Sexual Coercion, Prisons, and Feminist Responses

Let's begin with the disclosures that the U.S. has been torturing people as part of its war on terror—not only in Guantánamo Bay but also in Iraq, Afghanistan, and by way of the countries to which the U.S. ships detainees to be interrogated. What is your take on this?

A lot of information is being made public about the abuses committed by the U.S.—the torture, abuse, the sexual violation of people detained at the notorious Abu Ghraib prison in Baghdad, and elsewhere. As difficult as it is to view the photographs of torture taken at Abu Ghraib, as horrendous as they may appear—particularly to people in this country who find it hard to believe that a young white woman from North Carolina could be an active perpetrator of the tortures portrayed—these abusive practices cannot be dismissed as anomalies. They emanate from techniques of punishment deeply embedded in the history of the institution of prison. While I know that it may be difficult for many people to accept the fact that similar forms of repression can be discovered inside U.S. domestic prisons, it is important not to fix-
ate on these tortures as freakish irregularities. How do we pose questions about the violence associated with the importation of U.S.-style democracy to Iraq? What kind of democracy is willing to treat human beings as refuse? I think we know the answer to this question.

“A picture is worth a thousand words,” goes the popular saying. In the case of Abu Ghraib, however, the pictures seem to be both expressive and repressive. The fixation on the pictures seems to suggest that what is horrible is that the pictures and videos exist and not that torture exists. Should we not be more horrified that if these pictures had not been leaked, we would never have had the scandal necessary to confront the U.S. practice of torture?

What is perhaps even more horrible is that we project so much onto the ostensible power of the image that what it represents, what it depicts, loses its force. The philosopher Theodor Adorno wrote at length about the unrepresentability of the most brutal human acts, such as those committed by the Third Reich. We might also reflect on the unrepresentability of slavery and its myriad violences, and on the unrepresentability of torture in U.S. military prisons. The images depicting torture at Abu Ghraib were released into an environment so charged with assumptions about the hegemony of U.S. democracy that the images themselves were overwhelmingly understood in the context of the need to explain them in relation to democracy. In other words, how could we understand the images as depicting acts that fundamentally contradicted dominant assumptions about U.S. democracy?

The concern with rescuing U.S. democracy pushed the suffering of the prisoners into the background. It seems to me that the widespread expressions of shock and revulsion in relation to the photographs asked, “how is this possible?” “how can this happen?” and asserted, “this is not supposed to happen.” There was disbelief and an impulse toward justification, rather than an engagement with the contemporary meaning of torture and violence.

Images are very complicated and we haven’t promoted, at least not in a mass sense, a visual literacy necessary to critically understand them. To think of the image as an unmediated representation is problematic and often has the effect of producing precisely the opposite of what was expected. I’m thinking of the Rodney King controversy. For example, we saw the police beating Rodney King on video, but the prosecutor was able to develop a particular interpretation of that image that bolstered his claim that Rodney King was the aggressor. So I think it is important not to assume that the image has a self-evident relationship to its object. And it is important to consider the particular economy within which images are produced and consumed.

The photographs enter into an economy that seems to say, “you see, we can show this because we are a democracy.” and in the process the fact that the same democracy committed the act of tor-
tured. I guess this is what happened with Rodney King as well. Can you elaborate?

We might talk about the particular interpretive communities within which the images were released. Of course, the dominant responses implicated specific individuals as the perpetrators of the atrocities represented in the photographs, implying that they should not be interpreted as a general comment on the state of U.S. democracy. In other words, these acts of torture and sexual coercion are only conceivable as the work of aberrant individuals. So this interpretive framework helped to constitute the particular economy in which the images circulated. Of course, in some of the alternative media there were more complicated interpretations proposed, but the dominant media proceeded as if the answers to the questions posed by the photographs were already known.

Several people have compared the Abu Ghraib images to lynchings pictures from the turn of the century. Is it proper to compare them, despite some radical differences? After all, the lynchings pictures were of public events in which citizens killed fellow citizens in rites of racial purity, with local authorities often sanctioning them. The Abu Ghraib pictures, on the other hand, are of soldiers torturing so-called enemy combatants, if not following explicit commands, at least performing their soldierly duty. There is also a pornographic staging in the Abu Ghraib photographs that is absent, in my view, from lynching pictures.

Since you raise the question, I do think that there is a connection between these two sets of photographic images and I think it is important to recognize their kinship across historical eras and geopolitical locales. First of all, let me answer your question about citizens killing citizens. Lynching could be photographed as celebratory gatherings precisely because those who participated assumed that they were destroying others who could not possibly be included in the community of citizens. One could argue that lynching precisely defined its victims as beyond the possibility of citizenship. Even though the victims formally may have been citizens—second-class citizens at best—lynching was one of the ways in which the impossibility of equal citizenship was reinforced, especially when you consider the relationship between lynching and the legal apparatus. Lynching was extra-legal, but it was linked very closely to the state’s machinery of justice. Although the participants were not direct representatives of the state in carrying out these lynchings, they considered themselves to be doing the work of the state.

In the South during the post-Civil War era, lynchings played a major role in establishing an environment conducive to the transformation of state constitutions so as to subordinate the legal apparatus to the requirements of racism. Lynching facilitated the consolidation of Jim Crow. But lynchings also helped to validate capital punishment, which had been debated since the revolutionary period. I see the death penalty and lynching as very closely linked, particularly when
one considers that they both have their origins in slavery and that communally inflicted death was—and still is—much more likely to be justified when the dead person's body is black than when it is white. At the same time, we should keep in mind that when such processes become institutionalized, white bodies can also bear the brunt of this racist violence.

The black targets of lynching—construed as representatives of a racialized population—can be seen as individual victims in the construction of a collective racial enemy. This was the important ideological work of lynching. The lynching victim becomes an individual materialization of an ideological enemy. In that sense I think that there are clear parallels between acts of lynching and the events at Abu Ghraib despite the different socio-historical circumstances. Lynching was public; today torture is hidden behind prison walls. Of course punishment has moved historically from public spectacle to more hidden forms of violence, especially with the creation of the prison. Military prisons, as they currently exist, incorporate the regimes and practices developed within the domestic prison system. As the dominance of imprisonment increased and lynching waned under the impact, the public dimension of imprisonment began to give way to hidden forms of violence.

Today, even legal executions are concealed. Both military and domestic prisons carry the mandate to hide the real nature of punishment from all except its perpetrators and its targets. The contemporary representability of execution is possible only insofar as it appears to have abandoned all its previous violence. Lethal injection is represented as swift, humane and painless. The irony, of course, is that the concealment of punishment has enabled the proliferation of the worst forms of brutality and violence.

In answer to your question regarding the pornographic dimension of the Abu Ghraib photographs, I would have to argue that there was also a very explicit pornographic dimension to the photographs of lynching. First, consider the ideological environment and the dominant explanation proposed by the advocates (as well as some opponents) of lynching: black men were supposed to be inclined to rape white women. The lynchings themselves were frequently accompanied by sexual violence and sexual mutilation, castration, dismemberment, as well as the sale of body parts as lynching artefacts. Photographs of lynchings, produced as postcards—historical counterparts to amusement park postcards today—were clearly pornographic. This captures what is perhaps the best definition of pornography: objectification of the body, the privileging of the disembodied body. I would have to think about this a bit further, but I think that there is a very revealing parallel between the sexual coercion and sexual violence within the Abu Ghraib context and the role sexual violence plays in lynching.

