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Special Issue:
Prison and Animals

Guest Editors: Dr. Susan Thomas and Laura Shields

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About the Journal for Critical Animal Studies

The Journal for Critical Animal Studies (JCAS) is to promote, encourage, support and enable the publication of research and writing that develops the dynamic field of critical animal studies. To do this more effectively the Journal actively seeks new ways of making itself ever more accessible, relevant and influential across a diverse range of academic, activist, policy making, and public communities. JCAS seeks to breakdown and mediate oppositions between theory and practice, college and community, and scholarship and citizenship, in order to make philosophy (in a broad sense) again a force of change and to repatriate intellectuals to the public realm. By “critical” we mean that animal studies must not become a safe and sanitized discourse; it must use its unique and powerful perspective to advance a radical, and oppositional discourse that engages and politicizes the many profound theoretical, environmental, and political issues embedded in animal studies. JCAS seeks a critique of hierarchy as a multifaceted and systemic phenomenon (e.g., racism, sexism, classism, ableism, homophobia, and speciesism) and their intricate interrelationships. We believe the fissures and cracks in the emerging paradigm of animal studies create openings for radical interventions the challenges to humanist histories and the debilitating dualism between human animal and nonhuman animal. JCAS seeks to illuminate these problems and pose solutions through vivid, concrete, and accessible language. The JCAS is ten years old, peer-reviewed, and the original founding journal of the field of critical animal studies. The review board, and articles published, are both international in scope and include contributions from many of the scholars at fore-front of the field of critical animal studies. The Institute for Critical Animal Studies, with which the Journal is affiliated, currently sponsors conferences in the United States, Canada, and Great Britain as well as editing two book series. We welcome contributions from any discipline.

History of the Journal for Critical Animal Studies

The Animal Liberation Philosophy and Policy Journal founded in 2003 by Steve Best and Anthony J. Nocella II changed its name in 2007 to the Journal for Critical Animal Studies (JCAS), a project of the Institute for Critical Animal Studies (ICAS) (formally known as the Center for Animal Liberation Affairs). JCAS was renamed by Steve Best, Anthony J. Nocella II, and Richard Kahn, which at that time until 2009 was led by Best. The Journal was established for the purpose of fostering academic study of critical animal issues in contemporary society. JCAS is grounded in an opposition to animal studies and research, which exploits nonhuman animals. The Journal for Critical Animal Studies is an interdisciplinary and intersection journal with an emphasis on total liberation and freedom for all. This Journal was designed to build up the common activist’s knowledge of animal liberation while at the same time appealing to academic specialists to address the important topic of animal liberation, freedom, and advocacy. We encourage and actively pursue a diversity of viewpoints of contributors from the frontlines of activism to academics. We have created the Journal for the purpose of facilitating communication between the many diverse perspectives of the animal advocacy movement. Thus, we especially encourage submissions that seek to create new syntheses between differing disputing parties and to explore paradigms not currently examined. The Journal for Critical Animal Studies is open to all scholars and activists. While the research and perspectives will differ, the editing of the pieces will be peer-reviewed for quality and originality. We encourage and actively pursue a diversity of viewpoints and topics.
Suggested Topics

The Journal for Critical Animal Studies (JCAS) is open to all scholars and activists. The journal was established for the purpose of fostering academic study of critical animal issues in contemporary society. Critical Animal Studies (CAS) is a challenge to Animal Studies (AS) science and research based field of study, which stresses vivisection, dissection, and behavior control and welfare politics of animals. Critical Animal Studies (CAS) is the academic field of study dedicated to the abolition of animal and ecological exploitation, oppression, and domination. CAS is grounded in a broad global emancipatory inclusionary movement for total liberation and freedom.

JCAS is an interdisciplinary journal with an emphasis on animal and total liberation philosophy and policy issues. This journal was designed to build up the common activist’s knowledge of animal liberation while at the same time appealing to academic specialists to address the important topic of animal liberation. We encourage and actively pursue a diversity of viewpoints of contributors from the frontlines of activism to academics. We have created the journal for the purpose of facilitating communication between the many diverse perspectives of the animal rights movement. Thus, we especially encourage submissions that seek to create new syntheses between differing disputing parties and to explore paradigms not currently examined.

The key objectives of the Journal for Critical Animal Studies are to:

- Promote wider understanding of, and engagement with critical animal studies.
- Be relevant to diverse academic, activist and wider public communities
- Encourage and inform political and academic debate around critical animal studies.
- Publish innovative work on critical animal studies

**We especially encourage contributions that engage animal liberation in disciplines and debates that have received little previous attention.**
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EDITORIAL

Prison Studies and Critical Animal Studies: Understanding Interconnectedness beyond Institutional Comparisons

Dr. Susan Thomas and Laura Shields

The timing of this issue is not random. In our call for papers we wrote that we are at a critical moment in history with mass incarceration and mass exploitation of nonhuman animals. The connection between animal studies and incarceration discourses has never been more intimately associated. The “Prison and Animals” issue developed out of noticing the eerily similar trajectories of the prison industrial complex and factory farms. Both institutions developed rapidly, sprouting up in rural areas and proponents for both heralded them as job-providers for impoverished communities. Both institutions serve as transformative spaces that encourage physical displacement, limit mobility and create exiled individuals. Both institutions forge identities, shape relationships and take lives. Obviously, glaring differences exist between these institutions as well. State-sanctioned killings are capital punishment in one arena and “processing” in another. The submitters of this issue introduce concepts and speak in terms that get beyond the simply descriptive in order to chart the ideological terrains that give rise to institutions that police, control and oppress specific bodies for profit.

Perhaps seemingly disparate fields, prison studies and critical animal studies intersect within the political realm of academic concern regarding human and animal’s lived experiences. “The question is not, can they reason? nor, can they talk? but, can they suffer?” The quote made famous by philosopher Jeremy Bentham continues to resonate with animal rights activists concerned about the individual lives of nonhuman animals. Yet not only was Bentham an advocate for animals, he was one of the earliest scholars to straddle the [barbed wire] fence so-to-speak of prison studies and animal studies. His panopticon prison design served as a symbol for Michel Foucault to explain the authoritative power of assumed constant surveillance.

Like critical animal studies, prison studies encompasses a range of methodological and disciplinary approaches to understanding prison history and culture. From history to sociology to
culture studies, from collective institutional history to individual stories, prison studies works to explore the meaning of prison in our lives. Both fields demonstrate a recent inclusion of previously marginalized voices. For example, Patrice Jones suggests we “listen to the stories of animal outlaws with special attention to those engaged in active struggle to salvage themselves or their habitats from human hegemony.”

Recent prison studies literature seeks to include the voices of imprisoned people. Archival material often excludes the writings of the people most affected by prisons. Scholars such as Angela Davis, Dylan Rodriguez and Belle Gale Chevigny call for a Foucauldian approach to thinking about prisons in America. Often the best thinkers are those fully entrenched in the institutions they wish to analyze and problematize. At the outset of Doing Time: 25 Years of Prison Writing, Chevigny introduces a compilation of prisoners’ writings as she claims that, “by bearing witness to the secret world that has isolated and would silence them, these writers offer an incisive anatomy of the contemporary prison and an intimate view of men and women struggling to keep their humanity alive.” In the 2008 issue of American Quarterly (the American Studies Association’s official journal), Jason Haslam locates current prison studies at the intersection of activism and academia. He concludes that recent prison studies texts “allow us to see the cultural, social and lived complexities that arise at the boundaries not only of disciplinarity, but also of the academy and — recognizing the place of the prison — of contemporary society itself.”

A cursory glance over prison history and studies reveals a discourse of species. Moreover, one does not have to look very far to see that popular culture is fraught with prison-animal metaphors, representations and allusions. Images of nonhuman animals and humans together in imprisoned environments permeate popular culture. The television shows “Pit Boss” and “Pitbulls and Parolees” communicate a restorative aspect of such interactions, while widely circulated images of prison guards using dogs to terrorize prisoners at Abu Ghraib reveal completely different ideas about human and animal relationships. Topics in prison studies could seamlessly fall under animal studies. In the brief think-piece Race, Incarceration of American Values, social scientist professor Glenn C. Loury defines prison as a form of “spatial constraint, stigma, confinement and institutional encasement to permit the economic exploitation and social
ostracization of a population deemed congenitally inferior.” The same may be said of factory farms, laboratories and zoos. In *One Dies, Get Another: Convict Leasing in the American South, 1866-1928*, American Studies professor Matthew Mancini references historian C. Vann Woodward’s description of mobile prisons as “filthy cattle cars.” Mancini’s research on the lease system unearths several connections between humans and animals that deserve further study. For example, he discusses the 1876 Pig Law of Mississippi which “classified the theft of any cattle or swine as grand larceny.” It becomes more complex when we consider the ways in which those arrested for stealing cattle were often seen as cattle themselves.

As animal references abound in prison studies, it is surprising and illuminating then, when we consider the lack of species construction analysis in current prison studies. An absence of such a critical animal studies angle in prison studies reveals a general disconnect and discomfort of the intersection of animals, race and prison. For example, Communications professor John M. Sloop probes the cultural meanings behind the rhetoric of “prisoner” and “punishment” in *The Cultural Prison: Discourse, Prisoners, and Punishment*. His study is concerned not so much with the actual experience of prisoners, but with the public imagination of the prisoners' experience and image. By turning to newspapers, film, photography and magazine articles, Sloop traces the discourse surrounding prisons and punishment in popular media. He constructs “characters,” or stereotypical prisoner images that shift depending on the cultural and political climate. For example, in the 1970s, Sloop argues that popular media depicted white male prisoners as redeemable while black male prisoner remained pathologically criminal. Sloop situates these prison stereotypes in the discourses of race, gender and class and ignores the many references to nonhuman animals.

Visual representations of imprisoned individuals and linguistic terms like “neoslavery” demonstrate an understanding of race and species as interconnected cultural constructions that coalesce around the prison. Yet current works that criticize the American prison system based on its racist heritage fail to recognize the species dynamic inherent in that same racist heritage. For example, *In Forced Passages: Imprisoned Radical Intellectuals and the U.S. Prison Regime*, Americanist Dylan Rodriguez writes that carceral state violence is constituted by “a vectoring of power trajectories that entwines ‘race,’ ‘gender,’ ‘class,’ ‘sexuality,’ ‘age,’ and bodily/mental
‘(dis)ability.” The absence of ‘species’ in his argument becomes all the more startling as he later
describes the dehumanizing and subhumanizing process of the Atlantic slave trade. Rodriguez’s
argument skates right to the edge of a species analysis when he writes “the contemporary regime
of the prison encompasses the weaponry of an institutionalized dehumanization. It also, and
necessarily, generates a material rendition of the nonhuman and subhuman that structurally
antagonizes and decenters the immediate capacity of the imprisoned subject to simply self-
identity.” He does not explain what he means by subhuman or dehumanization, categories that
define human above and against nonhuman.

Prison studies and animal studies share similar scholarly debates over the terms “slavery,”
“abolition,” and “liberation.” The majority of prison studies scholars agree that American
systems of punishment after the Civil War were backed by racist ideologies. Although a small
handful of scholars put forth the notion that incarceration postbellum served as a reinstatement of
slavery, the majority agree that actual slavery ended in 1865. We cannot claim a seamless
transition from slavery to incarceration as that overlooks the complex political, economic, social
and cultural factors that affected and were affected by the abolishment of slavery. If we examine
the Douglas Blackmon’s text, Slavery By Another Name, in light of the definitions of slavery put
forth by Orlando Patterson in Slavery and Social Death: A Comparative Study, it is clear that
prisoners, although victims of a racist institution, did not suffer “natal alienation” and “social
death.” In fact, this definition of slavery serves as a conduit through which we may argue that
animals farmed for their skin or muscle fall under the category of slaves more so than convicts.
In disagreement with Blackmon, historian Edward Ayers observes that the convict lease system
is not a reinstatement of slavery, as the agricultural climate that supported slavery was no longer
the leading economic system. Rather, the convict lease system existed in the interim between
agriculture and industry. Loury criticizes the use of the term “neoslavery” to describe
contemporary prisons and argues that in order to work through the problem of hyper
incarceration, more analysis of political systems is needed. Loury argues the root of current
inequality in punishment stems from a ghettoization of black people and shows the ways in
which impoverished areas serve as a direct pipeline to prisons.
For example, a popular chant at animal rights protests, “One! Two! Three! Four! Open up the cage door! Five! Six! Seven! Eight! Smash the locks and liberate!” invokes the idea of total freedom. Yet of liberation, Pattrice Jones writes: “liberation does not mean freedom from all constraint. Liberation means freedom from unjust or unnatural restraints. To achieve that, our systems of relationships—such as the ways we relate to each other, to other animals, and to the ecosystems in which we participate—must be brought back into balance. That means that, rather than ‘freeing’ individuals from the social and environmental systems on which their lives depend, liberation is a process of restoring relationships.”

Prison studies is not the only discipline that limits the intersection of race and species. Within animal studies, prison metaphors abound as well and scholars often dance around these uncomfortable connections. In The Dreaded Comparison: Human and Animal Slavery, Majorie Spiegel describes a linguistic shift in animal metaphors before and after the Civil War. The term “docile mastiff” used in popular literature to describe slaves turned into “brute” and “beast” after emancipation. Although Spiegel uncovers a wealth of animal images, references and metaphor in primary sources, she fails to achieve any interpretive depth past surface comparisons and obvious parallels between oppressed animals and humans. Holocaust scholar Charles Patterson references others’ writing about the connection between animals and enslaved Africans. He argues that after emancipation, white Americans conceived of and treated Africans as domesticated animals. Again, his text Eternal Treblinka: Our Treatment of Animals and the Holocaust identifies discursive moments in which race and species are tangled up with each other but glosses over analyzing that complex intersection.

Yet combining prison studies with critical animal studies through an interdisciplinary method of inquiry is not without problems. The very act of looking at interactions with animals as a way to explore prison culture implies a use of animals. Prison abolitionist literature often utilizes images of birds on barbed wire fences to signify the desired freedom of humans. Therefore, the bird in the image is not viewed as an individual but rather as a symbolic ambassador to her species. Prison scholars also express similar concerns about the risk of normalizing oppression. Haslam writes, “The complex relation between exploitation and collaboration, analysis and insurgency, is indeed a fraught one for prison studies as a discipline…the very facet of critical analysis and the
academic use of prisoners’ thought risks reinforcing the “naturalness” of the prison.” One way to combat the use of animals in academia is through the animals themselves and hearing their stories of resistance. Patrice Jones explains this concept as she writes: “Nonhuman animals routinely and deliberately destroy walls and other structures erected by people; “steal” themselves and other animals away from human possession; and refuse to accede to human authority, hegemony, or boundaries. Birds, insects, and other animals often do organize themselves to fulfill collective purposes by nonhierarchical and non-coercive means and thus offer models of alternatives to governments.”

Future work in both disciplines will continue to address and assuage these concerns as critical animal studies and prison studies exist in a state of perpetual self-reflection and self-consciousness. As critics of culture, we must acknowledge our inability to divorce ourselves from the culture we inhabit. Prison scholar Jason Haslam writes “Prison studies is an interdisciplinary, interactivist form fighting for its own obsolescence.” Therefore, these disciplines and methods of inquiry then continually check and recheck conclusions, assumptions and probe the ways in which one’s species, race, class, and gender positions affect the performance of cultural work.

With this general background, let us turn to the essays in this issue. The goal is to understand the connection between incarceration discourses and critical animal studies. Amy Fitzgerald begins that analysis when she turns to the vexing issue of slaughterhouse work programs for prison inmates. She questions the ideological justification of inmate slaughterhouse labor programs and asks, “How can we make sense of a system that that claims to seek the fostering of therapeutic relationships between inmates and some species of nonhuman animals while training inmates to kill and dismember other species?” After reviewing the most popular theories explaining these programs, Fitzgerald concludes that the evidence does not support the self-stated objectives of increasing employment and reducing recidivism. On the contrary, Fitzgerald finds that employing inmates in the slaughterhouse industry is actually antithetical to the declared objectives of the inmate labor programs. In spite of the ideology of employment and reducing recidivism, Fitzgerald’s essay crystallizes the consummate bridge between the institutional discipline and regulation of prisoners and of the “processing” of nonhuman animal bodies under
the current regime of industrial nonhuman animal agriculture, as exemplified by contemporary prison slaughterhouse labor programs.

The application of the critical animal studies recognition of interrelated oppressions as it pertains to violent abuse is further represented in this volume by the work of Lisa Guenther in “Beyond Dehumanization: A Post-Humanist Critique of Solitary Confinement.” In this essay, Guenther critiques the anthropocentric nature of the language of dehumanization as it pertains to solitary confinement, which she shows to be a highly inadequate term for the violence of conditions found in “cages, pens and cells around the world.” The language of dehumanization fails both to capture the harm of solitary confinement as well as the reality of an ontology of (human and nonhuman) animal life that is fundamentally relational and intercorporeal. It is not primarily as human beings that we are adversely affected by solitary confinement and sensory deprivation, Guenther writes, but as living beings, sensible flesh, with corporeal relations to other embodied beings and to an open field of overlapping experience in a shared world. Can we not, Guenther asks, describe the violence of solitary confinement “without appealing to human dignity or to the defense of human rights, at the expense of human animals, and ultimately at the expense of human prisoners as well?”

Vasile Stanescu brings us closer to understanding the dynamics of mistreatment of nonhuman animals and its connection with other forms of violence in the essay “‘Man’s’ Best Friend: Animality and Rhetorics of Care in Prison Display, From the Philippines to Abu Ghraib.” In this essay, Stanescu moves the reader from a linear analysis to a recognition of interconnected forms of violence when he illuminates the reality that the view that “animals should be captured and trained enables the view that captured (human) subjects should likewise be mistreated, to the point of torture, in order to ‘turn’ them into humans.” Stanescu contends that “The performative displays of subjection that occur after conquest, i.e., of the Philippinos or Iraqis attacked and treated as dogs, reoccurs as a triumphal display meant to express who is included in the performative community of the ‘human’ and who is considered still only an ‘animal.’” Recognizing harm to nonhuman animals as interconnected to abuse of prisoners is one aspect of recognizing the interrelatedness of all violence in an anthroponormative world. The challenge now, as it has been for some time, is how to stop it.
In another area that studies interconnected forms of violence, Mielle Chandler in “Toward a Posthuman Postcolonial Critical Criminology of Incarceration,” weaves together creative non-fiction and continental philosophy to compare the socio-economic status of prison inmates and nonhuman animals. She argues that the “Hegelian subject/object structure that undergirds our social and economic systems inflicts deep systemic harms toward human and non-human animals alike”. Nonetheless, according to Chandler, “non-human animals and prison inmates, while harmed by this structure, also threaten to disrupt it. While the subject/object structure denies animals and the incarcerated personhood and subjectivity, both categories of beings also defy ‘object’ status in similar ways: as own-able but independent, cage-able, but always with a yearning to escape, animate, but never sovereign”. Chandler is particularly adept at illuminating how criminalization and human domination of nonhuman animals emanate from a “legal apparatus whose purpose it is to perpetuate the subject/object structure of private property”.

Finally, Alan Mobley applies the ideology and processes that link incarceration discourses and critical animal studies to his own incarceration in an autobiographical essay, “Killing Time on the Prairie”. Mobley first began to learn about this relationship when he entered the Federal Correctional Institution at Englewood, Colorado. He came to see himself as associated with nonhuman animals; human privilege would not, he discovered, protect him from the most insurmountable obstacle—total exclusion from the category of morally significant beings who possess important interests in staying alive and not suffering. Mobley’s essay also demonstrates the state’s ability and willingness to act arbitrarily cruel to those at the bottom of social hierarchies, severing, rather than restoring the very relationships that must undergird any definition of liberation.

We offer this collection in the hope that this issue spurs those involved in academic and activist communities to examine the intersectionality of seemingly disparate fields in order to re-examine and re-think cultural practices and our treatment of nonhumans and humans. Ideological and practical interventions are immediate and imperative.

