legal or not. To disseminate thoughts or commit acts whose aim is to alter the political policies of a government is to be a political person. The most fundamental political act is to organize people into a political group to express or implement thoughts and visions. All organizing that strives for justice for the impoverished, for the oppressed, for the discriminated and racialized, constitutes a fundamental struggle for democracy. Examples of this kind of organizing include the Panthers, AIM, La Raza, Black Liberation Army, Weatherman, Communist Party, IWW, ACT-UP, and others. During the 1960s, the government organized a coordinated campaign against these

organizations called “Cointelpro” to disrupt, criminalize, and suppress them.

The existence of political prisoners is not a trivial question. The US has a constitution that proposes an egalitarian, democratic, and just political order. Insofar as the US began as a slave state, it had an initially contorted legacy to overcome. The presence of the permissibility of slavery in prisons written into the 13th Amendment, the very enactment that outlawed slavery everywhere else, evinces a refusal to overcome that legacy. In spite of the constitution, today, the government (state and federal) imprisons thousands who have organized against the system, against its withholding of rights and participation. Panther leaders are still in prison, AIM activists are still in prison, Puerto Rican nationalists are still in prison. In their critical stance, they had acted to establish some form of real democracy by eliminating discrimination, colonialist oppression, racism and segregation. They all testify to the refusal of the political structure, and of the police-prison nexus, to abandon that legacy of slavery. They may have acted illegally, but the absence of democracy and the withholding of rights calls in question the legitimacy of those who have been the ones who define the “legal” in the first place. There is an absence of legitimacy when the state withholds equality and political participation from classes, or communities, or whole ethnic groups, and subjects those groups to a legality in the defining of which those groups played no part.

It is this absence of legitimacy that leads the state to frame many of the movement leaders for some crime in order to imprison them. The two most prominent today are Mumia and Peltier, both framed for murder.

One would think that the policy-making elite would have learned, from the massive civil rights upheaval that threw off Jim Crow, that the demand for justice and equality could not be kept at bay. But racial profiling, institutional racism, and continued segregation in schools and elsewhere, have led to the construction of the largest prison system in the world, built to house people of color, who now comprise 75% of its prisoners. This fact is testimony that the purpose of the prison industry is to roll back the gains of civil rights, and to re-empower the white supremacy that was founded on slavery in the first place. Today, the concept of “political prisoner” lies at the center of the on-going conflict between white supremacy in its many forms and the ever-continuing attempts to construct democracy in the US.

In this context, two questions emerge. What is the relation between the traditional political prisoner and those who become politicized after they are imprisoned? And what can we say about the politics of those who are not political prisoners?

Those who are politicized within the prison system

There is a difference between those swept up and caged by a system threatened by their attempts at build a democratic society, and those who come to a realization of that despotism through their having been thrown in prison first. Whether or not this latter group had any critical thoughts about this society when arrested, many have developed a clear and insightful critique in confrontation with what has been done to them by the judicial machine itself. This difference is important.

One central aspect of it is **language**. The former (traditional political prisoners) had a political language at their command when they entered prison, which they brought with them from their activism. They could use it to see and analyse the structure of power they confronted, and relate that to the outside and to their former struggles for democracy.

Those who didn't have a political language when thrown in prison nevertheless had to confront

the same power and what it was doing to them. To think critically about that, they were often left to develop a language of their own, evolving it out of the bual dialects of the street and of prison itself.

In many cases, the language they succeeded in inventing saw more deeply and insightfully into the structure of power than did the activist languages imported from the outside, because it more directly reflected the confrontation with power, unfiltered by the ideals of political thoughts and freedoms that grace the languages imported from outside. Where the former often sees that direct confrontation through prior understandings, the latter had to construct a naked form of critical thinking that would enhance the person's struggle to survive. It is no accident that two of the most powerful voices for freedom to emerge during the 1960s, whose critique of this society called upon their own communities to rise up in strength, were both politicized in prison – Malcolm X and George Jackson.

The politics of non-political prisoners

Not all prisoners are politicized by prison in this way. Many just try to get through it. What brought them to prison was not political activity as such. But that does not mean it did not have a politics. Everyone has a politics. And it conditions what kind of crime they choose to commit.

This should not be a surprising issue. **The concept of “crime” is itself political.** Each “crime” comes into existence by political means, having been defined by a legislature in the form of a law for a judicial system to enforce. **It isn't a person's action that defines itself as a crime. A legislature does the defining.** For instance, according to the law, seizing a person, removing them from society, and holding them captive against their will, is defined as a crime called kidnapping. When a judicial system does it by throwing a person in prison, the legislature defines it as not a crime.

Another example, a more direct legacy of the slavery era, is the dependence on **torture** (by threat or application) to force obedience. Torture is a crime when committed by a civilian. Today, tasers, as instruments of torture, are being used by police all over the country to “correct” a citizen who demurs or questions the arbitrariness of a police command. On the one hand, police use is approved by definition. On the other, the state sanctifies its cruelty and dehumanization (the essential characteristics of torture) by violently punishing those persons who commit the same acts.

The political nature of crime lies in the fact that a definition can be changed at any time by the political structure. Contemporary examples include marijuana possession, marital rape, digital copyright, corporate liability, etc. And this suggests that, if a crime must be defined politically in order to exist as such, then it does not have any objective non-political existence. It is defined for political purposes. One of these purposes may be social stability, the stabilizing of the economic order. Another may be control, and the ability to enforce obedience. What does not appear as a paradigmatic purpose for defining crime is social justice. The condition of the people is something that gets blown about by varying political winds. The original illegality of labor unions, and the post-Depression regulation of them, is one example. Another is the concept of affirmative action. During the 1960s, affirmative action laws represented a powerful attempt to overcome the legacy of slavery and Jim Crow. Their repeal later on marked the real beginning of the government's campaign to roll back what the civil rights movements had won.