_Orlando Patterson has suggested that lynchings were part of a blood rite, a type of racial cleansing._ I mention this because I
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would like to ask whether what we have in the Abu Ghraib pictures is a new racial contract?

A new racial contract in what sense?

In the sense of whites against Islamic “others,” where religion is treated racially. A new racial contract in which “Americans” are unified against this “other,” this new enemy.

I’m reluctant to work with the assumption that the anti-black racial contract is primary in all respects. Here in the U.S., we have learned to speak about race in terms that emanated from the struggle for black equality. And although the hegemonic struggle against racism has definitely been a contestation with anti-black racism, throughout the history of this country, there have been other racialized histories and other forms of racial domination, not the least of which is the genocidal assault on indigenous populations. I think it is extremely important to acknowledge the mutability of race and the alterability of the structures of racism. This is especially important because there is often times a tendency to work with hierarchies of racism. I refer frequently to Elizabeth Martinez’s notion of an “oppression Olympics”: who is the most oppressed? She argues, of course, that to pursue the question is a losing game in every respect.

So, yes, I think it is important to acknowledge the extent to which racism today is fueled by the “war on terror.” It is a very complicated process of racialization because it allegedly targets people of Middle Eastern descent, but that, even as a geopolitical category, is suspect. Bush’s war against terror exploits religion and thus targets communities around the world that practice Islam—especially in South and Southeast Asia, using the justification offered by Huntington in his “clash of civilizations” thesis.

When we consider the way the conventional weapons of racism have been redeployed, along with new ones—the USA PATRIOT Act, the proliferation of detention centers and military prisons—we might argue that as horrendous as this explosion of violence may be, it contains important lessons about the nature of racism. These contemporary lessons are more clearly apprehended than those associated with the racism we recognize as embedded in the history of black people in this country. But it is difficult to ask people to acknowledge the obsolescence of historical racism, because we have an affective attachment to the identities that are based on that history. Nevertheless, the variety of racism that define our present era are so deeply embedded in institutional structures and so complexly mediated that they now appear to be detached from the persons they harm with their violence.

The Bush administration has insisted that the global “war on terror” is not a crusade, not religious war. Yet, there have been some recent disclosures, in particular in a book by Erik Saar, a veteran of Guantánamo, that makes it clear that the U.S. has,
at Guantánamo and Abu Ghraib, been using torture techniques specifically designed to violate the detainees' cultural and religious values. He describes, for example, women interrogators using sexually explicit or S&M clothing, pretending to touch prisoners with menstrual blood and then withholding water so that they the detainee cannot clean themsefes. They are using Islamic culture as a weapon, using a person's Islamic culture as a sensibility that can be tortured. Here we have a form of religious war, but in this case waged by the West.

First of all, I would say that I am always suspicious when culture is deployed as a strategy or an answer, because culture is so much more complicated. The apparent cultural explanation of these forms of torture reveals a very trivial notion of culture. Why is it assumed that a non-Muslim man approached by a female interrogator dressed as a dominatrix, attempting to smear menstrual blood on him, would react any differently from a Muslim man? These assumptions about culture are themselves racist.

When critics of the tortures carried out under the auspices of the Bush administration cavalierly assume that the tortures are simply exploiting the fact that Islamic culture is inherently more sexist than what we call western culture, the critics themselves participate in this violence. These misunderstandings of culture are thus very effective as weapons in the war against terror.

Culture is not static, it is alive; it is about everyday practices, it is about change, it is about difference. The assumption that one can know all that is important to know about an individual—a prisoner incarcerated at Abu Ghraib or Guantánamo, for example—if one knows her or his "culture," is itself a racist proposition. It is an indication of the extent to which the U.S. conducts the war on terror, the war for global dominance, with any available weapons. Ideological weapons are often times the most powerful. The notion of culture promoted by the warriors on terror is predicated on the idea that there must be a hierarchy of cultures within which "Islamic culture" is already inferior. To explain the tortures within this pseudo-cultural framework is to define the people who are being tortured as already inferior. So I wonder whether it might be possible to think about your question in a different way—in a way that is critical of what is actually being done to these human beings, to the bodies of the Iraqi prisoners, and in a way that understands that U.S. interrogation methods comment more on U.S. strategies and methods than on the people who are suffer the torture.

So you are suggesting that we see the actions deployed by the torturers as not representing cultural understanding of Arab and Middle Eastern peoples, but only the prejudices of the torturers?

Yes, exactly. You see, what happens is that we may think that we're challenging Huntington's "clash of civilizations" thesis, but we're using the same terms, the same frame. The assump-
tion of cultural inferiority remains. And, in the final analysis, the uncritical acceptance of certain cultural terms works as much to our disadvantage as the arguments justifying torture that we attempt to refute.

This is analogous to what you said earlier with respect to the images from Abu Ghraib: how they enter into an economy, but become eviscerated or pre-empted, how images are communicated within an interpretative frame that makes it easy to buy into the implicit assumption that a person might deserve torture simply because of their particular culture.

Yes, and even if we are morally opposed to torture, even if we think we are passionately opposed to torture, the very process of taking on an oppositional position that draws on the terms of racism militates against the possibility of equality or solidarity. We end up reinforcing the inferiority of the person who is the victim of torture. It is a kind of epistemic violence that coincides with or accompanies the physical violence we think we are contesting. Anti-Arab racism has rendered it very difficult to acknowledge the leadership of those communities that suffered torture in Iraq. The victims of torture have been objectified as a problem liberal U.S. citizens must seek to solve. In many ways, this recapitulates the vexed history of struggles against anti-black racism within the United States. Drastic moves were required—such as the expulsion of white members of SNCC, for example—to reveal the dynamic of racism and what has been called unacknowledged white privilege within movement circles. This is not to say that every white civil rights activist was openly racist, but rather to insist on the power—then and now—of ideologies of racial inferiority.

In The Torture Papers: The Road to Abu Ghraib, we are confronted with the naked truth that our government consciously and deliberately violated one of the most fundamental rights in international humanitarian law, the prohibition against torture. But it seems that we are being blackmailed: either we talk about torture or we don’t, and if we do, the issue focuses around what kinds of torture are acceptable and which are not.

Yes, that is the trap, but it seems to me that we have no choice but to discuss it. But we must ask what larger issues frame the questions we are allowed to ask about torture. As you said, those questions are fairly constrained: does this constitute torture or does it not constitute torture? So how can we break out of that frame, moving beyond the question of what is and what is not torture? Some of the official memos pointed toward utterly ridiculous conversations about how not to label particular forms of violence, such as sleep deprivation, standing for long periods of time, etc., as torture. They pointed to overt efforts to evade accepted international definitions of torture and even attempts to evade U.S. legal frameworks. The memos also reveal an effort to render routine and mundane what might otherwise be defined as torture.
We tend to think about torture as an aberrant event. Torture is extraordinary and can be clearly distinguished from other regimes of punishment. But if we consider the various forms of violence linked to the practice of imprisonment—circuits of violence linked to one another—then we begin to see that the extraordinary has some connection to the ordinary. Within the radical movement in defense of women prisoners’ rights, the routine strip and cavity search is recognized as a form of sexual assault. As activists like Debbie Kilroy of Sisters Inside have pointed out, if uniforms are replaced with civilian clothes—the guard’s and the prisoner’s—then the act of strip searching would look exactly like the sexual violence that is experienced by the prisoner who is ordered to remove her clothing, stoop, and spread her buttocks. In the case of vaginal and rectal searches, routinely performed on women prisoners in the U.S., this continuum of sexual violence is even more obvious.