Dr. Susan Thomas and Laura Shields, Co-Editors
ESSAYS

Doing Time in Slaughterhouses: 
A Green Criminological Commentary on Slaughterhouse Work Programs for Prison Inmates

Amy J. Fitzgerald

Abstract

This paper examines programs in the U.S. and Canada where prisoners are used to raise, slaughter and process nonhuman animals for human consumption. To open up this area of inquiry, the paper critically reviews the scope and self-stated objectives of the programs delivered through CORCAN in Canada and the Federal Prison Industries/UNICOR, as well as at the state level, in the United States. Drawing on recent research examining nonhuman animal maltreatment and slaughterhouse communities respectively, the paper argues that because of the harmful nature of the slaughterhouse industry (for workers and nonhuman animals alike), employing inmates in the industry might actually be antithetical to some of the declared objectives of the inmate labor programs.

Key Words: Prison-Based Nonhuman animal Programs (PAPs), labor, slaughterhouses, green criminology

Stories of “hardened” inmates being rehabilitated as a result of their interactions with nonhuman animals while behind bars are increasingly recounted in academic and more popular outlets, such as a television show – Cell Dogs (Nonhuman animal Planet) – dedicated to chronicling these interspecies sojourns. Such narratives describe how inmates in Canada, the US and elsewhere are taking care of and training dogs, cats, and even horses, to make them more attractive to potential adopters and to provide them with the special skills necessary to be used in service (“service nonhuman animals”). These programs are lauded by academics, nonhuman animal advocates and correctional staff for fostering empathy among inmates and providing them with vocational training, among other things (Britton and Button 2005; Cushing and Williams 1995; Furst 2006;
Nonhuman animals are implicated in the prison-industrial complex in another way – one less suitable for television audiences. In some industrialized nations, such as the US and Canada, inmates are also at work slaughtering and processing nonhuman animals (see for instance, CORCAN 2007; Ohio Department of Rehabilitation and Correction 2009; New Jersey Department of Corrections 2009). This form of inmate labor has escaped close scrutiny, which is not surprising, given that this activity occurs at the nexus of two industries that perhaps more than any others in the modern period have been ushered away from the public gaze. The lack of scrutiny regarding employing inmates in this specific industry is likely also related to the customary speciesist assumption that making meat is no different from other forms of manufacturing and therefore does not draw attention. Consequently, the use of inmates in prison-run and privately-operated slaughterhouses is mentioned only peripherally in the literature and has not been the focus of research attention.

Yet the use of inmates for these ends is interesting for both theoretical and empirical reasons. Recent theoretical developments in the nascent area of green criminology (e.g., Beirne 1999; Cazaux 1999; Lynch 1990) have highlighted the importance of attending to the harms perpetrated against the environment and non-human nonhuman animals. Further, recent qualitative community studies (Broadway 1990; Broadway 1994; Broadway 2000; Broadway 2001; Broadway and Stull 2005; Gouveia and Stull 1995; Grey 1995; Grey 1998; Horowitz and Miller 1999; Stull and Broadway 2004) and quantitative studies employing secondary data analysis (Artz, Orazem, and Otto 2007; Fitzgerald, Kalof, and Dietz 2009) have demonstrated that slaughterhouses are associated with increased community crime rates (effects that are not
found in comparison industries, such as iron and steel forging, truck trailer manufacturing, motor vehicle metal stamping, sign manufacturing and industrial laundering, and cannot be explained by demographic and economic factors). These theoretical and empirical developments provide a context within which to question whether it is in the best interests of the inmates, nonhuman animals and society at large to teach inmates how to inflict harm upon living beings while rationalizing their behavior and suppressing their compassion. In what follows I argue that in the very least there is a need to investigate correctional programs that assign inmates to work in an industry identified as potentially criminogenic and physically dangerous.

This paper charts the forms that inmate labor programs involving the raising and slaughtering of nonhuman animals take in Canada through CORCAN and in the US through the Federal Prison Industries/UNICOR as well as at the state level, theorizes the potential implications for the parties involved, and concludes by suggesting future lines of research. It begins by providing an overview of Prison-Based Nonhuman animal Programs (PAPs) to facilitate a comparison between programs where nonhuman animals are used as therapeutic partners and those where nonhuman animals are simply used as raw material in the production of food.

**Prison-based nonhuman animal programs**

The sizable literature on the effects of nonhuman animals on human well-being indicates that the effects are largely positive, although there are some specific contexts in which the presence of nonhuman animals may not be beneficial, such as in mitigating depression among men with HIV, unmarried men, Alzheimer’s patients, elderly women, and psychiatric patients (Wells 2009). The numerous positive effects of human-nonhuman animal interactions on human well-being documented in the literature have been divided into three major categories: physical
health, emotional health, and social interaction and responsibility (Morley and Fook 2005). Two recent reviews of the empirical evidence (Nimer and Lundahl 2007; Wells 2009) indicate that there is empirical support for the benefits of nonhuman animal companionship in each of these three areas. These benefits have been examined further in various institutional contexts, including nursing homes (Perelle and Granville 1993), psychiatric hospitals (Lee 1983), and prisons (Britton and Button 2005; Cushing and Williams 1995; Furst 2006; Furst 2007; Harkrader, Burke, and Owen 2004; Lai 1998; Moneymaker and Strimple 1991; Walsh and Mertin 1994).

The prison is one institutional setting where interactions with nonhuman animals can be particularly beneficial because inmates often have needs related to emotional well-being and social interaction and responsibility, which are two of the three areas highlighted in the literature documenting the beneficial effects of nonhuman animal companionship. Yet, the potential benefits of nonhuman animal-based interventions in this context has not been matched by research attention (Furst 2006; Lai 1998), which is further surprising given that prison-based nonhuman animal programming is increasingly common in Canada (Lai 1998) and the US (Furst 2006).

A few preliminary studies have examined certain aspects of prison-based nonhuman animal programs. For instance, Lai (1998) and Furst (2006) have assessed the scope of these programs in Canada and the US respectively. Further, the effects of these programs on the behavior of participants have been examined in the US. These programs appear to improve the institutional atmosphere and relations between the inmates and staff (Britton and Button 2005; Harkrader, Burke, and Owen 2004; Walsh and Mertin 1994). Moreover, two studies have documented relatively low recidivism rates among program participants in addition to improved institutional
behavior (Cushing and Williams 1995; Moneymaker and Strimple 1991); however, comparison groups were not included in these studies, making it difficult to draw firm conclusions regarding program efficacy.

The perceptions of the participants in dog training programs have also been examined through interviews in two studies. Furst (2007) interviewed 22 male and female primary dog handlers. The focus of her study was to examine whether the participants assigned the dogs human-like identities, which they did. Additionally, the participants reported the dogs provided them with emotional support and helped alleviate depression, increased their level of emotional and impulse control, and provided them with a sense of empowerment. Britton and Button (2005) interviewed 38 inmates, seven staff members, and 28 recipients of dogs trained by inmates. They report on the inmates’ motivation for participating in the program, the challenges posed by the program, and the benefits inmates believe they receive from the program. The benefits cited by inmates include attitudinal and emotional changes, with positive effects on behavior; positive changes in the prison environment; and the ability to provide a service to the community.

Despite the work undertaken in these studies, notable gaps in the literature remain. For example, potentially important differences between the various types of prison-based nonhuman animal programs have not been examined. In their surveys of prison-based nonhuman animal programs, Furst (2006) and Lai (1998) identify several different types of programs, including (1) service nonhuman animal socialization programs; (2) community adoption programs, wherein inmates train nonhuman animals who are subsequently adopted out to community members; (3) visitation programs, with nonhuman animals brought into the institution for short-term visits; (4) pet adoption programs, where inmates adopt and care for nonhuman animals; (5) wildlife rehabilitation programs, wherein inmates care for and then release injured wildlife; and (6)
livestock programs, within which farm nonhuman animals are raised for production, slaughtered and processed. Program types (1) and (2) above have been the focus of the research conducted thus far (as detailed above); however, there are likely important differences in effects for the human and nonhuman animal participants across all of these different types of programs. For instance, clearly the programmatic effects for nonhuman animals involved in socialization/training/rehabilitation programs would be different from those being raised for slaughter (a chance at life versus confinement and certain death). On the inmate side, vocational outcomes – a current focus in the corrections literature (e.g., Gillis and Crutcher 2005; Gillis, Motiuk, and Belcourt 1998; Maguire, Flanagan, and Thornberry 1988; Motiuk 1996; Motiuk and Belcourt 1996; Saylor and Gaes 1996) – are likely different across these programs. Additionally, research is needed to understand how inmates feel about participating in the livestock programs and the extent to which participation is voluntary.

Livestock programs differ from the other five programs in that the nonhuman animals there are treated as consumable goods (whereas in the others they are treated as pets or laborers in need of care and training, as service-providers, and as injured individuals in need of rehabilitation). The livestock programs are also set apart in that participation by inmates can require killing and processing nonhuman animals. The meat from these nonhuman animals is then either used for consumption within the institution or by other arms of the government (Connelley, Conklin, and Gordon 1993; Irvine 1977; Irvine 1978a; Irvine 1978b; Lightman 1982).

The fact that inmates are being used to slaughter and process nonhuman animals is surprising to some. For instance, a reporter with the New York Times commented in a story about his undercover work in a slaughterhouse in North Carolina that “The company even procures
criminals. Several at the morning orientation were inmates on work release in green uniforms, bused in from the county prison” (Le Duff 2000, emphasis mine). For green criminologists, the tension between the existence of programs within prisons where interactions with nonhuman animals are used as “therapy” and programs where inmates are used to raise and slaughter nonhuman animals is of particular interest. However, to date, the use of inmates to raise, slaughter and process nonhuman animals has not been studied. This paper is intended to begin to fill that gap.

**Inmate labor and the use of nonhuman animals**

Examining labor programs where inmates slaughter and process nonhuman animals as a unique form of prison labor is consistent with a recent move to include the harm inflicted by humans upon the environment and nonhuman animals within the purview of criminology. This project, termed “green criminology” (Lynch 1990), has been defined as “the study of those harms against humanity, against the environment (including space) and against nonhuman animals committed by both powerful institutions (e.g. governments, transnational corporations, military apparatuses) and also by ordinary people” (Beirne and South 2007, xiii). Scholarly interest in this area has been growing steadily (Beirne and South 2007; Boyd, Chunn, and Menzies 2002; Fitzgerald and Baralt 2010; South and Beirne 2006; White 2007), and it has been argued that the relevance of criminology depends upon its inclusion of harms against the environment and non-human nonhuman animals: “A criminology relevant to the [21st century] should have the intellectual breadth and constitutional space to be able to embrace environmental, human and nonhuman animal rights issues as related projects” (South 1998, 225).
Within the green criminological perspective, explicit attention has been paid to non-human nonhuman animals, with the aim of developing a “nonspeciesist criminology” (Beirne 1999; Cazaux 1999) concerned with taking harm to nonhuman animals seriously. Thus far, however, research attention has focused on individual actions against companion nonhuman animals, such as drawing a link between abuse perpetrated within the family and nonhuman animal abuse (e.g., Fitzgerald 2005; Fitzgerald 2007; Flynn 2000a; Flynn 2000b). Attention also needs to be paid to institutionalized practices that result in harm to nonhuman animals which are considered socially acceptable (Beirne 2002; Beirne 2004; Beirne 2007b; Beirne 2009; Beirne and South 2007; Cazaux 1999; South and Beirne 2006).

Piers Beirne (2004) has pointed to slaughterhouses as an ideal site for investigating the institutionalized harm of nonhuman animals and how violence perpetrated against them might affect the perpetrators, even when the violence is socially approved of. He theorizes, “Whenever human-nonhuman animal relationships are marked by authority and power, and thus by institutionalized social distance, there is an aggravated possibility of extra-institutional violence” (2004, 54). Beirne’s theorizing parallels studies of other types of work wherein the institutionalized distance and aggression between people can spill over into other contexts in their lives, such as studies documenting extra-institutional violence among military personnel (e.g., Allen 2000; Marshall, Panuzio, and Taft 2005; Marshall and McShane 2000; Mercier 2000; Rosen, Kaminski, Parmley, Knudson, and Fancher 2003) and prison guards (e.g., Black 1982; Kauffman 1988; Stack and Tsoudis 1997).

Beirne’s theorizing is also consistent with recent findings of sociological and anthropological case studies (Broadway 1990; Broadway 1994; Broadway 2000; Broadway 2001; Broadway and Stull 2005; Gouveia and Stull 1995; Grey 1995; Grey 1998; Horowitz and Miller 1999; Stull and
Broadway 2004) documenting increased crime rates in communities where large slaughterhouses have opened (with increases in violent crimes as high as 130% (Broadway 2000)), as well as with two quantitative studies examining the relationship between slaughterhouse employment levels and crime rates in hundreds of counties in the US over extended periods of time. Artz and colleagues (2007) found that increases in the number of slaughterhouse employees in counties were associated with increases in violent crime rates over a decade. Further, Fitzgerald and colleagues (2009) found that controlling for various theorized correlates of crime, such as the proportion of young men in the county, income levels, and immigration, among others, slaughterhouse employment levels are significantly related to increases in total arrest rates, arrests for violent crimes, rape, and other sex offenses. They also found that the relationship between the nonhuman animal slaughtering industry and crime rates is unique when compared to other industries. These findings support the assertion of green criminologists that socially approved harms against nonhuman animals are nonetheless devastating for the nonhuman animals involved and are also problematic for the human population, and warrant serious research attention.

Dillard (2008) has taken the above evidence of a connection between slaughterhouse employment and violence so seriously that she suggests slaughterhouse work be considered “an ultrahazardous activity for psychological well-being” and recommends the development of occupational health and safety regulations to improve psychological safety therein. Furthermore, in her book on perpetration-induced stress, MacNair (2002) suggests studying slaughterhouse workers for the presence of the condition. She poses the following questions:

Does the fact that these are merely nonhuman animals prevent the psychological consequences that would accrue if people were to be treated in this
way? Does the fact that this kind of violence is done in massive numbers make it more of a psychological problem than violence to one or a few nonhuman animals would? (2002, 88)

The placement of inmates in these jobs raises many additional questions.

Based on the current empirical evidence on the relationship between nonhuman animal abuse and other forms of harm it cannot be definitively concluded that there is a “progression” from harming nonhuman animals to harming people (see Beirne 2009) or that there is a “deviance generalization” process whereby those who abuse nonhuman animals are more likely to engage in more minor harmful activities, such as property destruction and substance abuse (Arluke, Levin, Luke, and Ascione 1999). However, the qualitative and quantitative research on slaughterhouse communities, like the research on nonhuman animal abuse and forms of family violence, points to a context where some type of relationship does exist between harm perpetrated against nonhuman animals (actions much more likely to be defined as abusive or cruel when involving companion nonhuman animal species instead of nonhuman animals defined as consumable) and harm endured by people. Further research will be needed to more fully understand the dynamics of this relationship. In the meantime there is certainly enough evidence to speculate that there are negative social and psychological consequences of work involving slaughtering and processing nonhuman animals. Slaughterhouse workers themselves have articulated this possibility. According to one worker interviewed by Eisnitz, “The worst thing, worse than the physical danger, is the emotional toll. If you work in that stick pit for any period of time, you develop an attitude that lets you kill things but doesn’t let you care” (1997, 87). Anthropologist Deborah Fink said of her five months of participant observation in a
slaughterhouse that it was the first time she had a desire to turn to alcohol for comfort before.

She describes the serious emotional toll that work took on her as follows:

Before I left the plant I was carrying heavy depression and thoughts of suicide that were more real than any I had known before... I found that my mind would fill with grotesque flashbacks, and I was unable to process events or emotions as I had before. I dreamed about looking into a combination of meat [containers she threw the meat she cut up in] and seeing detached arms and tormented faces reaching up to me to be saved - or to pull me in (Fink 1998, 37).

Thus, while at the institutional level this industry is grounded in the anthropocentric premise of human superiority, derivative rationalizations may not be enough to nullify the day-to-day realities of the job.

In addition to potential negative social and psychological consequences of the work, there is an abundance of evidence that work in the industry often has negative physical effects: The industry has injury and illness rates three times the average of the rates of other manufacturing industries (Stull and Broadway 2004). Thus, it is reasonable to wonder if these inmate labor programs are subjecting inmates to psychologically and physically dangerous work conditions. It is also not clear that it is socially valued and economically viable work which will translate into meaningful opportunities upon release. For instance, Garland (1990) articulates the socially devalued nature of the work in drawing a comparison between slaughtering nonhuman animals and punishing offenders as follows: “Like the slaughter and carving of nonhuman animals for human consumption, the business of inflicting pain or deprivation among offenders has come to seem rather shameful and unpalatable” (p. 235). Regarding the economic viability of the work, it has been demonstrated that workers are increasingly ununionized, the pay in the industry is marginal and the turnover very high – turnover rates of 200 percent per year are not uncommon
in a new facility (Broadway 2000). The combination of these factors begs the question: Is this an industry inmates should be trained in?

**Inmate labor programs**

A history of inmate labor programs is far beyond the scope of this paper, desirable though it is. However, the recent developments and key points in the debate over inmate labor warrant mention here in order to contextualize the use of inmates to slaughter nonhuman animals.

The use of inmate labor in Canada and the US has been historically variable. In the latter half of the twentieth century, inmate labor programs declined in importance, at least partially because the pace of automation was not duplicated in prisons and reducing inmate idleness was less necessary because of increases in correctional programming (Townsend 1996). More recently, however, the forces of globalization and privatization (and increasing prison populations) have renewed interest in prison labor as a means of subcontracting under post-Fordist production (Weiss 2001).

Proponents of inmate labor claim it has several advantages, including reducing inmate idleness; increasing inmates’ future earnings, thus generating tax revenue and lowering the demand on social programs; reducing the burden of incarceration placed on taxpayers; reducing recidivism (Atkinson and Rostad 2003; Lightman 1982); fostering self-respect among inmates; generating income that inmates can use upon release as well as to assist family and pay restitution to victims (Alarid 2005); and repatriating less-skilled jobs lost to international markets (Parenti 1996; Scott and Derrick 2006; Weiss 2001).

Conversely, opponents of prison labor cite the following as issues of concern: prison labor is inefficient because of the security required (Alarid 2005); work behind bars rarely results in jobs
upon release (Maguire, Flanagan, and Thornberry 1988; Pryor 2005); the programs unfairly compete with private businesses and free workers (Borna 1986); the involvement of private businesses poses the risk that their priorities (i.e., profits) will supercede correctional goals (Lightman 1982); prison labor programs are merely tools for perpetuating capitalism through the provision of surplus labor and the instillation of discipline in the unruly (Foucault 1977; Rusche and Kirchheimer 1939[1967]; Weiss 2001); and inmates have the moral right to control their labor (Lippke 1998). Despite these concerns, inmate labor has become a mainstay of US and Canadian corrections, and livestock programs have assumed an important role therein.

**Livestock programs in US prisons**

In the US approximately three-quarters of federal inmates and two-fifths of state inmates have a job (Pryor 2005). At the federal level, inmates are employed through the Federal Prison Industries (FPI) (also referred to by its trade name, UNICOR), a government-owned corporation which was established in 1934. According to their mission statement, FPI’s mission is to employ and provide job skills training to the greatest practicable number of inmates confined within the Federal Bureau of Prisons; contribute to the safety and security of our Nation's correctional facilities by keeping inmates constructively occupied; produce market-priced quality goods and services; operate in a self-sustaining manner; and minimize FPI's impact on private business and labor (Federal Prison Industries 2008).

Some of the stated objectives of the FPI include making prisons safer and improving discipline through the reduction of idleness; the generation of revenue to offset the costs of incarceration; the provision of inmates with job training and rehabilitation; and the development of financially responsible inmates. One of the self-stated criticisms of the FPI is that “inmates in FPI are not being taught marketable skills.” Yet, in the literature it does not indicate the specific skill set that is being learned but instead insists that “FPI teaches inmates the most marketable skill of all: how to work” (Federal Prison Industries 1996)
In 2009, approximately 19,000 federal inmates, 16% of the eligible population, were employed in the FPI program. Inmates earned between 23 cents and $1.15 per hour (Federal Prison Industries 2009). FPI’s website boasts that it is one of the government’s most successful programs and that it has earned the government over $80 million. However, their website also indicates that a challenge (or an opportunity) lies ahead for FPI: it will have to increase in size to provide employment for the expanding prison population.