The politics of non-political prisoners

Political prisoners are those who have been targeted for their politics. They may all have been convicted of some kind of crime (murder, robbery, assault, etc.), but the evidence of false in so many cases emphasizes the political nature of their imprisonment. Since the civil rights movements, all black people have become targets for the system insofar as those movements, with their outgrowth of black power, community sovereignty, etc. undermined the political hegemony of white supremacy. Today, a great many black and brown people are imprisoned because of police racial profiling. And insofar as profiling is a political act, it makes these people political prisoners as well. But to go that far could lead to an over-generalization. To extend the category to all prisoners would dilute the concept and render it meaningless. It is important to be able to point to political prisoners as a special groups as part of a critique of the system.

But what then are we to say about other categories of prisoners? What was a person doing when thrown in prison, and what did it represent with respect to the system? What kind of distinction can we draw between forms of criminality?

Let us categorize different kinds of crime by the kind of politics they represent. This will then divide convicted persons into various types. Four divisions suggest themselves.

- * **Political Prisoners:** those who were activists acting to change the political and cultural structures of the nation, toward a democratic system of some kind, whether in pursuit of an ideology, or simply by demanding respect, dignity, and justice that had been withheld.

- * **Victimless Crime Prisoners:** those imprisoned for victimless crimes are punished for acting autonomously, and for having practiced an autonomous lifestyle whose features had been politically prohibited. They are guilty of political disobedience and individual autonomy.

- * **Prisoners of Survival:** those who were victims of impoverishment, oppression, and exploitation, and found that, in order to survive, they were forced by their circumstances to violate various laws, mostly those dealing with property.

- * **Violent Crime Prisoners:** those who commit vicious acts of cruelty, acts that are intentionally violent and damaging to other persons, for whatever psychological or social value they think they may get from being vicious and damaging toward others.

We must pay special attention to this fourth category. Though only 5% of all prisoners in the US have committed violent crimes, they are the ones who are the focus of most discussion about prisons and prisoners. They are the brush by which the entire prison population is painted. What stands out about this category of prisoner, however, is that the actions for which they were convicted are acts (across the board) that the government itself commits. The murders, kidnappings, assaults (including wife beaters and sexual predators), etc. are all acts designed to force a form of obedience on other persons (through torture), or to disappear the victim from the assailant's world (e.g. by murder). In doing so, they are repeating on a micro-level what the police do socially, thus accepting what the state does as a role model. **The state commits murder in the form of capital punishment, police killings, and wars of**

aggression. The state commits kidnapping, assault, and torture in operating prisons and putting people in solitary confinement. Imprisonment itself is a form of rape insofar as rape entails violently constraining the mobility of a body in order to render that body compliant or obedient to whatever the assailant wishes to do to it. All arrests resulting from profiling – and subsequent criminalization of resistance to the arbitrary obedience demanded – constitute a form of felony theft, insofar as this steals people from their community through the willful desires of agents of the state. In other words, those who commit violent acts against others are simply adopting a stance of “policing” toward others, picking them out from the populace by some means known only to themselves (like police racial profiling), and attacking them in some way. Thus, all these violent crimes constitute a form of “micro-policing.”

We can rename these four categories by means of the politics they represent.

- * a pro-democracy ideological politics – constituting political opposition to the state;
- * a politics of social autonomy – a self-styled life and life-style constituting disobedience;
- * a politics of individual resistance against oppression and impoverishment – significant violations of the sanctity of private property in the service self-survival;
- * a micro-policing politics, identified by a viciousness and cruelty toward other persons.

The idea of micro-policing goes beyond the categories of mere politics. It constitutes an analogy between the police-prison nexus and violent crime. It suggests that the political purpose of prisons is (intentionally) to foster violence as a role model, to avenge (not simply to suppress) human autonomy, and to be the technology of a social war machine just as violent crime is a micro-declaration of war against the individuals assaulted, very often with technological machinery like knives and guns.

Conclusion

After we have established a society based on democracy, in which individual life-style is valued for its creativity, and we have a society that takes responsibility for the well-being of its people, alleviating their necessity to fight for survival, we will still need to deal with those who have accepted state violence in all its forms as a role model. But first, we must eliminate those role models from the social landscape, or nothing will alleviate the propensities for violence in this society.

Since imprisonment is itself a complex of criminal acts against persons in the name of an ethic that makes justice impossible (the revenge ethic, which only doubles the violence and the violations), the prison institution must be abolished first and foremost.

But that means we have a responsibility to those who have fallen prey in one way or another to those role models. Prisons are precisely the wrong response to violent crime. Where prison is designed to separate those defined as criminals from civil society, in reality they must be separated from the role models that valorize or legitimize the crimes they commit against others. Prison concretizes and exacerbates the social dehumanization that expresses itself in viciousness and violence in the first place for both perpetrators and victims.

To rehumanize, a community is needed that can dedicate itself to freeing those who are in the throes of society's violent role models. They must be brought together with others also in need of rehumanization, which includes the police, the prison guards, and the entire military hierarchy, along with the amateur murders, rapists, and kidnappers who follow their lead. It will require some kind of therapy, but it will have to be a kind that unites rather than separates persons from community and from their own (abandoned) humanity.

Unfortunately, the US government is moving in the opposite direction, constructing a category of “**domestic terrorism**” by which to jail even more people. And it is expanding its ability to put people in solitary confinement. Thus, another dimension of dehumanization of human and political activity is today being added to the institutional structures of this country.

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