To break free of this blackmail, as you put it, to move beyond the permissible terms, it might be helpful to consider the connections between everyday prison violence and torture. Of course, we know that some of the military personnel involved in the Abu Ghraib scandal had previously served as prison guards in domestic prisons. This points to a deeper connection between the situation at Abu Ghraib and domestic imprisonment practices. It is not a coincidence that Charles Graner, recently tried and convicted for his role in the tortures, had been employed as prison guard at SCI-Greene, the facility where death row prisoners—including Mumia Abu Jamal—are housed in Pennsylvania. As a matter of fact there were at least two lawsuits filed against him for abuse within that prison. Of course I don’t want to suggest that Graner’s previous history as a prison guard is a sufficient explanation for the tortures at Abu Ghraib, especially if such an argument is used to absolve the military hierarchy and the Bush government of responsibility. Rather I am attempting to highlight the links between the institution of the military prison and that of the domestic prison. What is routinely accepted as necessary conduct by prison guards can easily turn into the kind of torture that violates international standards, especially under the impact of racism. Fanon once made the point that violence is always there on the horizon of racism. Rather than rely on a taxonomy of those acts that are defined as torture and those that are not, it may be more revealing to examine how one set of institutionalized practices actually enables the other.

Let me return to the question of the racial contract we were talking about earlier. Implicit in that question was another, namely, whether this use of torture has given expression to a new contract: the equal opportunity, racial-sexual torture contract in which gender equality means that all can participate equally in degrading themselves as they inflict suffering on prisoners. There is a very explicit gender dimension to the Abu Ghraib pictures…
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The representations of women soldiers were quite dramatic and most people found them utterly shocking. But we might also say that they provided powerful evidence of what the most interesting feminist analyses have tried to explain: that there is a difference between the body gendered as female and the set of discourses and ideologies that inform the sex/gender system. These images were a kind of visualization of this sex/gender conjunction. We are not accustomed to visually apprehending the difference between female bodies and male supremacist ideologies. Therefore seeing images of a woman engaged in behavior that we associate with male dominance is startling. But it should not be, especially if we take seriously what we know about the social construction of gender. Especially within institutions that rely on ideologies of male dominance, women can be easily mobilized to commit the same acts of violence expected of men—just as black people, by virtue of being black, are not therefore immune from the charge of promoting racism.

The images to which you’re referring to evoke a memory of a comment made by Colin Powell during the first Gulf war. He said that the military was the most democratic institution in our society and created a framework in which people could escape the constraints of race and, we can add today, gender as well. This notion of the military as a leveling institution, one that constitutes each member as equal, is frightening and dangerous, because you must eventually arrive at the conclusion that this equality is about equal opportunity to kill, to torture, to engage in sexual coercion. At the time I found it very bizarre that Powell would point to the most hierarchal institution, with its rigid chain of command, as the epitome of democracy. Today, I would say that such a conception of democracy reveals the problems and limitations of civil rights strategies and discourses.

This is true not only with respect to race and gender, but with respect to sexuality as well. Why is the effort to challenge sexism and homophobia in the military largely defined by the question of admission to existing hierarchies and not also a powerful critique of the institution itself? Equality might be considered to be the equal right to refuse and resist.

This is how I would rephrase your original question: How might we consider the visual representation of female bodies collaborating in acts of sexual torture—forcing Arab men to engage in public masturbation, for example—as calling for a feminist analysis that challenges prevailing assumptions that the only possible relationship between women and violence requires women to be the victims?

You’ve anticipated my next question. Barbara Ehrenreich has written that a “certain kind of feminist naïveté died at Abu Ghraib. It was a feminism that saw men as the perpetual perpetrators, women as the perpetual victims, and male sexual violence against women as the root of all injustice.” What do Guantánamo and Abu Ghraib mean to feminists?
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To naïve feminists? Here I would have to place emphasis on “naïve.” Of course this question of what counts as feminism has been hotly debated for who knows how long. Nevertheless I think that most contemporary feminist theorists and activists acknowledge that the category “woman” is a false universal, thanks largely to the scholarship and activism associated with “women of color feminism.” It is true that in popular discourse we have a tendency to use essentialist notions about what women do or do not and what men do or do not. Still, the notion that men are naturally inclined to commit sexual violence and that this is the root of all injustice is something that most good feminists gave up a long time ago. I’m not sure why Barbara Ehrenreich would formulate a response to the Abu Ghraib photographs in this way. A more productive approach would be to think more precisely about forms of socialization and institutionalization and about the extent to which these misogynist strategies and modes of violence are available to women as well as men. When one looks at certain practices often unquestionably accepted by women guards in U.S. prisons, one can glimpse the potential for the sexual coercion that was at the core of the torture strategies at Abu Ghraib. I return, therefore, to the question of those established circuits of violence in which both women and men participate, the techniques of racism administered not only by white people, but by black, Latino, Native American, and Asian people as well. Today we might say that we have all been offered an equal opportunity to perpetuate male dominance and racism.

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So you would rather put the emphasis on the institutions of violence, the institutionalization of certain mechanisms of violence, rather than on whether it is perpetrated by males or females.

Exactly. I am referring to a feminist analysis that enables us to think about these different and sometimes disparate objects and processes together. Such a feminist approach would not always be compelled to engage centrally with “women” or even “gender,” but when it does attempt to understand gender, it pays special attention to the production of gender in and through such institutions. More generally, I would say that the radical impulse of feminist analysis is precisely to think disparate about categories together, to think across disciplinary borders, to think across categorical divisions. This is precisely what the Abu Ghraib photographs demand.

Let me turn the question around and ask you, in light of Abu Ghraib and Guantanamo, what do U.S. and Western feminists have to say to Islamic and Middle Eastern women?

You know, when you asked that question, this historical image came to mind: white, American feminists traveling to Iran after the 1979 overthrow of the Shah in an attempt to educate Iranian women on how best to initiate a feminist trajectory. Or, in contemporary terms, I think about George and Laura Bush, posing as the liberators of women, explaining that this was one of the motivations for invading -67-
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Afghanistan. If the global war against terror is justified with ideas about the superiority of U.S. democracy, it is equally dangerous to assume that U.S. feminism—whether liberal or radical—is superior to the feminisms in other parts of the world. Perhaps I would rephrase your question: What do women in those areas of the world that suffer most under Bush’s policy of global war have to say to western feminists? It seems to me that those of us here in the U.S. who are interested in a transnational feminists project would better serve the cause of freedom by asking questions rather than making proposals. So I would want to know how feminist and working class activists in countries such as Iraq might envision the most productive role for us. In the meantime, we must continue to strengthen the anti-war movement.

You’re calling into question the paternalistic assumption in my question, that feminists in the West, and the U.S., have to school Islamic women about how to proceed. They can do that work themselves.

Exactly. We have not yet moved beyond the assumption that the most advanced feminists in the world—whether they are white or people of color—reside in the U.S. or in Europe. This is a form of racism that forecloses the possibility of solidarity.

In your work on prisons you have noted that sexual coercion is fundamental to prison regimes. The Guantánamo and Abu Ghraib sexual torture revelations, however, are implanting the idea that such extremes only occur offshore and are rare occurrences. It is as though the prison-industrial system had duplicated itself outside the States in order to divert attention from the everyday domestic reality of torture and sexual coercion.