According to one review, FPI jobs either support internal operations or ‘prison industries’, which produce goods and services consumed by customers outside of the facility (Pryor 2005). The goods and services are purchased by other arms of the government and by private companies. The industries selected for prison work tend to have high ratios of labor to capital, require low skill levels, and have low reliance on inputs from other industries (Pryor 2005) – all of which makes nonhuman animal slaughtering and processing ideal. Statistics detailing how many inmates are working in this type of program are not made readily available; however, according to data from 2000, 29,920 inmates in state facilities and 150 in federal facilities were conducting “farm work” (Atkinson and Rostad 2003). It is entirely unclear precisely what this “farm work” entails.

My own survey of state corrections offices and examinations of websites and documents indicates that at least 18 states are currently using inmates to raise, slaughter, and/or process livestock nonhuman animals.\(^1\) These states include Arizona, California, Colorado, Indiana, Iowa, Kansas, Louisiana, Maryland, Michigan, Montana, New Jersey, New York, North Carolina, Ohio, Oklahoma, Tennessee, Virginia, and Wyoming. The amount of information provided about these programs varies by state. While most states provide very little information, a few of
the states provide descriptive information about the nonhuman animal slaughtering program on their websites and in publicly available documents, and that information is instructive.

For instance, the New Jersey Department of Corrections reports that it operates six dairy and crop farms and three food processing plants that produce milk, beef, turkey and pork. According to their website,

The objective of the AgriIndustries Revolving Fund, established in 1977, is to offer products to the departments at a savings. AgriIndustries stresses a strong work ethic and promotes sound work habits among offenders, providing programs that have been shown to reduce recidivism. All AgriIndustries are self-supporting and operate without appropriated funds. Annual revenues equal approximately $9 million, with annual savings of approximately $1 million in food costs (New Jersey Department of Corrections 2009).

The economic imperative is apparent here, while the benefits to inmates are stated in rather general terms.

Virginia reportedly has two meat processing facilities where inmates process 4 million pounds of meat per year. They produce all of the dairy, pork, beef, and fish consumed by state inmates. They also raise thousands of pigs and cows each year. A central purpose of the program is articulated on their website as follows: “Inmate workers in farming activities produce food for the inmate population, reducing the Department's need to purchase these items” (2009). Again, the economic imperative is apparent: by producing all of the meat consumed by the inmates the Department is saved considerable money. Additionally, it can sell surplus to generate revenue.
The Ohio Department of Rehabilitation and Corrections (DRC) is rather unique in that it provides significant detail about the farm programs on its website. The Ohio DRC farm operations span 10,750 acres of ground at ten prison locations and two Ohio Penal Industries (OPI) shops. Farm Operations include dairy, beef, fat and feeder cattle, swine operations and corn, soybean, wheat and hay crops. The Farm Operations produce raw milk, cattle and hogs for the OPI shops to process for use in the DRC Food Service operation... Dairy farms raise their own replacement nonhuman animals. DRC Farms have over 1,000 beef cows that calve each year. Half of the calves are kept to replace older beef cows while the other half are sent to harvest (at approximately 15 months of age, weighing 1,100 pounds). Fat cattle are scheduled into the OPI Meat Processing Career Center (MPCC). DRC purchases about 1,500 head of feeder cattle per year to fatten for MPCC. There are five swine operations. Two locations are used for birthing baby pigs. The babies are kept until their weight reaches 50 pounds then they are shipped to one of the other three swine facilities. Hogs are processed at MPCC when they reach an age of 6 months and weigh 280 pounds (Ohio Department of Rehabilitation and Correction 2009).

The fact that the Ohio Department of Rehabilitation and Corrections has created a “Meat Processing Career Center (MPCC)” indicates that it is a fairly large and important part of the Department. The Center occupies 37,000 square feet, employs 12 full-time staff, and has four custodial and 102 offender positions. According to the description of the program by the Ohio Department of Rehabilitation and Corrections,
Offenders receive hands-on training resulting in marketable skills that lead to employment opportunities in the meat processing industry upon release. Food items produced at MPCC are delivered to DRC institutions. Current items include pork breakfast mix (bulk and patty), hamburger (bulk and patty), diced pork and beef, boneless pork cube steak and boneless beef cubed steak, tex-mex and meatloaf patties, and boneless ham and beef roasts. MPCC staff work closely with DRC Food Service Administration to market products and with future product development. MPCC is pleased to be partners with the Ohio Department of Agriculture, The Ohio State University and the Ohio Cattlemen’s Association (Ohio Department of Rehabilitation and Correction 2009).

It is apparent that at the Federal level and in many states, inmates are raising, killing, and processing nonhuman animals. Further, some states, such as Ohio, have institutionalized these programs in significant ways. The existence and scope of these programs in the US is not an anomaly: these programs are also in place in Canada.

Livestock Programs in Canadian Prisons

Prison employment programs in Canada are organized and delivered through CORCAN at the federal level. Its mandate “is to ensure that inmates who participate in CORCAN activities are fully, regularly and suitably employed in a work environment that strives to achieve private sector standards of productivity and quality. It is also mandated to provide programs and services that facilitate inmates’ re-entry into the work force following their release” (CORCAN 2005). CORCAN documents consistently reiterate that the objectives of the programs include
enhancing the employability of offenders; providing a sense of purpose for inmates; contributing to a safe institutional environment; and improving institutional self-sufficiency, thus lowering the cost of incarceration (CORCAN 2005).

CORCAN “shops” operate in 36 sites, employing approximately 4000 inmates (mostly men), or roughly 15% of the federal inmate population every year. Participation levels continue to rise. Until recently, CORCAN programs were divided into five sectors: agribusiness, construction, manufacturing, textile production, and various services (CORCAN 2005-06). Documents indicate that agribusiness programs (which includes slaughterhouses, or abattoirs) operate in six federal facilities (CORCAN 2007); however, they do not indicate how many inmates work in the sector. We can extrapolate from two studies using random samples of CORCAN participants (Gillis, Motiuk, and Belcourt 1998; Motiuk and Belcourt 1996) that approximately 1000 inmates are working in the agribusiness sector at any point in time. These numbers will begin to decline, however, as CORCAN recently announced that it will begin phasing out the agribusiness sector of its program. Security issues and changes in the labor market were cited as reasons for this decision (CBC 2010). Research is needed to understand if the desirability of inmates raising and slaughtering nonhuman animals was brought up as an issue during the CSC’s deliberations about phasing out the agribusiness sector.

In 2007-08, the most recent year for which the Correctional Service of Canada had released information at this time of this writing, CORCAN recorded its highest sales ever -- $70.6 million, which represents an increase of 17 percent over the previous year. The revenue by business type for the fiscal year is broken down as follows: Manufacturing $37.5 million, Construction $13.0 million, Agribusiness $7.6 million, Textile $7.2 million, and Services $5.3 million. Agribusiness revenues therefore account for approximately 10 percent of CORCAN’s
revenue, “but these operations employ a disproportionately high number of offenders to keep the enterprises functioning” (Correctional Service Canada 2007).

The products and services produced through CORCAN programs are sold to departments of the federal government, and less often to other levels of government, educational and health facilities, and non-profit organizations (CORCAN 2005-06). As expected, CORCAN’s largest customer is Correctional Service Canada, which purchased $18.2 million worth of goods and services, including “agricultural products.” The private sector purchased $5.1 million in goods and services.

Thus, as with the use of inmates in livestock programs in the US, the programs in Canada are employing a fairly large number of inmates and are generating considerable revenue. The research conducted on inmate labor programs to date in Canada and the US, however, has lumped all of the divergent labor programs together. Yet there are important reasons to disaggregate these programs, discussed below.

**Research on labor programs**

Most research on inmate labor programs has focused on outcomes; most specifically, whether these programs increase inmate employability upon release and relatedly, whether they impact recidivism rates. According to Correctional Service of Canada (CSC) documents, “The expectation is that employing offenders will offset both industry and incarceration costs, improve the employability of offenders upon release and have some impact on post-release recidivism” (Motiuk and Belcourt 1996). The official CORCAN literature suggests that their programs effectively reduce recidivism, but stops just shy of explicitly making the claim, stating that “Research indicates that a realistic work experience more effectively prepares an offender for
employment in the community and successful reintegration” (CORCAN 2005-06, 7). A statement on the CSC website draws a more explicit link between CORCAN and reduced recidivism: “Research carried out by the Service has shown that experience in the CORCAN work program leads to a reduction in recidivism, particularly for those offenders who are on parole” (Correctional Service of Canada 2008).

The ability of these programs to improve inmate employability has not been overwhelmingly demonstrated (Gillis, Motiuk, and Belcourt 1998), and the effects of employment programs on recidivism are even more equivocal (Gillis and Nafekh 2005). The CSC commissioned two studies on the effects of CORCAN programs on recidivism (Gillis, Motiuk, and Belcourt 1998; Motiuk and Belcourt 1996), both of which reported mixed findings. Importantly, neither of these studies examined the potential effect of the type of work engaged in upon subsequent recidivism.

Studies on the relationship between inmate labor programs and recidivism in the US have also been limited, and the results somewhat contradictory (Maguire, Flanagan, and Thornberry 1988; Saylor and Gaes 1996). After their meta-analysis of the recidivism studies, Wilson and colleagues (2000) notably concluded that there was not enough evidence to claim that prison labor programs reduce recidivism and that more research in this area is warranted. Further, the possibility that the types of work undertaken in different programs might have an effect on outcomes has been overlooked in the U.S. literature as well, which is somewhat surprising given that decades ago researchers suggested more attention be paid to exactly that issue. In the 1980s Maguire and colleagues stated,

Context-specific issues must also be considered in the evaluation of these results [effects of prison labor on recidivism]. It is axiomatic that the occupational climate of prison shops varies from prison to prison, and from shop to shop within
a single prison. As a result, future research might benefit from a detailed focus on differential work environments in assessing the impact of institutional employment on recidivism (1988, 16; emphasis mine).

Like the outcomes of prison labor programs, how inmates experience and perceive their work in these programs has received little research attention. Alarid’s (2003; 2005) research is a partial exception: She has examined which jobs are more appealing to inmates (2003) and deviance among inmates in their work assignments (2005). Despite these contributions, there is a clear need to examine how inmates experience these various programs and how these experiences differ across work assignments. Understanding the subjective experiences of the inmates in these programs is important for determining how the programs are actually impacting participants.

The employment of inmates raising and slaughtering nonhuman animals (in Canada, the US, and elsewhere) has received even less attention than the effects of employment programs on recidivism and inmates’ experiences of these programs more generally, and the attention it has received has focused on its economic viability (e.g., Connelley, Conklin, and Gordon 1993; Lightman 1982). For instance, the Ontario Ministry of Correctional Services commissioned research in the 1970s to examine a privately-run slaughterhouse at the Guelph Correctional Centre (Irvine 1977; Irvine 1978a; Irvine 1978b). This program received attention because it was the first Outside Managed Industrial Program (i.e., privatized) in the Ministry; the type of work undertaken was not looked at in the research. The unique form of labor undertaken in livestock rearing and slaughtering programs in prisons does, however, warrant focused research attention. Work in the industrial nonhuman animal slaughtering industry is unique because it involves transforming living beings into food. Due to this uniqueness, as argued herein, this industry may have different social, psychological and physical impacts on the workers.
Conclusion

The notion that the production of meat is inherently the same as the production of widgets is based on the speciesist assumption that working with nonhuman animals (i.e., killing and dismembering) is the same thing as working with inanimate objects. This way of thinking has made it possible for inmate labor programs employing inmates in slaughterhouses to exist without critical scrutiny from those working in corrections and academics alike. Ironically, however, using inmates to rehabilitate and train companion nonhuman animal species (e.g., dogs, cats, horses) has been praised as being therapeutic for both the inmates and nonhuman animals. This begs the question: how can we make sense of fostering therapeutic relationships between inmates and some species of nonhuman animals while training inmates to kill and dismember other species?

The harming of companion nonhuman animal species by inmates would quickly be labelled as abusive or cruel and promptly stopped. However, as demonstrated herein, inmates harming species used for food is considered productive activity. Regardless of how the activity is labelled, however, the theorizing and empirical evidence discussed in this paper indicate there are reasons to question training inmates to work in the slaughterhouse industry. Recall that the self-stated objectives of inmate labor programs in Canada and the US include increasing inmate employability, reducing recidivism, and defraying the costs of incarceration. If the objectives of these inmate labor programs are truly to increase the employability of inmates and reduce recidivism then the evidence detailed herein provides ample reason to question the strategy of employing inmates in slaughterhouses: it is physically dangerous and low paid work, the turnover rate is extremely high, and importantly there is a relationship between levels of
slaughterhouse employment and crime rates among the general population. However, if the primary goal of these inmate labor programs is to reduce the costs of incarcerating an ever-increasing number of people, then employing inmates to produce meat that can be sold or consumed within institutions instead of having to purchase it would make more sense, but would certainly lead to broader philosophical questioning of inmate labor programs.

Like most academic discussions of harms perpetrated against nonhuman animals, this paper is vulnerable to the critique that the grounds for concern are largely anthropocentric; that is, the issue of harm against nonhuman animals is brought forward due to concern for human well-being. However, it is hoped that this paper provides further evidence that the well-being of nonhuman animals and people are often interdependent and challenges the speciesism that undergirds the assumption that slaughtering and processing/dismembering nonhuman animals is not qualitatively different from production processes using inanimate objects. Certainly there are many reasons to critique the nonhuman animal-industrial complex (chief among which is the harm endured by the billions of nonhuman animals involved in the system against their will), as well as the prison-industrial complex, and various lines of critique of these complexes have been articulated elsewhere (see for instance, Burton-Rose, Pens, and Wright 1998; Christie 2000; Foer 2009; Mason and Finelli 2006; Nibert 2002; Regan 2004; Reiman 1995; Singer 1990; Sudbury 2005). Detailing those more general critiques, however, is beyond the scope of this paper. The specific purpose of this paper is to utilize a green criminological perspective to illuminate and problematize the intersection of these two industries, which heretofore has been overlooked.

Through the use of a green criminological lens this paper points to an unexamined side of disciplinary power behind bars. The institutional discipline and regulation of people, particularly in prisons, has been chronicled in the literature (e.g., Carrabine 2000; Eisler 2007; Federman and
Holmes 2005; Philo 2001; Rabinow and Rose 2006), and very recently, scholars have begun to examine the disciplinary regulation of nonhuman animal bodies under the current regime of industrial nonhuman animal agriculture (e.g., Holloway 2007; Novek 2005). Until now, these regimes have been conceptualized as parallel; however, livestock programs in prisons demonstrate that these processes can be intertwined in previously unexamined and untheorized ways. Foucault (1977, 136) explained that the goal of disciplinary power is to produce “a docile body that may be subjected, used, transformed, and improved.” The livestock programs in prisons might be conceptualized as the rendering of docile bodies by other docile bodies: the management and alleged “improvement” of one population (i.e., making inmates more manageable and employable) via its management and dispatch of another. The consequences of this process are as yet unclear, and certainly warrant focused examination.

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References


CBC. 2010. "Group Blockades to Save Prison Farms."


Correction, Ohio Department of Rehabilitation and. 2009. "Agricultural and Farm Services."


Dillard, Jennifer. 2008. "A Slaughterhouse Nightmare: Psychological Harm Suffered by Slaughterhouse Employees and the Possibility of Redress through Legal Reform."

*Georgetown Journal on Poverty, Law, and Policy* XV.


—. 2007. "'They gave me a reason to live': The protective effects of companion nonhuman animals on the suicidality of abused women." *Humanity and Society* 31:355-378.


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1 A mail survey was sent to administrators in all State Departments of Corrections. Participation was solicited only through the mail survey. The survey contained questions about the number of inmates employed in specific labor programs. Fifty-two percent of the State Departments of Corrections completed the survey. The National Correctional Industries Association (NCIA) declined requests to provide information about the jobs inmates perform by state.
Beyond Dehumanization: A Post-Humanist Critique of Solitary Confinement

Lisa Guenther

Abstract

What does it mean to be treated like a nonhuman animal? In this paper, I analyze the discourse of “dehumanization” in Madrid v Gomez, a 1995 Eighth Amendment case concerning the treatment of prisoners at California’s Pelican Bay Supermax Penitentiary. I argue that the language of dehumanization fails to describe the harm of solitary confinement because it remains complicit with a hierarchical opposition between human and nonhuman animal that rebounds against prisoners, especially those who have been racialized and/or sexualized as less than human. Humanist discourse neglects the sense in which both human and nonhuman animals are affective, corporeal beings who rely upon the support of others for their own capacity to orient themselves within a mutually-perceived world. Drawing on the testimony of inmates in solitary confinement, and situating this testimony in relation to the political and scientific history of US incarceration practices, I develop a post-humanist critique of solitary confinement.

Keywords: Solitary confinement, sensory deprivation, intercorporeal

Malebranche would not have beaten a stone as he beat his dog, saying that the dog didn’t suffer.

- Merleau-Ponty, Nature, 166

Certain carceral practices are often condemned – both by prisoners and by their legal or political advocates – on the grounds that they violate human dignity by treating people like nonhuman animals. For example, in the 1995 Eighth Amendment case, Madrid v Gomez, the treatment of prisoners at California’s Pelican Bay Supermax Penitentiary is consistently compared to the treatment of nonhuman animals. Some inmates were “hog-tied” with their hands and feet bound together, then left chained to a toilet or bunk for up to 24 hours (47). Other inmates were confined to outdoor cages the size of a telephone booth, and left naked or partially dressed, exposed to inclement weather and to the view of other inmates (58). One inmate who was caged recalled feeling like “just an animal or something” (59). The presiding judge in this case, Chief Judge Thelton Henderson, concluded that “[I]leaving inmates in outdoor cages for any significant period – as if animals in a zoo – offends even the most elementary notions of common decency and dignity” (62). And yet, Henderson stopped short of condemning prolonged solitary confinement in a tiny indoor cell as cruel and unusual
punishment, in all but the most extreme cases. What is this “common decency and dignity” so often invoked to protect prisoners from abuse, and why does it tend to produce such negligible effects?

In what follows, I analyze the tension between the concept of “human dignity” and the ongoing abuse of both human and nonhuman animals. In the first part of the paper, I present a critical reading of Judge Henderson’s decision in *Madrid v Gomez*. In the second part, I situate this decision within the history of the US penitentiary and Cold War research on the sensory deprivation of human and nonhuman animals in order to demonstrate the complicity of animal abuse and prisoner abuse, especially in the case of racialized prisoners. In conclusion, I suggest a different way of describing the harm of solitary confinement without opposing the needs of human prisoners to the needs of the billions of nonhuman animals confined to zoos, laboratories and factory farms across the world today.

**De-humanization**

In *Madrid v Gomez*, Judge Henderson states very clearly that prisoners have a right to “human dignity” (328), even though they have forfeited many other rights by violating the law. All citizens, incarcerated or otherwise, deserve “not to be treated as less than human beings” (329). What is the content of this doubly-negative right? Presumably, it means that prisoners deserve not to be treated like nonhuman animals. But what does it mean to be treated like an animal – and why would being caged or forcibly restrained seem appropriate for nonhuman animals, but inappropriate for human beings?

The content of the right to “human dignity” in the context of *Madrid v Gomez* is based on the satisfaction of “basic human needs,” which are listed as “food, clothing, shelter, medical care, and reasonable safety (330). Note the degree to which these basic human needs overlap with the needs of any nonhuman animal; there is nothing on this list, except for clothing and perhaps medical care, that a horse or a bear would not also need in order to thrive. But precisely because “humans are composed of more than flesh and blood” – presumably, because they are not merely animals, but human animals, that is, social and rational animals – Judge Henderson argues that “mental health is a need as essential to a meaningful human existence as other basic physical demands our bodies may make for shelter, warmth or sanitation” (388).
How does Judge Henderson seek to protect this fundamental, apparently human need for mental health? And what is “mental health” anyhow? Henderson condemns the use of excessive force and the deliberate humiliation of prisoners, acknowledging that some of the techniques used at Pelican Bay violated “evolving standards of decency that mark the process of a maturing society” (329, citing Patchette v. Nix, 952 F.2d 158, 163 (8th Cir. 1991)). He acknowledges the evidence of expert witnesses such as Stuart Grassian, who found that in forty of the fifty inmates he interviewed over the course of two years, prolonged solitary confinement in the SHU, or “Security Housing Unit,” at Pelican Bay had either “massively exacerbated a previous psychiatric illness or precipitated psychiatric symptoms associated with RES [Reduced Environmental Stimulation] conditions” (281). He notes the typical effects of RES, or what Grassian later calls SHU Syndrome, as “perceptual distortions, hallucinations, hyperresponsivity to external stimuli, aggressive fantasies, overt paranoia, inability to concentrate, and problems with impulse control” (276). In passing, Henderson even acknowledges the Court’s observation during its tour of the SHU that “some inmates spend the time simply pacing around the edges of the pen; the image created is hauntingly similar to that of caged felines pacing at a zoo” (270).