The prison-industrial-complex embraces a vast set of institutions from the obvious ones, such as the prisons and the various places of incarceration such as jails, “jails in Indian country,” immigrant detention centers, and military prisons to corporations that profit from prison labor or from the sale of products that enable imprisonment, media, other government agencies, etc. Ideologies play a central role in consolidating the prison-industrial-complex—for example the marketing of the idea that prisons are necessary to democracy and that they are a major component of the solution of social problems. Throughout the world, racism has become embedded in imprisonment practices: whether in the U.S., Australia, or Europe, you will discover a disproportionate number of people of color and people from the Global South incarcerated in jails and prisons. The everyday tortures experienced by the inhabitants of domestic prisons in the U.S. have enabled the justification of the treatment meted out to prisoners in Abu Ghraib and Guantánamo. As I said earlier, it was hardly accidental that a U.S. prison guard like Charles Graner was recruited to work in Abu Ghraib. He was already familiar with the many ways prison objectifies and dehumanizes its inhabitants.
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Yes, this is actually in one of the official reports. It was pointed out that the military actually appointed Graner because of his experience.

Exactly. So the connections do not have to be made from the outside. They are already there to be discovered. As I said before, this is a person whom they must have known had already been the target of at least two lawsuits. In one suit, Graner was accused of throwing a detained man on the floor, kicking and beating him, and placing razorblades in his food. In another lawsuit he was accused of picking up a detainee by the feet and throwing him into a cell.

There is another interesting parallel that I would like to raise in the context of this question, and that is the extent to which the U.S. purposefully transfers detainees to other countries whose governments are free to interrogate and torture them without accountability or restraint. This is process is officially called “extraordinary rendition.”

What are the parallels between extraordinary rendition and the trafficking of prisoners across state borders? A number of years ago video footage was made public that depicted the brutal treatment of prisoners in Texas, who were held in a wing of the Brazoria County Detention privately run by Capital Correctional Resources, Inc. This wing held prisoners from Missouri who had been transferred to serve their sentences in Texas. The videotape depicts riot-suppression training strategies and was made available to the media in connection with a lawsuit filed by a prisoner who had been bitten by a dog during the training. Guards kicked prisoners, assaulted them with electric prods, and ordered them to crawl as dogs pursued them. In the aftermath of this violence, Missouri cancelled its contract. But this has not stopped the practice of trafficking the prisoners across state borders, as they are trafficked across national borders.

Of course the practice of extraordinary rendition is designed to enable prisoners to be interrogated and tortured without the U.S. government being held directly accountable. I think that you’re right that there is a widespread assumption that torture could never occur within U.S. borders. As a matter of fact, in the earliest conversations about the violation of prisoners’ human rights at the military prison in Guantánamo, government officials distinguished between what was allowable offshore and what was allowable within the territory of the United States. They argued that such rights as due process and the right to legal counsel could only be claimed within U.S. borders, but not necessarily outside. Likewise, Alberto Gonzalez characterized the Geneva Conventions as too “quaint” to be applicable to “illegal combatants” incarcerated in Guantánamo Bay.

What are the prospects for prison abolitionism in light of this perpetual war on terror? The prison system, with its surplus violence and torture, seems to have entrenched itself in the Ameri-
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can polity. How can we convince Americans that this system is a cancer on the heart of democracy?

There is no straightforward answer to this question, but I can begin to think through some of the implications of your question. The abolitionist movement has a long history, and during various eras, activists have maintained that prevailing conditions in prisons and jails, along with their failure to accomplish their announced purpose, constituted the strongest argument for abolition. Of course, conditions have become even worse over the years and an unimaginable number of people—over two million—are currently held in the network of U.S. prisons and jails. Moreover, we have witnessed how these institutions can be deployed in the U.S. war for global dominance—and this is yet another argument for their abolition.

When we call for prison abolition, we are not imagining the isolated dismantling of the facilities we call prisons and jails. That is not the project of abolition. We proposed the notion of a prison-industrial-complex to reflect the extent to which the prison is deeply structured by economic, social, and political conditions that themselves will also have to be dismantled. So you might say that prison abolition is a way of talking about the pitfalls of the particular version of democracy represented by U.S. capitalism.

Capitalism—especially in its contemporary global form—continues to produce problems that neither it nor its prisons are prepared to solve. So prison abolition requires us to recognize the extent that our present social order—in which are embedded a complex array of social problems—will have to be radically transformed.

Prison abolitionist strategies reflect an understanding of the connections between institutions that we usually think about as disparate and disconnected. They reflect an understanding of the extent to which the overuse of imprisonment is a consequence of eroding educational opportunities, which are further diminished by using imprisonment as a false solution for poor public education. Persisting poverty in the heart of global capitalism leads to larger prison populations, which in turn reinforce the conditions that reproduce poverty.

When I refer to prison abolitionism, I like to draw from the DuBoisian notion of abolition democracy. That is to say, it is not only, or not even primarily, about abolition as a negative process of tearing down, but it is also about building up, about creating new institutions. Although DuBois referred very specifically to slavery and its legal disestablishment as an economic institution, his observation that this negative process by itself was insufficient has deep resonances for prison abolition today. DuBois pointed out that in order to fully abolish the oppressive conditions produced by slavery, new democratic institutions would have to be created. Because this did not occur; black people encountered new forms of slavery—from debt peonage and the convict lease system to segregated and second-class education. The prison sys-
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...system continues to carry out this terrible legacy. It has become a receptacle for all of those human beings who bear the inheritance of the failure to create abolition democracy in the aftermath of slavery. And this inheritance is not only born by black prisoners, but by poor Latino, Native American, Asians, and white prisoners. Moreover, its use as such a receptacle for people who are deemed the detritus of society is on the rise throughout the world.

In light of the global “war on terror,” what, then, are the prospects for prison abolitionism? I use the term “prison abolitionism,” here, because one of the greatest challenges is to persuade people in all walks of life—but especially those who are most damaged by this institution—that a world without prisons is conceivable. The need to generate a conversation about the prospects for abolition is perhaps even greater now, because linked to the abolition of prisons is the abolition of the instruments of war, the abolition of racism, and, of course, the abolition of the social circumstances that lead poor men and women to look toward the military as their only avenue of escape from poverty, homelessness, and lack of opportunities.

As it was important during the Vietnam War era to locate opposition to that war within a context that acknowledged the expanding military-industrial-complex, so is it now important to reveal the connections between the military-industrial-complex and the prison-industrial-complex and the potential linkages between the forms of resistance that both have provoked. As of now, some 5,500 soldiers are classified as deserters—many of them conscientious objectors. This rising number of resisters within the military reflects the fact that many men and women who have been ordered to Iraq, or fear that they may be ordered, entered the military not with the intention to defend the imperial ambitions of the Bush administration, but rather because they were seeking opportunities for travel, education and other opportunities denied to them because of their racial and class backgrounds. The most well-known case is that of Jeremy Hinzman, a young white soldier who unsuccessfully applied for conscientious objector status before being deployed by the Army to Afghanistan, and then later left for Canada when he learned that he was being sent to Iraq. Cindy Sheehan, the Gold Star Mother who spent a month protesting outside of President Bush’s Crawford, Texas home while he vacationed there in August 2005, joined the antiwar movement after her son Casey was killed in an ambush in Iraq. Casey, she says, only joined the military to receive financial aid necessary for him to finish college.

Challenges to the military are very much related to the prison abolition struggle. To focus more specifically on prison abolition, I see it as a project that involves re-imagining institutions, ideas, and strategies, and creating new institutions, ideas, and strategies that will render prisons obsolete. That is why I called the book I wrote on prisons, Are Prisons Obsolete? It is up to us to insist on the obsolescence of imprison-
ment as the dominant mode of punishment, but we cannot accomplish this by wielding axes and literally hacking at prison walls, but rather by demanding new democratic institutions that take up the issues that can never be addressed by prisons in productive ways.

**Abolition Democracy**

Despite the fact that we are legally bound by national and international law not to torture, what the mainstream media seems focused upon debating is whether and when to use torture, as if both national and international law could be suspended if the authorities deem it necessary. How does allowing the public discussion about torture to go on like this entail an attack on the moral integrity of citizens and democracy? Does democracy have anything to do with morality?

The public discussion of torture has been limited by the widespread conviction that democracy is quintessentially American and that any strategy designed to protect or defend the American version of democracy is legitimate. A further problem with this discussion is that the American version of democracy has become increasingly synonymous with capitalism, and capitalism has become progressively more defined by its ability to roam the globe. This is what has framed the conversation about torture and has allowed moral dilemmas about torture to be expressed alongside the notion that permissible forms of violence are necessary if American democracy is to be preserved, both in the U.S. and abroad. In the final anal-
ysis, these moral positions against torture do not have the power to challenge American exceptionalism. This unquestioned rift between moral opposition to particular tactics and what is considered to be an imperative to save the nation has enabled a torrent of obfuscating discourse on terrorism on the one hand, and the practice of torture on the other.

Of course, it is important to vigorously object to torture as a technique of control that militates against the ideals and promise of U.S. democracy. But when U.S. democracy becomes the barometer by which any and all political conduct is judged, it is not difficult to transform specific acts of torture into conduct that is tolerable, conduct that does not necessarily violate the community's moral integrity.

There are myriad examples of the inability of morality to transform the sphere of politics. When torture is inflicted on human beings that are marked as racially and culturally inferior—as people from Iraq are—it is not difficult to shift conversations about torture to a more general register, thus ignoring the damage it does to particular individuals.

I am very suspicious of the discourse that implies that torture is more damaging to its perpetrators than to its victims. Yes, it is certainly true that the revelations regarding the brutal techniques of interrogation at Guantánamo and the acts of physical violence and sexual coercion at Abu Ghraib raise significant questions about this society, its government, its military, and its incarceration practices. But when this eclipses the profound suffering of the men and women who have been tortured, it reveals the extent to which the reverberations of morality can support the very racism that enabled the torture in the first place. Thus, it is important not to take for granted that resistance to U.S. torture always implies solidarity with the victims. At the same time that we question the government and military for its role in the perpetration of torture, we must also question our ability to imagine the victims as human beings—individuals—equal in every important respect to those of us who happen to live in the global north.

How, then, can the issue of torture be formulated so as not to authorize a justificatory practice that fails to consider the impact of torture on particular human beings, their bodies and minds? Human rights play a decisive role here—and it is significant that after decades of fraudulently claiming the most progressive human rights record in the world, the United States is now on the defensive. The lawsuits brought by the Center for Constitution Rights on behalf of detainees inside and outside the U.S. are one example of the resistance to the Bush Administration's policies and practices. I have already alluded to the importance of bringing an analysis of racism into the frame. This was clearly lacking in the debates sparked by the release of the Abu Ghraib photographs. How does the meaning of torture shift in accordance with its targets?

Ariel Dorfman once wrote that one of the problems with the discourse of torture in the public sphere is that it puts citizens in the
position of having to sever themselves from the pain of others. This is why I call it a crime against moral imagination. We are being asked as citizens to sever ourselves from the suffering of others, thus in a way killing the moral and emotive dimensions of our citizenship.

In a previous conversation we discussed the framework within which the images of torture at Abu Ghraib were popularly interpreted—the interpretive scheme offered to the public that helped to produce a certain understanding of the photographs. I was saying that this interpretive framework, in summoning responses of incredulity, then a sense of national trauma—trauma done to the nation—foreclosed solidarity with the victims. It revealed, if you will, the limits of our collective moral imagination. The human beings represented in the photographs became the abstract objects of forms of torture that were considered anathema to democracy. Nude bodies piled in a pyramid; bodies compelled to simulate sexual acts; hooded heads—who are all of these people? Can we imagine them as workers, artists, educators, parents, children? Can we imagine ourselves in their places? I don’t think we were encouraged to think about the images in this way. In a sense, the public responses to the Abu Ghraib photographs tended to recapitulate the assumptions of U.S. hegemony that transformed the people of Iraq—and, of course, Saddam Hussein as the quintessential inhabitant of that country—into materializations of an ideological enemy.

I also made the point earlier that a similar dilemma can be discovered in the way historical responses to lynching—even those that vigorously opposed lynching—often tended to erase the humanity of the black victims of lynching. Thus, opponents of lynching sometimes ended up unknowingly doing the work of their adversaries.

So the dominant interpretive frame within which public conversations about torture take place in the U.S. only go so far as to reaffirm, defend, and reinforce pre-existing assumptions about the nature of American democracy—official assumptions. As a result, the very human suffering shown in the photos remains outside the discussable frame, and is thus cancelled out by going unacknowledged.

Particularly considering the extent to which American exceptionalism informs the ways in which we are urged to think about the “war on terror.” This particular approach to torture affirms American exceptionalism, the superiority of U.S. democracy.

I’d like to shift gears now and begin by asking you about the usefulness of the term “Empire.” Having read a lot of your work, I don’t remember you using it very widely.

It is a useful term. I tend to use the term imperialism more than the term empire. As I think about the reasons I might do that,
it occurs to me that I probably want to retain a very specific connection to capitalism, which is not necessary implied in the more global term empire. It is not because I don’t believe it’s a useful term, but rather because I want to highlight the way the current military aggression in Iraq and the Bush administration’s policies of global war resonate with history, and, in particular, with the war against Vietnam. I also want to keep in mind the attendant movement of capital historically and today. The discourse on globalization sometimes conveys the impression that capital has only recently become global, and that these global migrations are a byproduct of what is called the information age. It is important to remember that capital has a long and brutal history of moving across national borders—imperialism, as Lenin and Rosa Luxemburg observed so long ago, is not a minor consort of capitalism, but rather a fundamental feature of its development. Today we refer to this era as one that is defined by the power of such international financial organizations as the IMF and the World Bank and the ability of capital not only to move across national borders, but to restructure far-flung economies, wreaking havoc on social relations everywhere. This new imperialism means that capital has entered the most intimate spaces, not only transforming people’s economic activity (young girls in the Global South now produce the world’s clothes and shoes)—but it has transformed their dreams of the future. This is probably why I tend to use the term imperialism.

Also, although I’ve been talking about the turn of the twenty-first century, it may be important to link the developments of this era with the turn of the twentieth century, the rise of monopoly capital, and U.S. imperialist adventures in Cuba, Puerto Rico, Hawaii, the Philippines. It is also important to link the role that this military aggression has played in the construction of a racial state domestically: the consolidation of Jim Crow, the industrialization of the South, the move of industrial capitalists into the Southern states in the U.S. In my own conceptual framework, I try to keep all of these historical moments in the conversation and therefore use the more processual term, imperialism.