But Henderson stops short of condemning SHU conditions as a violation of prisoners’ Eighth Amendment rights, concluding that:

> Conditions in the SHU may well hover on the edge of what is humanly tolerable for those with normal resilience, particularly when endured for extended periods of time. They do not, however, violate exacting Eighth Amendment standards, except for the specific population subgroups identified in this opinion.\textsuperscript{iv} (460)

The “specific population subgroups” for whom prolonged solitary confinement would count as “cruel and unusual punishment,” are: 1) prisoners who are already mentally ill, and 2) prisoners who are at “unreasonably high risk” of becoming mentally ill if held in SHU conditions (411). Note the frankly biopolitical resonance of the term, “population,” which refers to prisoners as a statistical entity with no specifically human qualities, even in a ruling that celebrates and seeks to protect this population’s (apparently) human need for mental “health.”\textsuperscript{v} How are concepts such as “humanity” and “mental illness” (understood as an
affliction faced by human beings who are “more than flesh and blood”) working together here to expose prisoners to intolerable violence, even while claiming to protect them from it?

Colin Dayan has argued persuasively that the “exacting standards” of Eighth Amendment cases have done less to protect prisoners from cruel and unusual punishment, and more to expand the scope and intensity of the violence to which prisoners are exposed within legal limits (Dayan 2005). Henderson’s decision in Madrid v Gomez is no exception to this rule. On one hand, he acknowledges that “contemporary notions of humanity and decency… will not tolerate conditions that are likely to make inmates seriously mentally ill” (388). But on the other hand, by limiting Eighth Amendment protection to just those “population subgroups” who are already suffering from mental illness or are recognizably on the verge of it, he creates a loophole into which virtually every prisoner could fall. If you are already mentally ill or “unreasonably” close to mental illness (whatever that means, and however it is measured), you are protected from conditions that would exacerbate your condition. You are recognized as a human being, with an intrinsic dignity that no civilized nation would dare to violate. But if you are not (yet) mentally ill – if you display “normal resilience” to barely tolerable conditions – you may be confined in a situation that, according to Grassian’s research, produces mental illness in about 90% of the population. To put this more succinctly: Unless you can obtain a diagnosis of mental illness, you may be subject to conditions that typically produce mental illness. In the legal discourse of Madrid v Gomez, and of Eighth Amendment cases more generally, mental illness becomes both the benchmark for distinguishing torture from legitimate punishment, and also the condition that one would need to satisfy in order to be exempt from torture; it becomes both a sign of human dignity and an alibi for dehumanizing treatment.

Given the complicity of discourses on humanity and dehumanization with both the abuse of prisoners and the abuse of animals such as hogs and caged felines, to whose condition prisoners are typically “reduced,” we need a different language to describe the harm of prolonged solitary confinement. Is there another way of describing the violence of conditions in the SHU without appealing to human dignity or to the defense of human rights at the expense of nonhuman animals, and ultimately at the expense of human prisoners as well?

De-animalization
In his otherwise excellent account of prisoners’ resistance movements at Marion Penitentiary in the 1970s, Alan Eliado Gomez writes:

It is important to consider how the so-called human sciences depend on and promote finding the supposedly nonhuman, the dehumanized edge of human tolerance, in order to experiment and understand human nature and social behavior; and how science, race, and nation are intimately linked. Breaking men down to the most basic, animalistic qualities, pitting them against each other, and creating hierarchies of behavior and privilege to then rebuild them as productive and engaged members of society, all without their knowledge, challenges the very basis of the Nuremberg Codes, Article 6 of the Universal Declaration of Human Rights, and the United Nations Standard Minimum Rules for the Treatment of Prisoners. (Gomez 2006, 82)

Gomez is critical of the human/nonhuman opposition that is constructed and reconstructed by humanist discourses. And yet, even his invocation of legal documents defending basic human rights based on the opposition of “men” to “animalistic qualities,” implicitly reinscribes an exclusion of the nonhuman animal, and this exclusion ultimately rebounds on the very prisoners whose well-being activists, scholars, lawyers and judges are trying to support and defend. We need a different, non-anthropocentric language with which to critique the abuse of prisoners – particularly the touch-free torture of solitary confinement, whose harm is less obvious than physical torture – not just as a violation of human rights but as a violation of (human and/or nonhuman) animal ontology.

What were the material conditions of prisoners in the SHU at Pelican Bay at the time of Madrid v Gomez? Inmates are confined for 22½ hours a day to an 80 square foot cell. The only natural light comes from a skylight in the “pod” or small cluster of cells; but since the cell doors are made of heavy perforated metal, most of the light comes from a fluorescent bulb. Each cell has an adjoining “exercise pen” with 20 foot walls and no windows, the top of which is partly covered by a screen and plastic rain shield. For many prisoners, their only view of the outside world is this small patch of sky, which itself is partially obscured. The walls of the cell are white concrete, and are deliberately designed “to reduce visual stimulation” (Madrid v Gomez 269). Interaction with visitors, other prisoners, and even guards is severely limited, to the point where one’s only experience of the touch of others is typically during “cell extractions,” when inmates are removed from their cells – sometimes
forcibly – for showers or medical treatment. Contact with visitors is limited to telephone conversations through thick plexiglass windows; even food trays are passed through a slot in the door to prevent contact between inmates and guards. Prisoners are for the most part allowed access to books and personal mail, and some prisoners are able to buy televisions or radios for their personal use, but contact with other humans – indeed, with other living beings – is severely limited to indirect visual or verbal exchanges. (*Madrid v Gomez* 268-72)

The conditions of extreme isolation and sensory deprivation in the SHU at Pelican Bay are increasingly typical of incarceration in the US; in addition to more than sixty supermax prisons where all prisoners are held in 22 to 23 hour-a-day solitary confinement, there are countless Security Housing Units, Control Units, Administrative Segregation Units, and other differently-named but similarly-designed cells in lower-security prisons across the US. Conditions in supermax prisons have provoked numerous lawsuits; but prolonged solitary confinement is nothing new in the US, and its negative effects have been noted since the first decades of the penitentiary system. Already in 1890, the US Supreme Court condemned the conditions of social isolation at Walnut Street Penitentiary, noting its effects on what we might call the prisoners’ “mental health”:

The peculiarities of this system were the complete isolation of the prisoner from all human society, and his confinement in a cell of considerable size, so arranged that he had no direct intercourse with or sight of any human being, and no employment or instruction… A considerable number of the prisoners fell, after even a short confinement, into a semi-fatuous condition, from which it was next to impossible to arouse them, and others became violently insane; others, still, committed suicide; while those who stood the ordeal better were not generally reformed, and in most cases did not recover sufficient mental activity to be of any subsequent service to the community. (*In re Medley*, 134 U.S. 160, 10 S. Ct. 384, 33 L. Ed. 835 (1890); cited *Madrid v Gomez* 277-8)

Prisoners in these early penitentiaries described their experience as a kind of death-within-life, as if they were “buried from the world” or condemned to “a living tomb.” When Charles Dickens visited Philadelphia’s Eastern State Penitentiary in 1842, he described the prisoner in solitary confinement as “a man buried alive; to be dug out in the slow round of years; and in the meantime dead to everything but torturing anxieties and horrible despair”
(Dickens 1957, 100-1).x The feeling of being buried alive, reduced to a ghost in one’s own life, or cut off from the world and isolated from other living beings, is echoed in the testimony of prisoners in contemporary US penitentiaries. Jack Henry Abbott describes his life in prison – fourteen to fifteen years of which were spent in solitary confinement – as an experience that could “alter the ontological makeup of a stone” (Abbott 1991, 45). “When they talk of ghosts of the dead who wander in the night with things still undone, they approximate my subjective experience of this life” (4). One inmate at Pelican Bay describes the SHU as “a space capsule where one is shot into space and left in isolation” (Madrid v. Gomez 269). Another inmate, held in the SHU at California’s Valley State Prison for Women (VSPW) says, “It’s like living in a black hole” (Shaylor 1998, 386). Yet another inmate, held in the SHU of Walpole Penitentiary says, “You feel like you are losing something you might not get back” (Grassian 2006, 335).xi

One could describe this experience of loss and self-loss as a dehumanization; and many prisoners do. xii There may even be a sense in which the racist and racializing discourse of guards who refer to women prisoners as “dogs,” “bitches” and specifically “black bitches” needs to be turned against itself, as in this statement by Denise Jones, an inmate at VSPW: "They treat us like animals. No, you wouldn’t treat an animal the way they do us here. I am sure they don’t treat their dogs the way they treat us" (Shaylor 1998, 396).xiii By simultaneously rejecting her treatment by the guards and distinguishing this treatment from that of a dog or another animals, Jones both acknowledges the guards’ logic of dehumanization and suggests that something else is going on here, something that is not quite captured by the phrase, “treated like an animal.” Perhaps the crux of the issue here is not whether prisoners are treated like human beings, but whether they are treated like animals: like living beings with complex ontological relations to other living beings.

What is an animal? If we answer this question from the anthropocentric perspective shared by both the perpetrators of prison abuse and those who seek to curtail it by appealing to an intrinsic human dignity, we might say that a nonhuman animal is a degraded human. She or he is a living being who lacks the capacities that differentiate human beings from “mere flesh and blood,” capacities such as reason, politics and language. From this perspective, we owe nothing to nonhuman animals – although we do owe it to other human beings, and even to ourselves, not to reduce people to animals, even if they have betrayed our trust and violated our laws. But what is a human being? Is it the species, homo sapiens? But that is a
biological term, more fitting for animals. Are women fully human, or are they, as Aristotle wrote in the *Generation of Animals*, “infertile male[s],” “female on account of inability” (Aristotle 2000, 103)? Are African-Americans human, or are they, as Thomas Jefferson wrote in his *Notes on Virginia*, an “animal… who does not reflect” (cited Smith 2009, 104)? Is it wrong to dehumanize a person who is not even counted as fully human?

We have seen the disastrous effects of the anthropocentric approach in legal cases such as *Madrid v Gomez*. But there is also a very specific political and scientific history in which the abuse of animals, the abuse of prisoners, and the targeting of specifically racialized subjects for incarceration and abuse are intertwined. Beginning in the early 1950s, the CIA and the US Department of Defense contracted numerous psychologists and social scientists to study the incarceration and interrogation techniques used by Chinese forces against US POWs during the Korean War. The aim of this research was both to develop counter-techniques to help US soldiers resist brainwashing (known as the SERE program: Survival, Evasion, Resistance and Escape), and also in order to refine their own coercive interrogation techniques (as outlined in the CIA’s KUBARK manual). The main goal of these Cold War experiments was to study the effects of radical isolation and sensory deprivation on the “suggestibility” of human subjects. Researchers such as Donald O. Hebb of McGill University confined experimental subjects to small rooms with dark goggles, earplugs, and cardboard cuffs on their arms and legs to reduce the patterning of perceptual experience to the point of wiping the mind clean like a blank slate. Ewen Cameron, also at McGill and partly funded by the CIA’s MKULTRA program, combined isolation with LSD, electroshock treatment and exposure to repetitive messages such as “My mother hates me” to test the extent to which this blank slate could be filled with new content. John C. Lilly of the National Institute for Mental Health immersed himself and others in tanks of slowly-flowing tepid water in order to reduce the absolute intensity of perceptual stimulus. The effect of these experiments on participants was dramatic: perceptual distortions, hallucinations, extreme sensitivity to stimulation, intense anxiety, and a general sense of disorientation. Note the proximity of this list to the symptoms produced by conditions in the SHU of Pelican Bay Penitentiary.

But there were limits to what a scientist could do to human experimental subjects; some researchers took themselves as subjects in order to get around ethical constraints, but even so, lawsuits were eventually brought against some researchers. Meanwhile, countless
experiments in sensory deprivation were carried out on nonhuman animals, mainly cats, dogs, primates and rats (see, for example, Melzack 1954, Riesen and Aarons 1959, Mason and Sponholz 1963). In one such experiment, Austin Riesen confined newborn kittens whose eyes had just opened to a darkroom for 23 hours a day. For the remaining hour, the kittens’ heads were covered with “fine percale” hoods that diffused the light but still allowed for normal breathing with “no signs of discomfort” in the kittens (Riesen 1961, 22). Riesen wanted to test whether sensory deprivation from birth would affect the kittens’ development of “visual placing” skills. At what point would the deprived kitten begin to relate actively to its environment by extending its paws toward a table onto which it was being lowered? As soon as one of the control animals from the same litter showed signs of visual placing, the experimental kitten-subjects were allowed one hour of unhooded light and were tested for their responses. At first, the experimental kittens showed no signs of visual placing, but within five hours of unhooded light, whether or not these hours were continuous, they began to anticipate the table with their paws.

Riesen makes a remarkable observation about the kittens’ second hour of unhooded life. He notes that in this hour, “kittens typically spent considerable time sitting straight up and still, staring fixedly at the mother’s face” (Riesen 1961, 23). Riesen does not comment on the role that the mother cat’s face might play in the kitten’s ability to orient itself within a visual and spatial world. Instead, he moves on to reflect on other experiments involving kittens and primates who were permitted an experience of light but were not permitted to move, and so failed to develop “the protective eye blink” (23),xviii For Riesen, light, movement, and the experience of another animal’s face are all separable factors in the development of basic motor skills; the point of the experiment is to disentangle these factors so we can discover which is most fundamental. While Riesen might not put it this way, his analysis implies that light, movement and the face of the kitten’s mother are all arranged on the same ontological plane; they are all sources of “stimulus” to which the animal responds. In the end, the mother’s face disappears from Riesen’s analysis; he concludes that “In the absence of patterned visual input, autonomous rhythmic activity appears to gain the upper hand” (25). But if we read this experiment in the context of the solitary confinement and sensory deprivation to which prisoners in US penitentiaries have been subjected for almost two hundred years, a different interpretation of both the cat’s experience and the prisoner’s experience begins to emerge.
Recall Dickens’ observation that the prisoners held in solitary confinement at Eastern State seemed to lose their ability to see and hear, as if the experience of something – or someone – to look at and listen to were a condition for seeing and hearing, rather than simply physiological capacities of the separate individual subject. This observation is confirmed by the testimony of prisoners, again interviewed by Stuart Grassian, but this time at Walpole Penitentiary in 1982:

I seem to see movements – real fast motions in front of me. Then seems like they’re doing things behind your back – can’t quite see them. Did someone just hit me? I dwell on it for hours. (Grassian 1983, 1452)

I hear noises, can’t identify them – starts to sound like sticks beating men. But I’m pretty sure no one is being beaten… I’m not sure. (1452)

Melting, everything in the cell starts moving; everything gets darker, you feel you are losing your vision. (1452)

I overhear the guards talking. Did they say that? Yes? No? It gets confusing. I tried to check it out with [the prisoner in the adjoining cell]; sometimes he hears something and I don’t. I know one of us is crazy, but which one? Am I losing my mind? (1452)

What would people have to be like, in order for their capacities to see and hear, to identify noises and movements, and even to know whether they have been hit or not, to be almost completely deranged by the deprivation of regular contact with others in a small, enclosed cell? They would not have to be human beings “composed of more than flesh and blood;” for it is precisely at the level of bodily perception, sensibility and affectivity that these prisoners are being harmed. Rather, they would have to be like kittens, whose primary orientation point in the world is not a simple pre-programmed instinct nor a strictly individual capacity for “visual placing,” but rather an intercorporeal relation with other animals, and especially with another who cares for them.

For the kitten who has been deprived of an open-ended field of visual experience from birth, the first orientation point in the world, the anchor for its own individuated experience of space, is the mother’s face. For an hour or more, the kitten stares at this face, sitting straight
and still, until it feels capable of loosening its gaze and expanding its visual experience of the world to include other objects and other dimensions of spatial depth and proximity. This orientation of the infant’s body in space through the mediation of the mother’s face dovetails with experimental evidence on human infants, in which the mother’s face provides an anchor-point and support for the infant’s own developing sense of herself as an individuated subject, with her own unique perspective on a shared world (Maclaren 2008; Stern 2002; Zeedyk 2006). It also confirms the experience of adult human animals who find themselves thoroughly disoriented and even ontologically deranged by the prolonged deprivation of everyday interactions with other animals, both human and nonhuman. Many prisoners report forming deep affective bonds with nonhuman animals, such as insects or rodents, who happen to enter the cell. A prisoner interviewed by Beaumont and Tocqueville in 1831 said: “This summer, a cricket entered my yard; it [sic] looked to me like a companion. If a butterfly, or any other animal enters my cell, I never do it [sic] any harm” (cited Dumm 1987, 110). Research on the presence of companion animals in prison suggests that regular contact with non-human animals can have a profound impact on prison conditions, the rehabilitation of prisoners, and recidivism rates after release. Even in non-carceral situations, when people are lost at sea or trapped on an expedition, they often report developing what John C. Lilly calls an “intense love of any living things” and a revulsion “at the thought of killing food-animals” (Lilly 1956, 3-4).

The disastrous effects of being radically deprived of the concrete experience of other living beings suggest that there is nothing exclusively human about the need for everyday intercorporeal experience. Even though there are significant differences between humans and other animals – as there are between bats and bears, monkeys and chipmunks – there is nevertheless a level of intercorporeal intentionality that human beings share with other social animals. What the opposition between humane and inhumane treatment fails to grasp is the degree to which it is not primarily as human beings, with a presumably inherent sense of dignity and freedom, that we are affected by solitary confinement and sensory deprivation, but as living beings, sensible flesh, with corporeal relations to other embodied beings and to an open field of overlapping experience in a shared world. It is as animals that we are damaged or even destroyed by the supermax or SHU, just as our fellow animals are damaged or destroyed by confinement in cages at zoos, factory farms, and scientific laboratories.
Our overlapping, intercorporeal experience of other animate bodies, both human and nonhuman, sustains our own capacity to perceive the world as a potentially meaningful context for our own lives. These interactions with other animals do not merely provide a source of pleasant diversion from what would otherwise be a monotonous life of solitude; as the experience of isolated prisoners suggests, these interactions are vital for sustaining our most basic sense of reality and living personhood, and for differentiating the void of empty and meaningless space from an experience of the world as an open-ended context for potential meaning. Even though medical or psychological terms like RES and “SHU syndrome” are helpful for expressing the harm of prolonged solitary confinement, and for listing its most common effects or symptoms, such terms fail to express the sense in which it is not just the prisoner’s “mental health” that is affected by prolonged solitary confinement, but their whole Being-in-the-World, their capacity to relate intentionally to objects within the world, to co-constitute with others a sense of shared reality, and to participate in a common situation that is accessible to a multiplicity of different, but overlapping perspectives.

Every day, other living beings provide orientation points for our own perception of the world; the dog looks up, ears perked, and I find myself jumping up to see what’s happening. A trail of ants coming into the house alerts me to the cookie crumbs I have inadvertently spilled on the floor. A quick exchange of glances lets me know that I wasn’t the only one to hear that sexist comment. Intercorporeal relations with other living beings are necessary not only for preserving “mental health,” although this is important (and it is also important to note that the psychological effects of prolonged solitude are shared by many nonhuman animals, to the point where mental health has become a basic zoo management issue). But these intercorporeal relations are also vital for both human and nonhuman animals to orient ourselves spatially and affectively in a world shared with other living beings: to feel where we are and even who we are.

The connection between human and nonhuman animal responses to sensory deprivation and solitary confinement suggest an ontology of animal life as fundamentally relational and intercorporeal. But this ontological point is not merely formal or abstract; it also has concrete implications for the way we might think about solitary confinement, both in the context of domestic prisons and in the relatively new context of the detention camp, which Agamben identifies as the new “nomos” of the modern (Agamben 1998; Agamben 2000). Already in the Cold War, the research on sensory deprivation directly informed the CIA’s techniques for
coercive interrogation; in fact, Lilly’s observation that extreme isolation tends to produce “an intense love of any living things” is directly cited in the KUBARK manual as one of the typical effects of their own recommended coercive interrogation techniques (CIA 1963, 88; see also CIA 1983, K-6). More recently in the US War on Terror, the SERE techniques that were initially formulated to help US soldiers resist brainwashing were systematically inverted and used by US troops against so-called “enemy combatants” (see McCain and Levin, 2008).

But there is also a lesser-known connection between sensory deprivation research and the treatment of US domestic prisoners, particularly Black Muslim prisoners in the 1960s and ‘70s. In 1961, the US Bureau of Prisons organized a symposium called “The Power to Change Behavior,” which brought together associate prison wardens and behavioral scientists, some of whom had personally conducted research on Communist "brainwashing" in the 1950s. After a program of papers including “Man Alone: Sensory Deprivation and Behavioral Change” by Herbert Liederman and “Man Against Man – Brainwashing” by Edgar Schien,xxiii James V. Bennett, then-director of the US Bureau of Prisons, concluded the symposium with these words:

[W]e have a tremendous opportunity here to carry on some of the experimenting to which the various panelists have alluded. We can manipulate our environment and culture… What I am trying to say is that we are a group that can do a lot of experimenting and research and we can change our methods, our environments, and perhaps come up with something more specific. What I am hoping is that the audience here will believe that we here in Washington are anxious to have you undertake some of these things. Do things perhaps on your own ---- undertake a little experiment of what you can do with the Muslims --- undertake a little experiment with what you can do with some of the sociopath individuals… [Y]ou are thoughtful people with lots of opportunity to experiment --- there’s lots of research to do --- do it as individuals, do it as groups, and let us know the results” (Brown 1961, 72)

The results of such experimentation include the START program (Special Treatment and Rehabilitation Training) designed by Edgar Schein and Martin Groderxxiv and the Asklepieion program, founded by Groder, both of which were implemented at Marion Pentitentiary in the early 1970s. These programs were patterned on techniques used by Chinese forces on US POWs in the Korean War: a combination of solitary confinement and small group confinement, with other elements of behaviorist conditioning, including punishment and
reward, aversion therapy, and what Groder called “attack therapy” (Aynes 1975, 459; for more on Chinese confinement practices, see Schein 1956, Hinkle and Wolff 1956, Lifton 1957). As Bennett had hoped, these programs specifically targeted Black Muslim prisoners, as well as Puerto Rican independentistas, Chicanos and American Indians (see Gomez 2006, Mitford 1973, Aynes 1975).

The objectives of the Asklepieion program were “to ‘unfreeze’ the prisoner’s former organization of beliefs about himself [sic] (i.e., to degrade his [sic] self-concept, to shatter his [sic] personal identity), to ‘change’ his [sic] personality, and to ‘refreeze’ the new beliefs into his [sic] new personality” (Aynes 1975, 432; see also Opton 1974, 630). Like the inmate of the nineteenth-century penitentiary, and even like the US soldier in a Chinese POW camp, the prisoner was to “directly [perceive] that he [sic] must “die and be reborn” (Lifton 1957, 639; describing Chinese brainwashing techniques). But the impact of these programs on prisoners more closely resembled what José Rubio, an inmate from Brownsville, Texas, and a member of CORA (Chicanos Organizados Rebeldes de Aztlán (Organized Chicano Rebels from Aztlán) called “death on the installment plan” (cited Gomez 2006, 68). Inmate Eddie Sanchez describes the START program as a lesson in humiliation, not unlike some of the practices that Judge Henderson condemned at Pelican Bay:

They put [inmates] in the hole and they chained them, completely nude. So then the following day they give them a pair of shorts, and then the next day they give them a pencil, but no paper, and each day you progress, and if your behavior is not keeping with what they want it to be, then you start back from nothing. The reward punishment trip is what START was about. (cited in Gomez 2006, 63)

Again, we could describe this treatment as a form of dehumanization; prisoners were indeed treated like dogs to be chained, confined and re-trained through a system of punishments and rewards. But we cannot fully understand the brutality of these programs until we refuse to accept that dogs deserve to be treated this way, any more than humans do. To the extent that we focus on the abuse of prisoners as an affront to human dignity, we risk overlooking the ethical, political and ontological complexity of a situation in which not only human beings, but living beings as such are at stake. The problem with programs like START and Asklepieion is not that they treated human prisoners as “mere flesh and blood,” but that they failed to respect them as flesh and blood creatures, with corporeal and intercorporeal needs that go beyond the basic conditions of survival. Given the countless situations in which
nonhuman animals are similarly disrespected, the abuse of prisoners may well be described as a dehumanization in which prisoners are treated like animals. But this is only because animals themselves are being de-animalized: reduced to input-output machines, mechanisms of stimulus and response, separable units of behavior that can be disorganized and reorganized, unfrozen and refrozen, according the requirements of the animal industrial complex and/or the prison industrial complex. In order to find more fruitful ways of critiquing the abuse of both systems, in which human and nonhuman animals are confined to cages, pens and cells across the world, we need to think beyond dehumanization, and beyond the anthropocentric worldview that supports it.

Works Cited


Henderson also cites Toussaint v. McCarthy (Toussaint IV), 801 F.2d 1080, 1107 (9th Cir. 1986): “human needs that prison officials must satisfy include food, clothing, sanitation, medical care, and personal safety” (cited 331). Note the absence of social relations with others from this list.

Earlier, Henderson cites Toussaint III, 597 F. Supp. at 1413-14 to support this conclusion: "Segregated detention is not cruel and unusual punishment per se, as long as the conditions of confinement are not foul, inhuman or totally without penological justification" (cited Madrid v Gomez 392).

See, for example, Foucault 1990 and 2003.

In some cases, prison crowding force inmates to bunk together in a single cell, but given their mutual confinement to such a limited space, this forced contact tends to exacerbate the feeling of anxiety and alienation rather than providing an opportunity for mutually-sustaining social relations. “Roughly two-thirds of the inmates are double celled; however, this does not compensate for the otherwise severe level of social isolation in the SHU. The combination of being in extremely close proximity with one other person, while other avenues for normal social interaction are virtually precluded, often makes any long-term, normal relationship with the cellmate impossible. Instead, two persons housed together in this type of forced, constant intimacy have an "enormously high risk of becoming paranoid, hostile, and potentially violent towards each other" (Grassian Tr. 12-1857; Haney Tr. 6-988-89). The existence of a cellmate is thus unlikely to provide an opportunity for sustained positive or normal social contact” (Madrid v Gomez 273).

It is difficult to say exactly how many prisoners are currently being held in solitary confinement in the US. In his 2009 article, “Hellhole,” Atul Gawande cites figures from the late 1990s: “America now holds at least twenty-five thousand inmates in isolation in supermax prisons. An additional fifty to eighty thousand are kept in restrictive segregation units, many of them in isolation, too, although the government does not release these figures. By 1999, the practice had grown to the point that Arizona, Colorado, Maine, Nebraska, Nevada, Rhode Island, and Virginia kept between five and eight per cent of their prison population in isolation, and, by 2003, New York had joined them as well. Mississippi alone held eighteen hundred prisoners in supermax—twelve per cent of its prisoners over all. At the same time, other states had just a tiny fraction of their inmates in solitary confinement. In 1999, for example, Indiana had eighty-five supermax beds; Georgia had only ten. Neither of these two states can be described as being soft on crime” (Gawande 2009).


The first quotation is from the warden at Auburn, who warned his prisoners in 1826: “While confined here,… you are to be literally buried from the world” (cited Smith 2009, 39). The second quotation is from Harry Hawser, poet and inmate at Eastern State Penitentiary in the 1840s, who wrote: “Fated to a living tomb,/ For years on years in woe to brood/ Upon the past, the Captive’s doom/ In galling chains and solitude” (cited Smith 2009, 27).

Dickens denounced solitary confinement as a punishment “which no man has a right to inflict upon his fellow creature” (Dickens 1957, 99). “I hold this slow and daily tampering with the mysteries of the brain to be immeasurably worse than any torture of the body; and because its ghastly signs and tokens are not so palpable to the eye and sense of touch as scars upon the flesh; because its wounds are not upon the surface, and it extorts few cries that human ears can hear; therefore the more I denounce it, as a secret punishment which slumbering humanity is not roused up to stay” (99; see also 109). While Dickens is clearly writing within a humanist paradigm, his critique of
solitary confinement nevertheless recognizes that it is not only as a human being that the prisoner is harmed, but at the level of sensible, affective animal life: “That it makes the senses dull, and by degrees impairs the bodily faculties, I am quite sure” (109).

Other inmates compare solitary confinement to “circling in space” or “being freeze-dried.” (Dayan 2005). It’s like “losing [your] self and disappearing into a non-existence” (cited Smith 2006, 497). Gomez compares the CU (or Control Unit) at Marion Prison to “a breathing coffin… a space of permanent living death” (Gomez 2006, 61); at stake here are not just individual civil rights, or even collective human rights, but the very “right to exist – legally and physically” (61). See Smith 2009 for an extended discussion of the language of death, resurrection and living death in the history of the US penitentiary.

For example, Jack Henry Abbott compares the “ontological” alteration of the prisoner to an experience of dehumanization: “It is only a matter of time, if you love life too much or fear violence too much, before you become a thing, no longer a man. You can end up scurrying about like a rodent, lending yourself to every conceivable low, evil, degrading act anyone tells you to do – either pigs or prisoners. There is a boundary in each man… But when a man goes beyond the last essential boundary, it alters his ontology, so to speak” (Abbott 1991, 67).

Of the 52 women held in SHU at VSPW in 1998, 40% were Black, 21% Hispanic/Mexican, and 5.9% “Other” (Shaylor 1991, 394). Shaylor notes: “Guards speak to and about the women as though they are subhuman. A pamphlet, produced by the Warden's office, is given to women when they enter the SHU and lists times for daily "feedings." Guards constantly use racial epithets, many of which are gendered, to refer to the women. They call the prisoners "dogs," "niggers," "bitches," "whores" and "black bitches;" women refer to their cells as "cages." When women are denied privileges, they are put on what guards refer to as "dog status" (395-6). George Jackson makes a similar connection between racialized prisoners and nonhuman animals in his book, Soledad Brother, but complicates and/or compounds this connection by calling the wardens “pigs”: “No black leaves Max Row walking. Either he leaves on the meat wagon or he leaves crawling licking at the pig’s feet” (Jackson 1994, 26).

The early penitentiary system targeted the white male criminal for the redemptive powers of solitary confinement. Blacks were thought to be “weakened and killed by solitude, but never redeemed” (Smith 2009, 105).

See, for example, Klein 2007 for a fuller account of the political context of Hebb’s research, and of Ewan Cameron’s experiments with electric shock treatment and the “reprogramming” of subjects through the repetition of recorded messages.


The only successful lawsuit was won by nine Canadians against Ewen Cameron in the late 1980s.

In Riesen’s experiments on chimps deprived of visual stimulation from the ages of 5-10 months and 10-18 months respectively, animals showed “loss of recognition for food or food containers” and required about 8 days to regain their former capacities to distinguish edible from inedible objects. Both animals also found it difficult to estimate distance and direction when reaching for objects or blinking protectively, and improved dramatically after 3 days of “normal” perception. Both chimps also showed signs of trembling, twitching and squinting.

Like the kittens in Riesen’s experiment, inmates at Eastern State were hooded upon entering or exiting the prison. Dickens asks one of the guards if the prisoners “trembled very much” when they were released from prison and their hoods removed: “Well, it’s not so much a trembling,” was the answer—“though they do quiver—as a complete derangement of the nervous system. They can’t sign their names to the book; sometimes can’t even hold the pen; look about ’em without appearing to know why, or where they are; and sometimes get up and sit down again, twenty times in a minute. This is when they’re in the office, where they are taken with the hood on, as they were brought in. When they get outside the gate, they stop, and look first one way and then the other: not knowing which to take. Sometimes they stagger as if they were drunk, and sometimes are forced to lean against the fence, they’re so bad:—but they clear off in course of time” (Dickens 1957, 105-6).

It’s not clear that intercorporeal relations with nonhuman animals are always enough to sustain the prisoner’s sense of personhood and Being-in-the-world. Charles Dickens tells of one inmate who was permitted to raise rabbits at Eastern State Penitentiary. He describes this man – from his own humanist perspective, to be sure – as “wan and unearthly as if he had been summoned from the grave.” When the prisoner darts back into his cell in pursuit of a fleeing rabbit, Dickens finds it “very hard to say in what respect the man was the nobler animal of the two” (Dickens 1957, 103).

Stuart Grassian notes that the effects of solitary confinement are not restricted to human beings, but have also been observed in rats, monkeys and dogs (Grassian 2006, 365-6).

In “Man Against Man – Brainwashing,” Schein presents an overview of Chinese brainwashing methods, then adds: “What is cruel and coercive about this process is the control which the agent of change exerts over the individual in the process of undermining and destroying his social and emotional supports. And yet, do we not feel it to be legitimate to destroy the emotional ties of one criminal to another, or of a criminal to a sick community? Do we not break up gangs and denigrate idolized gang leaders in our attempts to rehabilitate the delinquent? And do we not put criminals with the wrong attitude in the midst of others with the right attitude in the hope that they will learn the right ones through the pressure of the group?... [T]he Chinese methods are not so mysterious, not so different, and not so awful, once we separate out the awfulness of the Communist ideology and look simply at the methods of influence used” (Brown 1961, 64).

Groder worked as a psychiatrist at Marion from 1968-72, and later became Program Development Coordinator for the Federal Bureau of Prisons.

“Man’s” Best Friend: Why Human Rights Needs Animal Rights from the Philippines to Abu Ghraib

Vasile Stanescu¹

Abstract

In recent years several thinkers in the field of nonhuman animal studies have claimed that there is a linkage between the abuses in Abu Ghraib and the abuses of nonhuman animals. This paper argues that these linkages are correct. Specifically, this paper argues that the violence of Abu Ghraib can be connected back to the similar display of captured Filipinos, and their forced eating of dogs in the 1904 World’s Fair. In a deeper sense the paper argues that a failure to include nonhuman animal rights renders human rights indeterminate and ineffective. Therefore, the paradoxes inherent in human rights, such as the state of exception as outlined by Giorgio Agamben, can only be solved if nonhuman animal rights are included within this analysis. What both the Philippines and Abu Ghraib demonstrate is that as long as nonhuman animals lack any rights or standing under the law, humans will also always be in danger of being redefined as nonhuman animals, and thus of losing human rights and standing under the law.

Keywords: Human Rights, Abu Ghraib, Filipinos, World’s Fair, Giorgio Agamben, human zoos, state of exception, water boarding, water cure, intersection of oppression.

The present war is no bloodless, opera buffa engagement; our men have been relentless, have killed to exterminate men, women, children, prisoners and captives, active insurgents and suspected people from lads of ten up, the idea prevailing that the Filipino as such was little better than a dog.

The Philadelphia Ledger, Discussing the war in the Philippines, 1901

He [Major General Geoffrey Miller] said they are like dogs and if you allow them to believe at any point that they are more than a dog then you've lost control of them.

BBC, Discussing prisoners in Abu Ghraib, 2004

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In recent years, several texts in the field of nonhuman animal studies have claimed that there exists a connection between the abuse which occurred in Abu Ghraib and the mistreatment of nonhuman animals. For example, Mark Roberts in his book *The Mark of the Beast: Nonhuman Animality and Human Oppression* asserts:

Last…is the sub-animal treatment of prisoners, particularly those incarcerated in ultra-high-security units. They are neither compared overtly to animals nor treated as if they were animals, but rather, given no choice other than to become the lowest form of animal. Indeed, one can nowadays experience the persistence of such forms of penal degradation with Seymour Hersh’s breaking the torture scandal at Abu Ghraiib prison in Iraq, where Iraqi prisoners were not only routinely sexually humiliated and tortured, but in a sickening, highly publicized, remarkably visible instance, led around on a dog leash (2008: 168).

Likewise, Kelly Oliver forwards an even broader assertion in her book *Animal Lessons: How They Teach Us to Be Human*:

Until we address the denigration of animals in Western thought on the conceptual level, if not also on the material economic level, we will continue to merely scratch the surface of the denigration and exploitation of various groups of people, from Playboy bunnies to prisoners at Abu Ghraiib who were treated like animals as a matter of explicit military policy (2009: 38).

Even Peter Singer, along with Karen Dawn, has forwarded this same claim in an article entitled “Echoes of Abu Ghraiib in Chicken Slaughterhouses.” As they write:

Last week, People for the Ethical Treatment of Animals released an undercover videotape made at the Pilgrim's Pride slaughterhouse, which supplies KFC restaurants. ...The sickening images echo the snapshots and videotapes that found their way out of another inhumane facility: Abu Ghraiib prison in Iraq. In both Baghdad and Moorefiled, W. Va., a simple cruel dynamic was at work. When humans have unchecked power over those they see as inferior, they may abuse it (2004).

While I agree with the essential argument raised by all of these thinkers, the space they spend on the topic has tended to be quite brief—lasting little longer than the sentences reproduced here. i In this article I build on the work suggested by these theorists to attempt to understand in more detail how the mistreatment of nonhuman animals might relate to the mistreatment of humans in prisons such as Abu Ghraiib. Specifically, I argue that the violence committed against the prisoners of Abu Ghraiib reflects a long history of showing conquered...
subjects as wild nonhuman animals who must, for their own protection, be “captured,” “trained,” and “domesticated.” Furthermore, I argue for a connection between the earlier display of the conquered subjects from the Philippines, who were forced to eat dogs for a viewing public, and the recent display of the conquered Iraqi prisoners who are shown treated as, and attacked by, dogs. My essential argument is that the belief that nonhuman animals should be captured and trained serves as a caesura in law that allows captured (human) subjects to be mistreated, to the point of torture, in order to “turn” them into humans. Or, expressed differently, the idea of “the state of exception” within the nature of law, as charted by such theorists as Giorgio Agamben, stems from the unstable and performative division between “human” and “nonhuman animal.” Therefore, it is only after the nonhuman animal herself becomes protected under law from at least the most grievous forms of abuse, such as torture and imprisonment, that the human animal will come to benefit from such protections.

In the first half of the paper, I consider the historical case of the capture and display of the Philippines, and in the second half explain how this historical antecedent can help us to understand what occurred in Abu Ghraib. The archival evidence stems primarily from original (and, for the most part, previously undiscussed) source material such as newspaper articles and diary entries (in the case of the Philippines), and recently declassified memorandums (in the case of Abu Grahib).
Part I: The Philippines and “Human Zoos”
In 1906, a captured human, a pygmy from Africa named Ota Benga, was displayed in the Monkey House of the Bronx Zoo as the “missing link” between human and nonhuman animals (Bradford, 1993). Unfortunately, this exposition was a not an isolated incident, as captured people from throughout the colonized world had frequently been displayed in zoos, or zoo-like areas, since the advent of colonialism. For example, before being transferred to the Bronx Zoo, Ota Benga was first displayed in 1904 at the World’s Fair in St. Louis along with representatives from throughout the globe, including the Inuit of Alaska, the conquered population of the Philippines, the indigenous populations of Japan, and members from all fifty tribes of Native Americans—a staggering estimated 1,200 people on display in all (Bradford, 1993:3). The motivation for this display was twofold. On the one hand, the display of native peoples was meant to complement the display of nonhuman animals from the same regions; these animals were provided by the Carl Hagenbeck Circus, which boasted “the largest representation of an animal paradise ever constructed” (Bradford, 1993:5). This exhibition thereby provided the spectator a more complete view of the regions as they could, at a single fair, view both the nonhuman animals and the peoples of different places. Moreover, it was also meant to showcase the power of the recently developed science of “Anthropology.” For example, directing and supervising the capture and presentation of all of these native peoples was the most decorated and famous anthropologist of the early 20th century, Dr. William John McGee, a former president of both the American Anthropological Association (1911-1912) and the National Geographic Society (1904-1905), as well as the former director of the Bureau of American Ethnology (1893-1903). Fair operators even went so far as to refer to those involved in capturing “specimens” from other countries as its own so-named “Anthropology Department” (Bradford, 1993:5). The Fair cost 15 million dollars to build, the same price that the United States paid for the Louisiana Purchase in 1803 (Pilapil, 1992). ii As should be clear from the
prestige of Dr. McGee, as well as from the cost of the fair itself, this display of humans was not a scandalous aberration but instead represented a clear expression of who did and did not constitute a human in the early 20th century, a display of immense size, time, and cost whose purpose was to demonstrate how modern the (voluntary) attendees had become, compared to the (involuntary) attendees on display.