The historian William Appleman Williams, in his very important little book, Empire as a Way of Life, spoke of an American “imperial history, imperial psychology, and imperial ethic.” One could argue that Guantánamo and Abu Ghraib are exemplars of this imperial ethic and psychology. A psychology of utter contempt, disregard, dehumanization, and boundless hubris, on the one hand, and on the other, an ethics of impunity, asymmetry, and lawlessness. Are these not aspects of Empire as a way of life?

Yes, absolutely. But I still insist on the acknowledgement of the fact that the putative aim of this imperial project is to guarantee the rule of democracy. And this should be perceived as a glaring contradiction: the pursuit of global dominance by military means rationalized by the defense and
spread of American democracy—or should we say capitalism? I find this underlying commodification even more menacing than the hubris, which is obviously displayed by the Bush administration and which many of us accept unquestioningly. The notion of democracy has been fashioned into something like a commodity that can be exported, sold to, or imposed upon entire populations.

The imperial dimension of this project is even more obvious when one considers the extent to which rights and liberties normally associated with democracy are cavalierly subordinated to asserting superiority and control over the peoples of the entire world. Consider how elections in Iraq are staged for the consumption of those in the United States. The right to vote, of course, is represented as the quintessential moment of democracy. Therefore we were asked to momentarily suspend our memory of what paved the way for these elections—the bombing, invasion and occupation that continues to cause deaths, maiming, destruction, the dismantling of institutions, and the desecration of one of the world’s oldest cultures. U.S. imperialism becomes even more menacing as it increasingly constrains our capacity to imagine what an authentic democracy might be. As the imposition of democracy is offered as primary aim of this military aggression, “democracy” loses whatever substantive meaning it might have and is confined to the formality of exercising the right to vote. This limited notion of democracy—both for the Iraq and the U.S.—forecloses notions of democracy that insist on economic, racial, gender, and sexual justice and equality.

Is it not empire also in that, like Bush the first, Bush the second has never—and could never—imagine apologizing? I mean, is not this kind of arrogance and insouciance, blatant and brutal imperial hubris?

It is. It occurs to me that there have been presidents more inclined to humility.

Like Clinton who went to Latin America to apologize for the Contras.

Or, even to take a domestic example, when Clinton apologized for the Tuskegee Experiment or tried to apologize for slavery. But it also occurs to me that the Clinton administration did much to pave the way for Bush’s domestic and foreign policies. This is not to say that I would not prefer a Clinton presidency today. Of course I would, but the continuity between the policies of these two administrations cannot be ignored. And I’m not sure that it would make a major difference to have a president intent on global dominance and willing to wage war to maintain U.S. hegemony who assumed a more apologetic or humble posture in the process. Too many progressive people identified with Clinton during his tenure as president and did not recognize the need for an organized
oposition. Had we responded more forcefully to the Clinton administration's attacks on Sudan and Iraq, it might have been possible to prevent the current war. And let us not forget that it was under the Clinton administration that the prison-industrial-complex began to be consolidated. It was during this period that it became increasingly difficult to distinguish between Republican and Democratic policies. Yet people who considered themselves progressive were far more willing to acknowledge Clinton as their leader. We are now in a position to draw important lessons about the failures of radical and progressive activism during that period.

*I think that there is a kind of identification between the American public and the president. This is what Williams calls the imperial psychology. I mean it is just staggering that despite Bush's lying, deception, and manipulation, he manages to get reelected. When officers and presidents can trample on truth and law, as Arundhati Roy points out, we are in the midst of empire.* Americans reelected him. Why? Isn't this part of that imperial psychology?

A moral panic was generated by 9/11 and the subsequent specter of terrorism, which puts security at the center of all conversations, both conversations in favor of the war on Iraq and conversations in opposition to the war on Iraq. This focus on security as internal and external policing helps to manufacture the ubiquitous fear that causes people to ignore those dimensions of security that would require attention to such issues as health care, education, and housing, for example. The problem of the presidency is not primarily a question of deceit—most people, regardless of their political affiliations, and regardless of their level of education, take for granted the fact that politicians lie and deceive. That is the nature of the game and I am not sure that Bush is distinguished by his capacity to deceive. Bush was reelected precisely because of the panic generated by the September 11 attacks and because of the ease with which we were all entranced by the images and rhetoric of nationalism associated with claims of U.S. citizenship. American exceptionalism is taken for granted and there is no popular discourse that allows us to understand that the superiority of the United States is grounded in exploitation and repression.

In the aftermath of 9/11, the "nation" was offered as the primary mode of solidarity. That is to say, people were urged to seek refuge in their "Americanism," rather than to imagine themselves in solidarity with people throughout the world, including in those countries later marked as constituting an "axis of evil."

Why were we so quick to imagine the nation as the limit of human solidarity, precisely at a moment when people all over the world identified with our pain and suffering? Why was it not possible to receive that solidarity in a way that allowed us to return it and to imagine ourselves more broadly as citizens of the world? This would have allowed for the inclusion of people within the U.S. not legally defined as "cit-
izens." The production of the nation as the primary mode of solidarity excluded those within and without who were not legally citizens. The brutal attacks on people who appeared to be Muslim or Arab announced that racism was very much alive in the U.S. and striking out at new targets. So I suppose I am more concerned about the ease with which this moral panic emerged than I am about presidential dishonesty and deception.

But more generally, as I reflect on my own political history, I can say that radical activism has always recognized that the government is not synonymous with the people. As simple as it seems, it may be especially important to emphasize this distinction today. The identification to which you referred is enabled precisely by the absence of a strong sense of community in struggle that does not have to look to the leadership of the government, especially not in times of war.

During the period before the international collapse of socialism, there existed the practice of designating those communities fighting for the rights of labor, against racism, for justice, peace and equality, as the “Other America.” Today, it seems that many of us who oppose the policies and practices of the Bush administration are still, at bottom, greatly influenced by the ideology of American exceptionalism. Thus the sense of paralysis in the aftermath of September 11, and the dangerous embrace of the worst kind of nationalism. This disturbs me more than anything else, because if we are to have hope for a better future, we will have to be capable of imag-

ining ourselves citizens of a new global order, which may well include our acceptance of leadership from people in Iraq, and from others engaged in frontline battles.

This may appear to be nostalgia for a political past that was less complicated than our present times. But actually, I am attempting to acknowledge the ways in which we sometimes tend to rely on the ideologies we think we are opposing.

One of our main challenges is to reconceptualize the notion of “security.” How can we help to make the world secure from the ravages of global capitalism? This broader sense of security might involve debt relief for Africa; it would mean an end to the juggernaut of privatization that threatens the new society people in South Africa have been trying to build. It would also involve the shifting of priorities from the prison-industrial-complex to education, housing, health care. Bush was reelected—or elected, since he was appointed into his first term rather than elected—precisely because of the moral panic that diverted people’s attention away from the more complicated questions about our future. Bush was elected because of the fear not only of another “terrorist” attack, but because of the fear that American global superiority may be on the wane.

I would like to ask you a question about the relationship between the production of law and the violation of law in the United States. One can’t help but be disgusted by the glaring, self-serving character of some of the legal memoranda and presidential
acts and rulings. Take the category “enemy combatant,” and the
suspension of the Geneva Conventions for people detained by the
United States. The category “enemy combatant” does not exist
in international law, as Barbara Olshansky of The Center for
Constitutional Rights has demonstrated. Yet the term creates a
legal fiction for the sake of excluding enemy soldiers and alleged
terrorists from the protection of the law. These legal appeals and
memoranda give the impression of legality and lawfulness. We are
left with this paradox in which there is an appeal to the law in
order to make exceptions to the law.