For example, Dr. McGee’s instruction was to assemble “representatives of all the world’s races, ranging from smallest pygmies to the most gigantic peoples, from the darkest blacks to the dominate whites” for the purpose of demonstrating “the lowest known culture” up to “man’s highest culmination” (Bradford, 1993: 5; Pilapil, 1992). And the largest and most well-attended exhibit of the entire World’s Fair was the 47-acre “Philippine village,” which displayed 1,000 Filipinos from at least ten different ethnic groups. The reason for this particularly large display was presumably because of the United States’ recent acquisition of the Philippines as a new colony. As a newspaper article from the Missouri Republic, quoting the new American appointed military governor, described the exhibit:

It is good to have it this way, as the best way to keep an Igorrote [an aboriginal tribe in the Philippines] out of mischief is to keep him [sic] busy. They are not a bad sort at all. They are loyal, honest and trustworthy, even if they are good fighters and good haters. They like Americans and trust them, and the best evidence of this that I can cite is the fact that these savages, none of whom had ever been ten miles away from home before, made this long voyage here on my assurance that it would be all right and that no harm would come of it," said the official. Governor Hunt has been governor of Bontag Province since 1901. …He is the ruler of more than 300,000 savage souls. His Province has been remarkably free from disturbances. The secret of this, he says, lies in "getting your bluff in first,” and then treating them kindly and justly, punishing any infraction of the law with a stern hand (1904a).

What is revealing in this editorial is that manner in which the colonialist domination of the Filipinos is presented only in the language of care. Hence, the colonial governor assures at the very outset that the “Igorrote” are not “a bad sort at all.” The most repeated words throughout the press interview are that of trust and protection such as describing the Filipino as “loyal, honest and trustworthy” who “like Americans and trust them” and “agreed” to come over since Governor Hunt assured them “it would be all right” and “no harm would come to them.” And yet underlying all this rhetoric of paternalist care is the only slightly hidden reality of violence and domination. This violence is perhaps most clearly displayed in the last line, that the secret for ruling such “savage souls” is the act of “getting your bluff in first” and “punishing any infraction
of law with a stern hand.” Rhetorically, this interview with the Governor of the Philippines thus perfectly interweaves and blends both violence and paternal care into a single synergistic whole.

Genocide and Concentration Camps

Held at University of Michigan

Governor Hunt’s comments become all the more disturbing when one considers that the Filipino-American War of 1899-1902 resulted in the deaths of an estimated 600,000 to 1.4 million Filipinos.iii Even at the low end, this rate equates to the killing of an estimated one out of every six Filipinos—a percentage so high that some scholars have argued the war itself should be considered an act of intentional genocide.iv For example, Luzviminda Francisco, while avoiding the term genocide, chronicles what the editors of the edited volume described as “genocidal tendencies” (Schirmer and Shalom, 1987). As Francisco documents:

The Balangiga massacre initiated a reign of terror the likes of which had not yet been seen in this war. General [“Howling Jake”] Smith, fresh from his “victories” in Northern Luzon and Panay, was chosen to lead the American mission of revenge. Smith’s order to his men embarking upon the Samar campaign could not have been more explicit: “Kill and burn, kill and burn, the more you kill and the more you burn, the more you please me.” It was, said Smith, “no time to take prisoners.” War was to be waged “in the sharpest and most decisive manner possible.” When asked to define the age limit for
killing, Smith gave his infamous reply: “Everything over ten.” Smith ordered Samar to be turned into a “howling wilderness” so that “even the birds could not live there.” … All the inhabitants of the island (pop. 266,000) were ordered to present themselves to detention camps in several of the larger coastal towns. Those who did not (or those who did not make it their business to learn the existence of the order), and were found outside the detention camp perimeter, would be shot, “and no questions asked” (1987, 17).

Nor were these actions hidden during the time period. For example, a Republican member of Congress who favored the war and who visited the Philippines during the summer of 1901, describes the war with the Filipinos in glowing terms:

> You never hear of any disturbances in Northern Luzon; and the secret of its pacification is, in my opinion, the secret of the pacification of the archipelago. They never rebel in Northern Luzon because there isn't anybody there to rebel. The country was marched over and cleaned out in a most resolute manner. The good Lord in heaven only knows the number of Filipinos that were put under ground. Our soldiers took no prisoners, they kept no records; they simply swept the country, and, wherever or whenever they could get hold of a Filipino, they killed him. The women and children were spared, and may now be noticed in disproportionate numbers in that part of the island (Boston Transcript, 1902).

This death total in the Philippine War was, in part, the result of three technologies of warfare which were extensively deployed in the Philippines; the “scorched earth campaigns” (i.e., entire villages destroyed); the deployment of the “water cure” (simulated drowning) along with other forms of torture; and the utilization of, as the United States government referred to them, “Reconcentrado” or “concentration camps” of civilians. While also termed “protection zones,” such a term is ironic, since the close confines and poor hygiene of these concentration camps, along with the resulting famine and weak health of the scorch earth polices, resulted in significant levels of disease, particularly of cholera, which took even more lives than the actual combat itself.⁷ As the historian Andrew J. Birtle extensively details, the success of concentration camps in the Philippines made them a key part of United States military until they were discredited, for moral reasons, after World War II (1997:281-282).⁶ While in reality the war was won exclusively by force, and primarily by the widespread deployment of concentration camps, military and political leaders wished to hide this aspect of the war and instead implied that that the victory was achieved purely via humanitarian grounds. As Birtle documents:

> Thus the Army pacified Marinduque [a key island in the Philippines] not by winning the allegiance of the people, but by imposing coercive measures to control their behavior and separate them from the insurgents in the field. The Marinduque campaign indicates that one must approach with caution interpretations of the Philippine War that overemphasize
the importance of the "policy of attraction." Ultimately, military and security measures proved to be the *sine qua non* of Philippine pacification. Unfortunately, the reluctance of Taft and others to openly discuss the Philippine experience tended to obscure the degree to which coercion was responsible for America's victory (1997: 281-282).

**Hot Dogs and Cannibalism**

The Igorot represented a specifically powerful doubling of the colonial association of indigenous peoples with nonhuman animals; they were viewed, treated and seen as nonhuman animals and, at the same time, their treatment of nonhuman animals was itself held up as part of the reason and justification for their capture and display. For example, a constant rhetoric that Filipinos were wild nonhuman animals who must either be exterminated or “domesticated” fills virtually all of the writing and justification of the entire Philippine war, slaughter, and genocidal tactics.

For example, in November 1901, the Manila correspondent of *The Philadelphia Ledger* reported:

> The present war is no bloodless, opera buffa engagement; our men have been relentless, have killed to exterminate men, women, children, prisoners and captives, active insurgents and suspected people from lads of ten up, the idea prevailing that the Filipino as such was little better than a dog (Quoted in Zinn, 2003: 308).

Likewise, another article on the World’s Fair, published the same year as the first, describes the Filipinos in terms of nonhuman animalistic language:

> The uncivilized section of the Philippine delegation will prove one of the most attractive features of the World's Fair, for a stranger or more interesting people were never seen. They come from the North Central section of Luzon, and, according to the Philippine statistician, there are about 500,000 of them. For hundreds and hundreds of years they have been living according to their own peculiar customs, undisturbed by the progress of civilization, working occasionally and fighting most of the time just to amuse themselves. The mark of honor for a savage in Luzon is not a gold medal, won in an oratorical contest at college; not a bank account, gained by hard and conscientious labor in the commercial world; not a Governmental office secured by vote of a majority of the people; no, none of these count in uncivilized Luzon. It is the head hunter who finds heads that wins name and fame. One head secured in combat makes a savage eligible to the ranks of good society; more than one makes him a great man among his people. The American Indian used to take the scalp as a trophy of war; the barbarous Luzonian takes the entire head (*Missouri Republic*, 1904b).

The Philippine exhibit, therefore, represents a particularly revealing area of the nexus between the workings out of the human and nonhuman animal and its relationship with colonialism. The largest draw of the entire Fair was the Philippine tribe of the Igorots already mentioned by
Governor Hunt. However, what singularly interested the attendees was the Igorot practice of eating dogs. To quote just part of the numerous newspaper articles on the topic:

The two dogs which possessed the saving gift of good looks are a beautiful marked water spaniel and a fuzzy Skye terrier. The four yelping victims all belong to the great yellow mongrel family. Just now the latter present a gaunt and unappetizing appearance, but with tender care and careful feeding the natives hope to have them ready for the slaughter very soon. In the meantime the Igorrotes, men and women, old and young, big and little, are all in the seventh heaven of bliss over the promised feast, and at each sidelong glance directed toward their captive meat they lick their chops in unctuous anticipation. When the dog feast will take place is a matter that Governor Hunt will not divulge, but he says that it will certainly happen, whether the Humane Society will or no. "We are 300 yards outside the city limits," says the Governor, "and consequently the gratification of the Igorrote appetite with the beloved dog-meat is not a matter with which the Humane Society has any concern. The natives like their dog morsels as well as the members of the society like their lamb chops and beefsteak, and they shall have it" (Missouri Republic, 1904c).

Looking through the newspapers of the time period reveals an overwhelming number of articles and letters to the editor centered on this one practice; multiple “concerned citizens” offered to provide dogs for only the “cost of freight” so that Filipinos would not be deprived of their “choice delicacy” (Missouri Republic, 1904d). The Igorot represented a specifically powerful doubling of the colonial association of indigenous peoples with nonhuman animals; they were viewed, treated and seen as nonhuman animals and, at the same time, their treatment of nonhuman animals was itself held up as part of the reason, and justification, for their capture and display. In other words, they were nonhuman animal-like “savages” and part of the proof of this “savagery” was their treatment of nonhuman animals loved by North Americans—namely dogs. To provide some context for how widely sensational this supposed practice of dog eating for the Filipinos actually mattered, the original area in St Louis which housed the Igorot was later named “Dogtown” because of the Fair, and even as late as 1936 the main high school in Dogtown, Wydown High School, referred to their football teams as the “Igorrotes.” In fact, part of the reason that sausages in a roll became referred to as “hot dogs” was, in part, because of the St. Louis World Fair and the excitement over “dog eating.” As Dr. Virgilio R. Pilapil, president of the Filipino American Historical Society, explains:

The hot dog, one of the most popular American foods, appears to be another legacy of the Igorot presence at the St. Louis World's Fair…. In short, the atmosphere in and around the Fair and in the newspaper media was saturated with the thoughts of the dog-eating custom of the Igorots. Their dog-eating activities at the Fair had been referred to as the "Bow- Wow
Feast" and we may look at it now as the first "Bow-Wow Feast" in America by the Igorots, or perhaps even just the first "Bow-Wow Feast" in America. I have no doubt that the name "hot dog" was picked as a label for the sausage-on-a-bun to attract the attention of potential customers at the Fair by riding on the popularity of the eating of dogs by the Igorots, which had inspired the creation of the name (Pilapil, 1992). ix

Ironically though, despite the intense media attention applied to the idea that Filipinos regularly, casually, and daily ate dogs just as an American might eat a hotdog, the eating of dogs for the Igorot is, in reality, an extremely rare and deeply ceremonial practice premised upon a deep reverence for dogs throughout the Igorot culture (Allen, 2004). x

There is therefore a connection between the first description of the Luzon as uncivilized “head hunters” and the reason that the Filipinos were brought to the United States so that Americans from all walks of life could watch them, daily, eat dogs. What I believe motivated this interest (it was by far the most discussed part of the Fair) in Filipinos eating dogs was because it was meant to show, in symbolic form, the idea that Filipinos were really cannibals in which the domestic dog (“man’s best friend”) was daily substituted for the supposed idea that the Filipinos were also eating humans as “head hunters.” The assertion was not simply that the Igorot were “headhunters,” (to state what should perhaps be obvious: they were neither headhunters nor cannibals; almost all colonial accounts of “cannibalism” were completely spurious) but that, as the Missouri Republic claims, headhunting was the essential element of their society. Hence the Missouri Republic not only claims that the Igorot were headhunters but specifically and repeatedly contrasts this “barbaric” practice against all forms of civilized society. To, therefore, just briefly repeat, “The mark of honor for a savage in Luzon is not a gold medal, won in an oratorical contest at college; not a bank account, gained by hard and conscientious labor in the commercial world; not a Governmental office secured by vote of a majority of the people; no, none of these count in uncivilized Luzon. It is the head hunter who finds heads that wins name and fame.” The “proof” of this assertion, that the Luzon were deeply uncivilized, could then be daily and performatively shown as they were forced to eat dogs, proving simultaneously their savageness, their propensity to eat humans, and hence, ironically, their own nonhuman animalistic nature. Or to put it in more concrete terms, the Igorot’s treatment as dogs was justified by their supposed treatment of dogs.

To connect back to Ota Benga for a moment, it is important that in both cases the colonialism of both the Africans and Filipinos was based on their supposed “cannibalism.” For
example, Rev. Verner, the person who first captured Ota Benga, gave the false claim that he was about to be fed Ota Benga as a captured nonhuman animal by another African tribe; such an explanation justified his own decision to display Ota Benga in a zoo. In the first place, such treatment could not be viewed as a “mistreatment” or “dehumanization” of Ota Benga since he had already, Verner claimed, been the most fully reduced to the level of nonhuman animal, *i.e.*, about to be turned into meat. Likewise it turns what in reality was a virtual enactment of slavery, purchasing an African for profit in the United States, into a caring act of disinterested humanitarianism (as the actual act of slavery was itself frequently justified). But most importantly it re-inscribed this notion of African as “cannibals,” as the type of people who would, potentially, eat other people. Performatively, Ota Benga becomes not only the unfortunate victim, but also a potential victimizer, and the type of person (in terms of both race and national origin) who might attempt to “eat” a human if he were not protectively locked away—a point reiterated, in the constant reference to Ota Benga’s “sharpened teeth.” Hence, under Verner’s retelling, Ota Benga’s display in the zoo becomes doubly protective; not only is Ota himself being ultimately protected from supposed hordes of cannibalistic Africans hungry to eat him, but the [white] viewing public itself becomes protected from a potentially furious Ota Benga who might *himself* attempt to attack and even eat the viewing public if he were not protectively kept behind bars. Under this shared rhetoric of nonhuman animality and cannibalism, his display in a zoo became transfigured from a public debasement to a protective improvement.

So, too, I wish to suggest this display of the Igorot population, and their daily eating of dogs, was meant to explain and justify recent near genocide in the Philippines under a performative rhetoric of protective care. Hence, as with Ota (who was being displayed in the exact same Fair), tales of the Igorots’ supposed “cannibalism” were invoked to justify the American treatment of the Filipinos. The idea that the Filipinos were both primarily and exclusively “head hunters” and “cannibals” helped to justify the literal display of the Igorots as zoo nonhuman animals since “left in the wild” they might well themselves be eaten. Therefore, their literal display was cast as not an act of domination but an act of protection. So, too, as with Ota Benga, the Filipinos are cast not only as victims but equally as potential victimizers, symbolized in their daily eating of dogs, whom the [white] spectating public are protected from.
In both cases, the “danger” that necessitated that Ota and the Igorot must be colonized to protect against *were themselves*, their own “nonhuman animalistic” natures.

**State of Exception**

To make sense of how all of the Filipinos’ human rights could be suspended, to the point of their being displayed as exotic nonhuman animals in a fair, all under the logic of benevolent protection and care, it is useful to review the work of Giorgio Agamben. One of the key juridical and philosophical ideas which motivate his theorization is the idea of a “state of exception” within the law. This state of exception is both a central concept of his most famous text, *Homo Sacer*, as well as a title of one his books, *State of Exception* (which Agamben refers to as a the second book in his *Homo Sacer* series). This term, “state of exception” (*Ausnahmezustand*), Agamben borrows from the work of the Nazi legal theorist Carl Schmitt from his text *Political Theology* (*Politishe Theologie*). Schmitt’s claim, at least as understood by Agamben, is that all political systems have within them the possibility of legal rights being voided for the purpose of “protecting” legal rights. That, in other words, in times of emergency, constitutions must be legally violated in order to “protect” the very constitution which is being voided. This paradoxical idea (democracy must be violated to protect democracy) is expressed by Schmitt’s contemporary Rossiters (and cited by Agamben) when he writes in relation to Schmitt’s idea of a “state of exception:” “No sacrifice is too great for our democracy, least of all the temporary sacrifice of democracy itself” (2005: 314).

Agamben’s specific interest in this notion, which both he and Schmitt trace back to ancient Rome, is to make sense of the *legal* basis of the concentration camps. As I discussed in great detail in *Dying from Improvement*, the discussion of a specifically legal basis for the camp has been misunderstood by many scholars as a more sweeping holistic and totalizing discussion meant to explain the totality of motivation of all forms of anti-Semitism and the “Holocaust.” However, Agamben’s actual project is more limited and specific than some of his critics suggest. Agamben wishes only to take seriously the idea of a state of exception from the leading legal Nazi theorist, Carl Schmitt, exclusively to understand the *legal* justification for the concentration camps and his worry that a similar *legal* framework continues to operate after the end of such camps. Agamben’s repeated insight and claim is that the camps were legally “justified” via an idea of a state of exception contained within the Articles of the Weimar Constitution. His
question is not, “How could the Holocaust have come about?” which is its own separate question, but only, “How legally did Nazi jurists attempt to justify the suspension of law necessary for the camps to operate and what is the continuing relevance of this proof of the radical indeterminacy of law to contemporary issues such as poverty in the third world?” For example, as Agamben states, on the second page of his text State of Exception:

Let us take the case of the Nazi State. No sooner did Hitler take power (or, as we should perhaps more accurately say, no sooner was power given to him) than, on February 28, he proclaimed the Decree for the Protection of the People and the State, which suspended the Articles of the Weimar Constitution concerning personal liberties. The decree was never repealed, so that from a juridical standpoint the entire Third Reich can be considered a state of exception that lasted twelve years. (2005: 2)

Uniquely, Agamben’s claim builds on this original idea -- rights suspended to protect rights -- into an explicitly biological dimension. He does this by combining the idea of a “state of exception” with a concept of “biopolitics.” “Biopolitics” is the philosophy idea, primarily theorized by the French philosopher Michel Foucault, of the way in which death can be justified via the idea of “protecting” life. In other words, Agamben is attempting a theorization of two shared but differing theories of paradoxical “protection;” democracy suspended in order to “protect” democracy (Schmitt/state of exception) with life “suspended” (i.e. killed) in order to protect “life” (Foucault/biopolitics.) As Agamben explains in The State of Exception: “If the law employs the exception—that is the suspension of law itself—as its original means of referring to and encompassing life, then a theory of the state of exception is the preliminary condition for any definition of the relation that binds and, at the same time, abounds the living being to law” (2005: 1). It is this dual suspension of both rights and life itself which underlies Agamben’s theorization of the legal basis for the birth of the concentration camps. For Agamben it is equally important that Hitler not only paradoxically legally suspended law (the state of exception) but also that he did so solely for the purported reason of protecting life. Hitler’s original creed legally authorizing the camps was named the “Decree for the Protection of the People and the State” —law suspended to protect law and a people “suspended” (i.e., killed) to protect “The People.”

The Benevolence Proclamation
Although Agamben fails to note or comment upon the use of “concentration camps” in the Philippines even though the event predates the German concentration camps by thirty years, I believe his dual theorization of a state of exception and “biopolitics” can help us to understand how both such camps were legally justified based on a division between human and nonhuman animal. To be clear, it is not my claim that the “concentration camp” of the Philippines and the “concentration camps” of the Third Reich are in any sense morally comparable, but only that they were both legally justified by a similar paradoxical rhetoric of the need to suspend both law and life in order to “protect” it. For example, the official title of the Act which authorized the conquest of the Philippines was named the “McKinley's Benevolent Assimilation Proclamation.” The actual text reads (I will reproduce the majority of the proclamation for the sake of context):

In performing this duty the military commander of the United States is enjoined to make known to the inhabitants of the Philippine Islands that in succeeding to the sovereignty of Spain, in severing the former political relations, and in establishing a new political power, the authority of the United States is to be exerted for the securing of the persons and property of the people of the islands and for the confirmation of all their private rights and relations. It will be the duty of the commander of the forces of occupation to announce and proclaim in the most public manner that we come, not as invaders or conquerors, but as friends, to protect the natives in their homes, in their employments, and in their personal and religious rights. All persons who, either by active aid or by honest submission, co-operate with the Government of the United States to give effect to these beneficent purposes will receive the reward of its support and protection. All others will be brought within the lawful rule we have assumed, with firmness if need be, but without severity, so far as possible…. Finally, it should be the earnest wish and paramount aim of the military administration to win the confidence, respect, and affection of the inhabitants of the Philippines by assuring them in every possible way that full measure of individual rights and liberties which is the heritage of free peoples, and by proving to them that the mission of the United States is one of BENEVOLENT ASSIMILATION substituting the mild sway of justice and right for arbitrary rule. In the fulfillment of this high mission, supporting the temperate administration of affairs for the greatest good of the governed, there must be sedulously maintained the strong arm of authority, to repress disturbance and to overcome all obstacles to the bestowal of the blessings of good and stable government upon the people of the Philippine Islands under the free flag of the United States (McKinley, 1899. All emphasis in original.).

In legal theory, the “Benevolence Proclamation” represents what Agamben would term a “state of exception,” i.e., the rule of law is suspended explicitly in order to “protect” the rule of law. The explicit claim was, again, specific to democracy and the idea that by denying the Philippines any form of democratic self government or personal rights, they could be trained in the manner
of democratic rights which they would, later on, be able to exercise. Or, in other words, what contemporary political discourse would refer to as “human rights” had to be suspended precisely because human rights were of such an absolute moral value that absolutely anything became justified in order to “protect” them, even their own suspension in which military rule, boarding on the genocidal, was enacted to implement to replace “the mild sway of justice and right for arbitrary rule.”

To return to Agamben’s terminology, in the case of the Philippines the “state of exception,” of human rights suspended to protect human rights, and the “biopolitical” argument on the performative separation of humans and nonhuman animals work together in a synergistic whole. The very basis of the “benevolence” of the benevolence proclamation is the idea that the Filipinos themselves are not fully human, as nonhuman animalistic cannibals, and as such require the intervention of the United States military, to the point of near genocide, in order to domesticate them into full humans. So, too, I believe that we should understand the “concentration camps” of the Philippines during the war and the “Philippines village” after the war, to a certain degree, in parallel terms. In both case there is a shared logic of protective quarantines, that the Filipinos are being protected (even if such protection involves the reality of death) not only from the supposed head hunting cannibals that would otherwise kill and eat them, but primarily “protected” from themselves, from their own supposed nonhuman animal natures which can only be benevolently assimilated via violence modeled on the form of coercion justified via other exotic nonhuman animals—beating, killing, habitat destruction and zoo-like display. We can see in concrete terms the working out of the paradox originally suggested by Aristotle, that man is defined as a “political nonhuman animal” and therefore only becomes a human via recognition of the polis, and that acts of violence, including slavery, can be justified precisely because violence possesses, as in the case of transforming a wolf to a dog, the potential to transform the savage into an accepted member of “civilization” who can only earn freedom after he has been “transformed” from a nonhuman animal into a human.

Part II: Nonhuman animals and Abu Ghraib
Certain elements of this same biological state of exception, of human rights suspended in order to “protect” the human, continue in the example of Abu Ghraib. In fact these linkages between the benevolent proclamation of the Philippines and the justification of the Iraqi war based on “spreading” democracy were made explicit by George Bush himself. On October 18, 2003, President George W. Bush landed in the Philippines as part of his Asian tour. In his speech, Bush claimed, "America is proud of its part in the great story of the Filipino people. Together our soldiers liberated the Philippines from colonial rule. Together we rescued the islands from invasion and occupation" (Quoted in Judis, 2004:1). He then went on to draw an explicit analogy between America’s former attempt to create democracy in the Philippines and its current attempt to likewise create a democracy in Iraq which the United States had just recently invaded, stating, "Democracy always has skeptics. Some say the culture of the Middle East will not sustain the institutions of democracy. The same doubts were once expressed about the culture of Asia. These doubts were proven wrong nearly six decades ago, when the Republic of the Philippines became the first democratic nation in Asia."(Quoted in Judis 2001: 1) Hence for George Bush the “test case” of the Philippines served as the historical proof and justification for the war in Iraqi since, according to the logic of the speech, both countries could be “benevolently” rescued from an oppressive rule (Spanish, Saddam Hussein) and transformed into free democracies that requested individual rights even if this transformation in freedom and self determination could only occur via coercion and (neo)colonialistic control. Even the practice which has become the most famous example of the United States’ propensity to justify torture, waterboarding, was itself regularly and routinely deployed throughout the Philippines known as the “watercure” (Kramer, 2008). Far from a simple coincidence, in both cases, the Philippines and Iraqi, the practice of waterboarding/watercure served a similar purpose. In both cases it
served as a way which individuals could be tortured into cooperation without such torture leaving any marks on their body since the justification for the torture itself was one of benevolent assimilation. While the practices are identical, I think that the name “watercure” was a more revealing title as the torture itself was seen to “cure” the Filipinos of the same problem as the benevolent assimilation of the Iraqis was intended to cure—a resistance to the rule by Americans.

**Only a Matter of Perception**

There is another equally important aspect unique to the idea of a state of exception. What is so singularly important to this idea for Agamben is that the state of exception represents a unique time in law, which is neither lawless nor lawful. For example, think of the paradigmatic example that Agamben suggests – that of the legal structure of the concentration camp. The space of the camp and everything that occurs in the camp happens outside of any classical understanding of the nature of law - torture, murder, rape, medical experimentation on humans, etc. And yet at the same time it would also be inaccurate to describe the camp as a space that was completely “lawless” in the sense of anarchy. Indeed if anything the camp is the space in which life becomes the most tightly regulated, regimented, and disciplined in which each moment of life is controlled and prescribed. The state of exception represents, paradoxically, the moment and space which is the most fully within the realm of law (the tight regimentation of the camp, the complete control of the individual by the State) and, at the same time, the site is most outside of any version of legal discourse (all legal protections, while still theoretically in effect no longer apply – anything, at all, can be done to the intimates of the camp). As Agamben writes, in his section “Force of Law” (with an x over law) quoting again Schmitt:

> “Because the state of exception is always something different from anarchy and chaos, in a juridical sense, an order still exists in it, even if it is not a juridical order” (Schmitt 1922, 12/12). The specific contribution of Schmitt’s theory is precisely to have made such an articulation between state of exception and juridical order possible. It is a paradoxical articulation, for what must be inscribed in law is something that is essentially exterior to it, that is, nothing less than the suspicion of the juridical order itself (hence that formulation: “In a juridical sense, an order still exists,…even if it is not a juridical order”) (2005: 3).

Therefore, the state of exception represents a double paradox: Law still exists (the Constitution of the Weimer Republic is still in effect, at least in legal theory, for the entire rule of the Third
Reich) but has no effect and, at the same time, the force of law still occurs although wholly divorced from any legal basis (the camp is both the site where life is the most tightly controlled and at the same time the moment in which legally speaking “anything goes.”)

Agamben repeatedly asserts that this state of exception represents the legal basis by which we should understand the paradigmatic examples of both Abu Ghraib and Guantanamo Bay. For example, immediately after his discussion of the camps Agamben writes, “The immediately biopolitical significance of the state of exception as the original structure in which law encompasses living beings by means of its own suspension emerges clearly in the ‘military order’ issued by the president of the United States on November 13, 2001, which authorized the ‘indefinite detention’ and trial by ‘military commissions’” (2005:3). However, while a highly evocative claim, such assertions have remained remarkably vague, inaccessible, and both unprovable and non-disprovable. Do the “abuses” of Abu Ghraib and Guantanamo Bay in fact match the indeed quite technical and precise definition of a state of exception, a space both inside and outside of law?

While these questions were unanswerable when Agamben first wrote the state of exception in 2003, the recent declassification of several files related to Abu Ghraib, specifically by Senator Carl Levin, who chairs the Senate Armed Services Committee, including the meeting notes which defined the legal parameters of the both Abu Ghraib and Guantanamo Bay, reveal the precise manner which a state of exception can exist in within a “democratically” functioning country. What is revealed throughout these files is the precise, methodical, and deliberative manner in which the element of torture was debated, articulated, and ultimately justified. To quote from the “Counter Resistance” Meeting Minutes of October 2, 2002, Lieutenant Commander Dianna E. Beaver (the Staff Judge Advocate) along with John Freedman (the chief counsel for the CIA’s Counterterrorism Center) (2002, 3):
There are two key sentences from this discussion that are particularly relevant: The first is the statement concerning torture, “It is basically subject to perception. If the detainee dies you’re doing it wrong,” and the claim, “Any of the techniques that lie on the harshest end of the spectrum must be performed by a highly trained individual. Medical personnel should be present to treat any possible accidents.” We can witness, in the minutes of the meeting in which torture...
was legally “justified,” the odd and paradoxical manner in which one of the most extreme forms of violence imaginable, torture, is interwoven with a rhetoric of protective care. As with the water cure and water boarding (which this meeting was itself intended to discuss), the point is that violence can occur as long as it is not seen as too obviously violating the idea of “benevolence”—“detainees” can be tortured, virtually without restraint, but not killed; waterboarding represents the best form of torture since it leaves no marks; the medical staff are to be there during the torture itself, not to protect the torture victim but instead only to guarantee the absence of death in case of any “accidents.” In other words, as Elaine Scarry has previously argued in the Body in Pain, and as Foucault has described as the basis of the theory of “biopolitics,” medical personnel, whose sworn duty is to protect life, become interwoven with the reality of death and pain, whose difference becomes, as the memo itself claims, only one of “perception.”

The second key point I wish to focus on is the final rejoinder that LTC Beaver provides, after Freedman’s lengthy description of justifications for torture, namely, “We will need documentation to protect us.” This single line, set off from the rest of the discourse, reveals precisely the danger that the system of a “state of exception” can occur even within countries which still nominally believe in “human rights,” a possibility which Agamben is attempting to warn us against. This phrase represents a key moment in the hundreds of memos I have read (of which I have only reproduced a small fraction) in which the law itself becomes only a series of documentary steps, not a series of ethical or moral questions, but only a procedural number of bureaucratic hurdles which must be overcome. I include these documents, therefore, to provide some small idea of just how much documentation sanctioned torture by the United States was required and produced. For what we witness in the state of exception expressed in both Abu Ghraib and Guantanamo Bay is not only the actions of a top level executive, George W. Bush’s lone sovereign decision to suspend the law (although that is also certainly true), but also a plethora of low level memos, briefs, meetings, email exchanges, studies and counter memos (Foucault’s term for this diffused notion of sovereignty is “governmentality”) in which hundreds of people all cooperate to enact this sovereign exception into law since, as Schmitt suggests, “an order still exists,…even if it is not a juridical order.”

Therefore, while the normal explanation is that the events in Abu Ghraib represent the unintentional and disallowed actions by a few low level deviant soldiers, many within the
military command structure have claimed, repeatedly, that all of the actions of Abu Ghraib, including torture, nudity, the use of dogs, as well as the photos themselves, were intentionally fostered by higher level commanders as a way to encourage confessions of the detainees while still being able to disavow legal responsibility after the fact. To be clear, this is not a conspiracy theory suggested by those opposed to the war, or outside of the military, but the accusation made by military leaders themselves such as Brigadier General Janis Karpinski, the general in charge of Abu Ghraib during the entirety of the abuse. She claimed in a June 15, 2004 interview with the BBC that:

Gen [eral] Karpinski said military intelligence took over part of the Abu Ghraib jail to "Gitmoize" their interrogations - make them more like what was happening in the US detention camp at Guantanamo Bay, Cuba, which is nicknamed "Gitmo". She said current Iraqi prisons chief Maj. Gen. Geoffrey Miller - who was in charge at Guantanamo Bay - visited her in Baghdad and said: "At Guantanamo Bay we learned that the prisoners have to earn every single thing that they have." "He said they are like dogs and if you allow them to believe at any point that they are more than a dog then you've lost control of them.” (BBC, 2004)

It is not Karpinski’s claim that there was ever a direct and written order to the military police to treat the prisoners in the manner that they did since such a direct order would itself undo the need for “protective” documentation. Instead it is Karpinski’s claim, one echoed by the Stanford psychologist Philip G. Zimbardo, the author of the infamous Stanford Prison Experiment, that conditions and innuendo were intentionally utilized in order to help to foster these precise conditions. As Karpinski further explains, “"I know that the MP [military police] unit that these soldiers belonged to hadn't been in Abu Ghraib long enough to be so confident that one night or early morning they were going to take detainees out of their cells, pile them up and photograph themselves in various positions with these detainees” (BBC, 2004).xiv As law professor Charles Brower recently wrote:

Thus, when viewed in a broader factual context, it becomes clear that, since the first days of Ambassador Bremer's tenure in Baghdad, the United States received a steady flow of credible information regarding the inhumane treatment of Iraqi prisoners. To their credit, Bremer and Secretary of State Powell discussed such allegations in meetings with Secretary Rumsfeld, President Bush, and the White House staff. After receiving the Pentagon's assurances that it was "on the case," however, the White House "did nothing" to follow up. Thus, while parts of the "system" swiftly identified and responded to allegations of inhumane treatment, other parts of the system plainly--perhaps even criminally--failed. …Thus, even a casual review of disconnected facts casts substantial doubt on official descriptions regarding the scope of abuse at Abu Ghraib. By the same
token, a broader and more systematic examination strongly suggests that the mistreatment constitutes an inevitable result of policy decisions to place an ever-growing number of detainees ever farther beyond the protection of the law (2004).

This accusation has seen increased support via these same recently declassified files. In the same released minutes, coming immediately before the claim that torture is only a matter of perception, Lt. Commander Beaver restates the paradoxical formulation suggested by both Schmitt and Agamben of the need to create a “controlled chaos” (Counter Resistance Strategy, 2002: 3).

While on the one hand, this phrase “controlled chaos” is meant to signify the perspective of the prisoners, that they are made to feel that the camp is in chaos, while in reality it is tightly controlled, at the same time it gestures the manner in which Abu Ghraib itself was created as a site of “controlled chaos” operating outside of law while still within a juridical order. This point was clearly expressed in the contention that such practices as sleep deprivation will have to be ended whenever the ICRC (International Committee of the Red Cross) comes for inspection since such actions as sleep deprivation “officially it is not happening. It is not being reported officially.” The recently released memo includes descriptions and suggestions for most of the actions against prisoners which occurred at Abu Ghraib, including forced nudity, the use of hoods, and even the fear of dogs. For example, October 11, 2002 memorandum JTF-J2 includes the following list of suggestions (JFT-J2, 2002, 2):

<table>
<thead>
<tr>
<th>COL Cummings</th>
<th>We can’t do sleep deprivation</th>
</tr>
</thead>
<tbody>
<tr>
<td>LTC Beaver</td>
<td>Yes, we can - with approval.</td>
</tr>
</tbody>
</table>

- Disrupting the normal camp operations is vital. We need to create an environment of “controlled chaos”

| LTC Beaver | We may need to curb the harsher operations while ICRC is around. It is better not to expose them to any controversial techniques. We must have the support of the DOD. |
| Becker     | We have had many reports from Bagram about sleep deprivation being used. |
| LTC Beaver | True, but officially it is not happening. It is not being reported officially. The ICRC is a serious concern. They will be in and out, scrutinizing our operations, unless they are displeased and decide to protest and leave. This would draw a lot of negative attention. |
Display of the Conquered (again)

Therefore, as discussed in the first half of this essay, the earlier and intentional display of the Filipinos as conquered subjects, in degrading and nonhuman animal-like settings provides an insight to Abu Ghraib and its display of the recently conquered Iraqis in forced nudity and attacked by dogs. In both cases the key idea are the intentional references to nonhuman animals.

To return to Professor Brower:

Most discussions of Abu Ghraib focus, in one way or another, on the images and vocabulary of sex: "sexual humiliation," "pornography," "perversion," and the special offensiveness of these concepts to Arabs raised in the Islamic faith. Virtually no one has recognized that the images and descriptions of Abu Ghraib equally recall the treatment of nonhuman animals in stockyards, in kennels, and on safaris.

Consider the accounts of prisoners brought, hooded, into the cellblock where the abuses occurred. Guards used open blades to cut away prisoners' jumpsuits, from their necks to their thighs. This action represents a symbolic slaughter that created a sense of mortal terror among detainees. Having obscured their faces and removed their clothing--eliminating two highly distinctive human characteristics --guards "branded" the prisoners like cattle, drawing words and symbols on their legs or buttocks. According to several accounts, guards forced prisoners to crawl like dogs on their hands and knees, to
bark on command, and to follow their captors on leashes or strings. At other times, crawling prisoners served as "donkeys" or "riding nonhuman animals," forced to bear fellow prisoners or guards on their backs...To maintain discipline, guards reportedly placed "unruly prisoners" in "shipping containers used to house prison dogs." In other cases, guards left prisoners in their cells for days without clothes or bedding, "as if [they] were dogs."...Even when placed in a broader context, the collection of photographs suggests that the guards viewed their prisoners like nonhuman animals...In all cases, the photographs seem not to record criminal violence committed against the possessors of legal rights. To the contrary, they appear to represent trophies, however eccentric, taken on the equivalent of a modern-day safari (2004).

For example consider these originally leaked photos from Abu Grab.
The humans (while still alive) are fully reduced to the level of captured and killed nonhuman animals piled on top of another, in a scene rendered all the more eerie by the smiling faces that look on over the conquered pile of Iraqis. Now compare it to these recent photos of safari hunters in Africa:\textsuperscript{xv}

There occurs the same odd juxtaposition of a corpse, or corpse-like conquered body, and a group of smiling onlookers facing toward the camera in a kind of victory- in- hunting pose. So, too, other photos not only included attacks by dogs but also included the Iraqi prisoners treated themselves as dogs, forced to be naked, to crawl on all fours, and even to wear dog collars. There are hundreds (that we know of) of each of these photos. What we are witness to in these photos is the same as the display of the Filipinos in the World’s Fair—a conquered population triumphantly displayed in an nonhuman animal like setting in order to justify the recent war. Such displays, it is suggested, are justified insofar as these “nonhuman animalistic” savages had to be conquered in the first place.

One struggle, One fight

In this essay I have argued that Abu Ghraib represented a state of exception, a zone or space where law both did and did not apply and in which guards felt free to do anything at all to
the prisoners that they wanted to do. Moreover, this state of exception, the system of governance both within and outside of law, is how we should understand the legal basis for rule in the colonial and neocolonial space—law both does and does not apply. And this division in law is rendered possible because of the idea that “human” is as unstable a performative as is nonhuman “animal,” which the state may chose to include or to disallow. In other words the reason that the law both does and does not apply in the space of the camp and the colony is because of a division of who is considered human, and therefore still retained within the protective boundaries of law, and who is not. Each of these performative displays of subjugation that occur after conquest, of the Philippine village and the Filipinos forced to eat dogs, or Iraqis attacked and treated as dogs, must be in part reconnected with one another, not because they are the same occurrence—they are not. But because they represent connected points in time in which the intentional display of conquered subjects reoccurs as a triumphal display meant to express who is included in the performative community of the “human” and who is considered still only an nonhuman “animal.” Therefore, as long as nonhuman “animals” lack any rights or standing under law, human animals will also always be in danger of yet again being redefined as only “animals” (which, of course, they are) and therefore losing any rights or standing under law.