The convoluted legalistic vocabulary produced by the war on
terror would make great material for comedy if it did not
have such brutal consequences. These new categories have
been deployed as if they have a long history in law and com-
mon usage—as if they are self-evident—and their strategic
effects of circumventing the Geneva Conventions and a host
of human rights instruments have once again relied on the
notion that the U.S. stands above the UN, the World Court,
and everything else. I wonder whether this subterfuge does-
not point to a more general problem, that of the new political
discourse generated by the Bush administration. The Bush
vocabulary, which pretends to express complicated ideas in the
most simple and unsophisticated terms, is both seductive and
frightening. It is seductive because it appears to require no
effort to understand; it is dangerous because it erases every-
thing that really matters. Just as the meaning of “enemy com-
batant” is assumed to be self-evident, so are the meanings of
the terms “freedom” and “democracy.”

This leveling of political discourse to the extent that it is
not supposed to require any effort to understand—that it
appear self-evident, incontrovertible, and logical—enables
aggression and injury. This is true of the simplistic, often
crude vocabulary that Bush tends to use, it is true of his rep-
tition of the words freedom and democracy in ways that
empty them of serious content, and it is true of his represen-
tation of terrorists as “evil doers.” But it is also true of such
legalistic notions as “enemy combatant” and “extraordinary
rendition.”

As mentioned earlier, the term “extraordinary rendition”
describes the process of transporting prisoners to other coun-
tries for the purpose of having them interrogated. What the
term hides is the fact that the countries to which these pris-
oners are “rendered” are known to employ torture. As Jane
Mayer points out in her recent article in The New Yorker, this
is a very widespread practice. This practice allows the U.S.
government to engage in torture, albeit indirectly. Again, I
would argue that the production of this kind of political dis-
course that obfuscates, erases, and cuts off discussion under
the guise of transparent legal jargon helps to fan moral panic
about terrorism. These terms are designed to render dis-
course and discussion useless. So, on the one hand, if we
analyze the Bushisms, as they have been called, they invoke
laughter and comedy, thus preventing us from taking them

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seriously. On the other hand, there is the legalistic jargon that has the semblance of having been produced within established and incontrovertible frameworks of law, so they are taken too seriously. I cannot remember a time in my life when political discourse was so convoluted. We should be deeply concerned about the extent to which this tends to foreclose popular critical engagement with the policies and practices of global war.

The British Court has referred to what is going on at Guantánamo and Abu Ghraib as a "legal black hole. What are the consequences of this legal black hole for human rights activists across the world?

Perhaps the lesson in all of this is that we need to find ways of contesting the absolute authority of law. We might phrase the following question: how do we use the law as a vehicle of progressive change, while simultaneously emphasizing the importance of acknowledging the limits of the law—the limits of national law as well as international law. For example, we naturally assume that justice and equality are necessarily produced through the law. But the law cannot on its own create justice and equality. Here in the U.S., thirty years after the passage of what was considered unprecedented civil rights legislation, we are still plagued with many of the same problems of inequality relating to economics, race, and gender. In many instances, they are even more entrenched in the social order. There are ways in which law can successfully be taken up strategically and thus can enable popular movements and campaigns. The focus of the civil rights movement was precisely on effecting change in the prevailing laws. But at the same time, the law produced the limits of those possible changes, as we can see in the way that affirmative action legislation has, in states like California, enabled its own demise.

The grand achievement of civil rights was to purge the law of its references to specific kinds of bodies, thus enabling racial equality before the law. But at the same time this process enabled racial inequality in the sense that the law was deprived of its capacity to acknowledge people as being racialized, as coming from racialized communities. Because the person that stands before the law is an abstract, rights-bearing subject, the law is unable to apprehend the unjust social realities in which many people live. To give a more concrete example, one that relates to the formation of the prison-industrial-complex, I would say that precisely because the law is unable to take into consideration those social conditions that render certain communities much more susceptible to imprisonment than others, the mechanism of formal due process justifies the racist and class character of prison populations. The law does not care whether this individual had access to good education or not, or whether he/she lives under impoverished conditions because companies in his/her communities have shut down and moved to a third world country, or whether previously available welfare payments
have vanished. The law does not care about the conditions that lead some communities along a trajectory that makes prison inevitable. Even though each individual has the right to due process, what is called the blindness of justice enables underlying racism and class bias to resolve the question of who gets to go to prison and who does not.

While I have been referring quite specifically to the U.S. context, I would also suggest that there are ways in which human rights activists should be attentive to the questions as well. Human rights instruments can be strategic tools in the struggle for global justice. But we cannot ignore larger processes, such as the movement of global capital, which assaults entire populations. Campaigns to defend the rights of immigrants in post-colonial urban centers in Europe and the U.S. must insist on the human rights of African, Latin American, Asian, and Arab immigrants. At the same time it is important to speak out against the impact of global capitalism as a central—though not the sole—motivation causing people to move across borders. This is a major challenge for human rights activists today. And, in fact, organizations like Amnesty International that have previously focused their work at the level of individual human rights claims, have now expanded their work to defend populations and communities as well as individuals. This requires the dual strategy of taking up the law and recognizing its limitations in order to address that which the law cannot apprehend.

Earlier on you began talking about the prison-industrial-complex and the vision for an “abolition democracy.” Can you elaborate?

First, the prison-industrial-complex is a result of the failure to enact abolition democracy. “Abolition democracy” is a term used by DuBois in his work Black Reconstruction, his germinal study of the period immediately following slavery. George Lipsitz uses it today within contemporary contexts. I will try to explain briefly its applicability to three forms of abolitionism: the abolition of slavery, the abolition of the death penalty, and the abolition of the prison. DuBois argued that the abolition of slavery was accomplished only in the negative sense. In order to achieve the comprehensive abolition of slavery—after the institution was rendered illegal and black people were released from their chains—new institutions should have been created to incorporate black people into the social order. The idea that every former slave was supposed to receive forty acres and a mule is sometimes mocked as an unsophisticated rumor that circulated among slaves. Actually, this notion originated in a military order that conferred abandoned Confederate lands to freed black people in some parts of the South. But the continued demand for land and the animals needed to work it reflected an understanding among former slaves that slavery could not be truly abolished until people were provided with the economic means for their subsistence. They also needed access to educational institutions and needed to claim voting and other political
rights, a process that had begun, but remained incomplete, during the short period of radical reconstruction that ended in 1877. DuBois thus argues that a host of democratic institutions are needed to fully achieve abolition—thus abolition democracy.

What, then, would it mean to abolish the death penalty? The problem is that most people assume that the only alternative to death is a life sentence without the possibility of parole. However, if we think about capital punishment as an inheritance of slavery, its abolition would also involve the creation of those institutions about which DuBois wrote—insti-
tutions that still remain to be built one hundred forty years after the end of slavery. If we link the abolition of capital punishment to the abolition of prisons, then we have to be willing to let go of the alternative of life without possibility of parole as the primary alternative. In thinking specifically about the abolition of prisons using the approach of abolition democracy, we would propose the creation of an array of social institutions that would begin to solve the social problems that set people on the track to prison, thereby helping to render the prison obsolete. There is a direct connection with slavery: when slavery was abolished, black people were set free, but they lacked access to the material resources that would enable them to fashion new, free lives. Prisons have thrived over the last century precisely because of the absence of those resources and the persistence of some of the deep structures of slavery. They cannot, therefore, be eliminated

unless new institutions and resources are made available to those communities that provide, in large part, the human beings that make up the prison population.

If I understand your argument correctly, you are saying that the death penalty is part of the "wages of whiteness" that must be paid so as to maintain a racialized democracy, the democracy resulting from an unfulfilled abolition?

It depends on what you mean by "wages of whiteness." If we rely on Roediger's analyses, we define the "wages of whiteness" as the privileges of those who benefit from the persistence of racism. Though this may seem counterintuitive, I would argue that the death penalty is something akin to a "return of the repressed" racism of slavery, now let loose on whomever happens to be caught in its grasp, whether they're racialized as black, Latino, Native American, or white. The most compelling explanation of the endurance of capital punishment in the U.S.—the only advanced industrialized nation that executes its citizens routinely—can be discovered in its embeddedness in slavery and in the way the racism of slavery caused it to be differentially inflicted on black people. In the aftermath of slavery, the death penalty was incorporated into the legal system with its overt racism gradually concealed. In this era of "equal opportunity" it now also targets more than just the black or Latino communities. In this sense, one might argue that when white people are executed,
it is more a sign of the revenge of racism, rather than the “wages of whiteness.”

Let me see if I can back up and say just a few words about racism in the contemporary era, racism in the post-civil rights era, the mutations and alterations of racism, racism at a time when members of under-represented racialized groups have now been offered powerful leadership positions. How would an accessible analysis of racism address the fact that a black woman, previously National Security Advisor, is now Secretary of State, and that a Latino is Attorney General? Of course this new racial integration is represented as the face of the perfect multicultural nation. This apparent dilemma can be accounted for by recognizing that racism is something that is far deeper than that which can be resolved through processes of diversification and multiculturalism. There are persisting structures of racism, economic and political structures that do not openly display their discriminatory strategies, but nonetheless serve to keep communities of color in a state of inferiority and oppression.

Therefore I think about the death penalty as incorporating the historical inheritances of racism within the framework of a legal system that has been evacuated of overt racism, while continuing to provide a haven for the inheritances of racism. This is how it can be explained that capital punishment is still very much alive in a country that presents itself as the paragon for democracy in the world. There are more than 3,500 U.S citizens currently on death row in the

United States at a time when all European countries have abolished capital punishment, when the European Union makes abolition of the death penalty a precondition for membership. Capital punishment is a receptacle for the legacies of racism, but now, under the rule of legal equality, it can apply its power to anyone, regardless of their racial background.

You mentioned Condoleezza Rice, Alberto Gonzalez, and Colin Powell as people who make it appear as if Americans live in a racial democracy. Could you elaborate on the relationship between abolition democracy and identity politics?

Of course, I am being sarcastic when I refer to the U.S. as a “racial democracy,” now that we have people of color in high positions in government and the corporate world. Particular individuals are not inevitably linked to the structures of oppression implied by their racial backgrounds. Neither are they compelled to represent those who continue to bear the brunt of racism. Many years ago Dr. Martin Luther King criticized black people who climbed out of the muddy swamps on the backs of their sisters and brothers. It is inconceivable that these individuals would be where they are now, without the pressures of the movement for civil rights and racial democracy, and so it appears to be a contradiction that people of color can play major roles in sustaining contemporary racism. But, in actuality, it is more an inevitable consequence
of the struggle for equality. The lesson in all this is that we need to shift our understandings of racism. In an earlier era, one of the most obvious signs of racism was the absence of people of color in governmental and economic leadership positions, which reflected more generalized forms of overt discrimination. But racism does not of necessity vanish with the appearance of individual people of color within those institutions that bear responsibility for the workings of racism. In fact, I would argue that racism is even more effective and more devastating today than it was during the era that produced the Civil Rights movement. This country’s imprisoned population provides a dramatic example: among the more than two million people currently in prison, over seventy percent are people of color.

I don’t know if you saw some of the confirmation hearings for Condoleezza Rice or Alberto Gonzales, but it was an incredible display of Machiavellian identity politics. In fact, you could almost talk about a Republican identity politics.

These developments indicate the limitations of the strategies of multiculturalism and diversity, which currently define official efforts to eradicate racism. Identity, by itself, has never been an adequate criterion around which communities of struggle could be organized—not even during those periods when we imagined identity as the most powerful engine of movements. Communities are always political projects, political projects that can never solely rely on identity. Even during the period when black unity was assumed to be the sine qua non of struggle, it was more a fiction than anything else. The class, gender, and sexual fissures that lurked just beneath the construction of unity eventually exposed these and other heterogeneities that made “unity” an impossible dream.

It is interesting how much more difficult it is to transform discourses than it is to build new institutions. Many decades after the fiction of black unity was exposed, the most popular assumption within black communities is that unity alone will bring progress. Even now, when we can point to the Condoleezza Rice and Clarence Thomases, people retain this dream of unity. Young people who are just beginning to develop a sense of themselves in the world assume that the only way we can make a better future for the many black people who lead economically and intellectually impoverished lives is by uniting the entire black community. I hear this repeatedly. What would be the purpose of uniting the black community? How would one possibly bring people together across all of the complicated lines of politics and class? It would be futile to try to create a single black community today. But it does make sense to think about organizing communities, not simply around their blackness, but primarily around political goals. Political struggle has never really been so much a question about how it is identified or chooses to identify, as it has been a question of how one thinks race, gen-
der, class or sexuality affect the way human relations are constructed in the world. During Black History Month or Women's History Month, we always tend to talk about the "firsts": the first black woman astronaut, the first woman Supreme Court justice, the first black surgeon, etc. Condoleezza Rice was the first black woman to become secretary of state. As I have said many times, I would gladly give up the occasion to celebrate this as a victory in exchange for a white male secretary of state who would be capable of giving leadership to those of us who want to put an end to global war.

Can you talk about how an American democracy of false equalities and empty universals might be connected to the kind of torture and gender diverse torturers, we witnessed at Guantanamo and Abu Ghraib?

The meaning lurking behind the model of "democracy" promulgated by the Bush administrations is the fraudulent equality of the capitalist market, the freedom it illusively offers to all. Marx exposed long ago the profound inequalities that constitute the basis of what I still like to call bourgeois democracy. But the policies and pronouncements of the Bush administration amount to a parody of even those distortions. When democracy is reduced to the simple fact of elections—never mind that they were prepared by the mass brutality and destruction inflicted on Iraq by the U.S. military—whatever we might consider to be freedom has disappeared. Those who present the gender and racial composition of the U.S. military as a dramatic example of the equality offered by democracy have clearly lost sight of whatever promise democracy might hold for the future. Gender equality in the military is represented as the equal opportunity to participate in every aspect of military life, including equal opportunity to participate in the violence previously assumed to be the purview of men. This approach to equality leaves no space to challenge the status quo. The irony that women helped inflict physical, mental, and sexual torture at Abu Ghraib is that their involvement points to the extent to which this formal, abstract democracy has been successful in the military. When equality is measured in terms of access to repressive institutions that remain unchanged or even become strengthened by the admission of those who were previously barred, it seems to me that we need to insist on different criteria for democracy: substantive as well as formal rights, the right to be free of violence, the right to employment, housing, healthcare, and quality education. In brief, socialist, rather than capitalist conceptions of democracy.