There is a popular slogan in the animal rights community which reads “One struggle, one fight, nonhuman animal liberation, human rights.” What the theory of the state of exception teaches us is that this chant is, if anything, even more correct than the chanthers themselves may realize. For no matter how perfectly “human” rights are enshrined into law, as long as the nonhuman animal is wholly excluded, such rights will remain radically indeterminate since, as demonstrated in both the case of the Philippines and Abu Ghraib, humans can at any time be reduced to the level of nonhuman animals and therefore lose any rights or standing under law. For what we see in both the case of the Philippines and Abu Ghraib is not that there was group, perceived as human, whose rights were deprived, but instead that the oppressed group was seen as not being human at all. Consequently, no matter how perfectly new “human” rights are enshrined into law they will not translate into actual protection for anyone, for the failure is seldom in the absence of legal rights (the Articles of the Weimer Republic were in legal effect for the entirety of the Third Reich, the United States Constitution for the entirety of the Philippines war, and the Geneva convention for the entirety of Abu Ghraib), but the absence of the belief that the oppressed group is in fact “human.” Therefore, it is only after the nonhuman
animal herself becomes protected under law from at least the most grievous forms of abuse such as torture and imprisonment, will the human nonhuman animals ever actually enjoy such protections. Until then, the speciesist rhetoric of human (only) rights discourse will fail to protect not only all nonhuman animals but also the human animal herself.

References


Meeting Minutes “Counter Resistance Strategy”, October 2, 2002: p. 3.


Missouri Republic (1904a) “Governor Hunt and the Igorrote Visit”, March 29.

Missouri Republic (1904b) “Philippines Present Unique Phase of Life”, Sunday, April 3.

Missouri Republic (1904c) “Six Victims Secured, Four of Which Will Be Served in Native Style. Wild Rejoicing Prevails Among Filipino Head-Hunters at Prospect of End to Prolonged Fast” April 1.

Missouri Republic (1904d) “Letter Offering Dogs,” April 12.


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i Both Mark Roberts and Kelly Oliver deal with the issue of Abu Ghraib in only a few sentences and do not refer back to the concept. However, it is important to note, Abu Ghraib was not the main topic of either text.


iii For a detailed albeit conservative view of the quite lengthy debate concerning the number of deaths see: John M. Gates “War-Related Deaths in the Philippines, 1898-1902” *Pacific Historical Review*, University of California Press. Vol. 53, No. 3 (Aug., (1984): 367-378. While I appreciate Gates’ summary of the debate, I ultimately disagree with his overly conservative estimate, particularly his decision to discount the number of cholera deaths.

The difference between the counts of 600,000 or 1.4 million depends in large part whether the resulting disease is factored into the death totals or not.

“Devastation had proven a powerful tool, but one that had to be managed discreetly lest it spiral out of control. When linked with concentration and other measures designed to secure and regulate the inhabitants, it produced quick results against a war-weary population... The success of these operations ensured that the technique would be incorporated into the Army's pacification repertoire. Even Taft seems to have been impressed by concentration. In 1903, as governor of the Philippines, he signed into law a provision permitting the use of concentration, and during the four years that followed, American authorities imposed concentration in nearly a dozen provinces to help suppress postwar upheavals... The success of the Army's "experiment" on Marinduque thus had an immediate effect on U.S. pacification operations over the next decade. Nor was this influence short-lived. As a result of the Philippine experience, the General Service and Staff College expanded its course on military government to include "guerrilla warfare" and "concentration," while two influential postwar textbooks written by Army generals William E. Birkhimer and George B. Davis, endorsed concentration and the "laying waste [of] a portion of the territory of the enemy. Thus concentration remained a part of the Army's counterinsurgency repertoire up to the eve of World War II, when preparations for the global conflagration to come pushed the study of "Small Wars" to the outermost periphery of Army thought.” Qtd in Birtle, 2007.

“Letter Offering Dogs,” Missouri Republic, April 12, 1904.


To be clear neither the idea of sausage in a roll, nor even the term ‘hot dog’ originated with the Fair itself. However, prior to the Fair, the phrase ‘hot dog’ was only rarely used and, most commonly, only as term of insult (i.e., implying that merchants were of such poor repute that they would include dog meat in their sausages). Beginning with the Saint Louis World’s Fair, and due in large part because of the popularity of the Igorots spectacle of dog eating, enterprise promoters transformed an extant, but relatively little used, term for the sausage in bun, into the novelty of selling a ‘hotdog’ which onlookers could symbolically eat while the Filipinos were forced to eat literal “hot dogs.” Hence, while it is untrue that the term ‘hotdog’ was first coined for the World’s Fair, as some have incorrectly claimed, it does seem to be the case that popularity of the Igorots did shift the word ‘hot dog,’ an relatively obscure and insulting term, into the mainstream discourse for all sausage in bread products. See also Gerald Leonard Cohen, David Shulman, and Barry A. Popik. Origin of the Term “Hot Dog”. Rolla, MO: G. Cohen, 2004.

For example, as NPR recently documented for a hundred year anniversary of the festival:

Mia Abeya, a Maryland resident whose Igorot grandfather was among those on display, says Igorots ate dogs only occasionally, for ceremonial purposes. During the Fair, they were fed the nonhuman animals on a daily basis. “They made them butcher dogs, which is really abusing the culture of the Igorots.”

To be clear it is not my goal to fully theorize Abu Ghraib a topic which would require its own essay, if not its own book. It is instead my project to show connections between past events which might, mistakenly, be thought of wholly separately from contemporary examples and to suggest that certain logic and political caesura continue with us after the end of the World Fairs and the Philippine War.

Since many of these only recently declassified documents are both relatively unknown and not easily accessible, I have included brief photocopies of a few of the most pertinent documents within this essay itself. For media coverage on the release of these documents see Warren P. Strobel. “Documents confirm U.S. hid detainees from Red Cross” McClatchy, June 17, 2008. [link]


Ibid. 

Photo associated with “Africa Wildlife Safari Tours & Safari Trips In Africa” Real Adventures. [link] and “Tours and Safaris” The Africa Guide [link]
Towards a Posthuman Postcolonial Critical Criminology of Incarceration

Mielle Chandler

Abstract

Creative non-fiction and continental philosophy are woven together in this comparison of the socio-economic status of prison inmates and non-human animals. Philosophically, the paper argues that the Hegelian subject/object structure permeating our social and economic engagement effectuates deep systemic harms towards our own and other species. Nonhuman animals and prison inmates, while harmed by this structure, also threaten to disrupt it. While the subject/object structure denies nonhuman animals and the incarcerated personhood and subjectivity, both categories of beings also defy ‘object’ status in similar ways: as own-able but independent, cage-able, but always with a yearning to escape, animate, but never sovereign. The paper places this discussion within a global and historical perspective, illustrating how criminalization and the mastery of the nonhuman animal world issue from a legal apparatus whose purpose it is to perpetuate the subject/object structure of private property. In this analysis the current global era can be characterized through the colonization of yet another strata—the microscopic terrain accessible through biotechnology and increasingly claimed as private property by the agricultural and pharmaceutical industries. Nonhuman animal and incarcerated identities continue to trouble the legal apparatus supporting this growing corporate control of resources.

Keywords: animals, prisons, property, prohibition, postcolonial, critical criminology

PART I: THE BULL PEN

It is called the ‘bull pen.’ I have not investigated the etymology of this naming, but I’m confident we can speculate about the reference to bulls. The bull pen is a long dimly lit concrete room with bars at one end. A toilet sits to one side just inside these bars facing a short row of cells. Its location ensures the publicity of its use. One urinates, defecates, and, in my case, attempts to clean up the menstrual blood thoroughly soaked through and now also dried and caked on the pajama trousers I was arrested in, in full view of the police officers, the other bull pen prisoners, and anyone who might happen to be caged in the now empty cell block.

I am not the only bloody woman in the bull pen. Blood spilling out of bodies abounds in this place. You can smell it beneath the odour of disinfectant. Disturbing stains are everywhere. Handcuffed to the bars that separate the bull pen from the block of cells is a woman with bloody
smears on her face and arms. Matted blood in her hair. Clothes torn. She was brought in screaming and struggling. She sits, hands cuffed to the bars behind her back, on the cold concrete floor facing the toilet. Head hanging, she avoids my gaze. I wonder why she is here. Perhaps it is simply the criminalization of impoverished distress. The middle class go to psychoanalysts, the poor are incarcerated.

The half-dozen of us penned up in here, plucked from our lives, our homes, our projects, shiver uncontrollably with a depth of chill I have never before, in all my Canadian winters, experienced. Cloaked in the thick Toronto August heat at the times of our various arrests, most of us in sandals, shorts and tank tops—some without shoes—me in an old pair of thin cotton pajamas—no bra, no underwear, exposed as if naked—we are none of us equipped for the frigid air of the bull pen. We sit and lie on the cold hard stained concrete bench that runs along the side of the pen, and on the cold hard stained concrete floor, and we shiver.

There are several rolls of toilet paper beside the toilet bowl. We carefully place layers of toilet paper under our clothes for warmth trying to cover as much of our flesh as possible, a flimsy protection against the air and the concrete. “But this is Canada” I say out loud, to no-one in particular, with a despondent indignation. It has been about 24 hours since my arrest and I have not eaten. In hunger I feel my bones against the concrete more starkly. The sink beside the toilet does not work. If we want water we must scoop it out of the toilet bowl with our hands. Cold. Hunger. Thirst. Pain. And utter dejection. Another woman, bloody and beaten, whose bruises are beginning to turn a dark purple, is having bowel problems. Her belches and flatulence punctuate and disperse in the frigid air. We hear and smell her loose stool discharging into the toilet bowl. She flushes continuously to minimize our discomfort. It is night, and this suffering will continue until morning, until the paddy wagon arrives to take us, tightly cuffed and chained together, to the women’s prison, the prison which will be our salvation.

There, I am told by a fellow prisoner, kindly attempting to console my bouts of uncontrollable sobbing, (or perhaps just trying to get me to shut up) there we will be given clean clothes—prison greens—warm and comfortable—and there will be sink-water to drink, and food. There will be a prison nurse who will dispense the pharmaceuticals necessary to cope with life behind bars. There will be a mat to sleep on, and a blanket. “It will be okay once we get to prison, you’ll see,” she says. “We have rights.”
I am not consoled.

My arrest—or, I should say, our arrest—took place almost two years ago, five weeks after I handed in the final revisions to my doctoral dissertation on creation and sovereignty in Levinas and Hegel. At about 2 a.m. on a Friday night fourteen police officers with big guns raided our small Kensington Market apartment, without a warrant. (Don’t fool yourselves—we do live in a police state). They searched, and they found some prohibited plants, and arrested my then 18-year-old son and I. We got out a couple of days later, under strict curfew, forbidden to return to our home, and under the supervision of the ‘sureties’ willing to put up $10,000 bail for each of us. I write and edit this paper under a precarious and rented liberty. I face trial in less than two months—and, while my lawyer has negotiated a way to keep my son safely in university, I am facing the possibility of a three month prison sentence.

To say that I am a criminal is not a confession. That I have been criminalized is a statement of fact that I refuse to hide, that I refuse to be ashamed of—which is not to say that it is not exceptionally painful. I say the words “I am a criminal” in strange sort of identity politics. The abolition of slavery, the emancipation of women, and the future liberation of nonhuman animals, are all built on a moral imperative. The criminal is the one identity devoid of moral standing in the public imaginary.

I learn many things during my brief stay in Vanier Women’s Correctional Facility. I learn that the university and the prison are far too similar for comfort. The windowless concrete brick cell I share in Vanier Women’s Correctional Facility bears an uncanny resemblance to the windowless concrete brick office I share with numerous other contract faculty in Vanier College at York University. I learn that women are in prison because they are poor, because they are in abusive relationships, and because they struggle with addiction. I come to the insight that we criminalize and incarcerate those our society has already punished the most—that the punishment precedes the crime. I learn that criminalization is fundamentally a protective mechanism for the economic interests of businesses and the elite. And I realize, in speaking with my fellow inmates about what it means to be a criminal, that criminalization serves a particularly fascinating social function: it lets everyone else off the hook. To find particular individuals culpable for criminalized acts reinforces, however subtly, in the minds of nice and decent
Canadians, the notion that they are indeed nice, and decent, and innocent of wrong-doing. Their hands are untainted. The assassin is someone else.

Between guards and inmates there is minimal linguistic exchange—in Levinasian terms faces are firmly obscured by identity. (Levinas 1981) Although my fellow prisoners insist that this is because we are treated like nonhuman animals, this does not strike me as entirely accurate. Yes, many nonhuman mammalian species urinate and defecate in the open, as we are required to do. And, yes, when sour-smelling brown substances accompanied by slices of bread arrive on thick yellowed trays a strange pecking order emerges within the group in which the fiercest choose their food first. Yes, our bodily processes and deprivations, the cages, the pervasive feelings of fear at the omnipresent threat of violence evokes Hobbesian stereotypes of natural existence. (Hobbes 1994) Our ‘reduction’ to this state, however, is purposeful, punitive, and justified in the eyes of the law by our culpability.

We are culpable precisely because we are humans who were persons. Our punishment is exclusion from all that is esteemed about personhood. While we are caged, it is not so as to be put on display. We are not zoo creatures, interesting specimens of life, but rather we are segregated, hidden, cut off from the larger social world. And unlike non-human animal life, which is extinguished with impunity, the Canadian prison system needs to keep us alive. Nice decent Canadians will only stand for so much maltreatment of their criminals. The ontological status of the prison inmate is better understood, I think, through the person/thing distinction, through an analysis of the relationship between sovereignty and property—I don’t accomplish this analysis here, but I begin it. Prison inmates and nonhuman animals are similar in that neither fit comfortably into the person/thing distinction in very similar ways. Both are: ownable but independent; cageable, but always with a yearning to escape; animate but never sovereign.

PART II: PERSONS, PROPERTY, AND PROHIBITION

In the five weeks between handing in the final draft of my doctoral dissertation and my arrest and criminalization, I had begun to formulate a new question, which, at the time, I hoped to develop into a postdoctoral project:

*If, as the developmental systems theorist Susan Oyama argues,* (Oyama 2000; Oyama 2000; Oyama, Griffiths et al. 2001) genetic information is written and organisms actualized through
overlapping processes as diverse as the earth’s rotation around the sun, the hydrological cycles on the earth’s surface, particular ecological niches and symbiotic relations, available nutrients, the phylogenic development of particular species, and cellular enzymes and proteins, how is it that only the conscious (human) act of recombining pre-existing genetic sequences confers ownership?

It seemed to me that we were entering the global era of neo-liberal economic expansion with a new strata of colonisable territory—biotechnical property. And we were—or, I should say, are—entering it with a deeply ethically flawed conceptual and legal framework inherited from the legacy of European colonization and a scientific mode of engagement aimed at mastering a feminized ‘nature.’ I saw this conceptual and legal framework, our relations both with other human beings and the non-human material world as mediated through particular constructions of property bound up in:

i. The privileging of particular modes of creative engagement.

ii. The derogation, subordination, and enslavement of the most critical contributions to creative processes.

…and my criminalization led me to see these constructions of property as bound up, also, in:

iii. The criminalization of economic engagements which attempt to take place outside of these deeply problematic administrative structures of state and corporate control.

Our conceptualizations of property, it seems, are codified in what are now globally near-homogenous legal structures, backed up by both civil and criminal institutions of state and corporate power. A robust critique of the epistemic and legal fabrication of the new strata of colonisable territory called ‘biocapital’ thus requires an assemblage of engagements which interweave discussions of life and language with social, political, legal and economic critique.

The developmental systems analysis I began with, read through the Derridian conceptualization of iteration (Derrida 1982)—such as that presented by Hans-Jorg Rheinberger,
(Rheinberger 1997) allows us to understand both biological and institutionally constructed manifestations as predicated on a repeatability without essence.

Understanding persons, things, and everything else as constituted through iterative processes and thus as manifestations of intersectional nodes of a multitude of developmental systems philosophically undermines the epistemic and ontological basis of biotechnical property. It also recasts the crime as the manifestation of a myriad of processes thereby throwing individualized culpability into question, and implicating the rest of us. A postcolonial critical criminology gives us a further frame of analysis which explains crime as not only the smokescreen behind which systems of oppression operate, but as key to the systematic re-enforcement of dominant interests.

Counterposing the war on drugs—my particular experience being in the prohibition of recreational and medical marijuana—to the expanding jurisdiction of big pharma, suggests that this war can be understood as a responsively constituted instrument in the metamorphosis of the leviathan currently underway through the rapid expansion of liberal capitalism into the microscopic strata. I will return to this point.

If we look to Hegel’s ontology (Hegel 1952) we find that what distinguishes a sovereign subject from an object is that the subject possesses a certain willful cognitive propulsion to shore up and fortify its self-ownership through material expansion. An object, on the other hand, is ownable matter. (What might this matter signify beyond its enchainment as property?) The sovereign and autonomous subject predicates this sovereignty and autonomy on a claim of self-creation and self-perpetuation—a claim which takes the form of a proclamation sedimented by law. Because the land, and all the non-sovereign biomatter it contains and can be made to produce, is mine, I am sovereign over it, it is subordinate to my will, and this subordination of the material conditions of my possibility gives my independence and autonomy determinacy.

Insofar as it is a quest for freedom in a fully owned and stated world, the illicit trade in narcotics is, also, fundamentally tied to the pursuit of freedom-as-sovereignty. (And, in my estimation, this, what it shares with the dominant motivation of legitimated commerce, is what renders it ethically egregious.) If, as Angela Davis (Davis 2003; Davis 2005) and Colin Dayan (Dayan 2002) argue, the mass incarceration made palatable to the American public by the war on drugs constitutes a continuation of colonial slavery, Eric William’s now classic study of
capitalism and slavery (Williams 1994) suggests that the freedom of the unpropertied in a capitalist context is hollow and meaningless. The abolition of slavery did little to alter the framework of freedom-as-mastery.

This form of freedom, the freedom of empire, entails fundamentally the institutionalization and regulation of biopower through systems of quantification and measurement which underwrite economic engagement through the prescriptive entrenchment of the channels of production and consumption which serve the interests of the economically dominant, and through the prohibition of unsanctioned forms of production and exchange. The capital accumulation necessary to effectuate the industrial revolution was born of the slave/sugar nexus in which the exploitation of human bodies for agricultural production met the genocidal expropriation of land. A fecund diversity of ‘natural’ and agricultural plant and nonhuman animal species was replaced by the mass monocropping of sugar cane. Accompanied by monopolies backed-up by military power the cheap sweet white poison flowed into the bloodstreams of the burgeoning nutritionally-deprived British working class. Cheap sugar, the everyday upper of the masses, dramatically increased the potential to exploit the industrial working class. Indeed, it was by sucking on rags soaked in sugar-water mixed in with a bit of opium that more than sixty percent of the newborn infants warehoused in Britain’s factory nurseries were kept alive.

If in some key respects the industrial revolution entailed the depletion of bodies and land entwined with the creation of a mass addiction, the mass addictions to cheap energy only multiplied as the industrial production, born of slavery, was built on and sustained by the depletion of reserves of past organic life—carbon-based fossil fuels. But what is so fascinating and troubling about capitalism’s newest strata of exploitation is this: postindustrial bioproduction depotentializes the future possibilities of life. This can be seen in the tandem prohibited use of the patented plant in something we might want to call ‘the commons,’ as well as in the deliberate biotechnical curtailing of a plant’s capacity to reproduce itself. (Cooper 2008)

It is important to see here that the type of quantification accompanying commodification is bound up in a circumscription of the quantified. And it is important to note, also, that this type of commodification, although dominant at this historical juncture, was not always, and need not continue to be universal. I’d like to reference an example from colonial history which illustrates
a cosmology incommensurable with the quantification of reproductive processes. In the British colonial records of the 1929 Igbo Women’s War in which twenty-two thousand rural Igbo women mobilized against the attempt to conduct a census to count them, one of the organizers of the protest is quoted thus:

_We women are like trees which bear fruit. You should tell us why women who bear seed should be counted?_(Chuku 2005)

The women, explains Nigerian historian Gloria Chuku, did not want to be counted, taxed, or otherwise subjected to the colonial regulatory mechanisms aimed at resource extraction and making the colonized pay for their own colonization. Indeed, and this aptly portended much of what was to come, the women feared “that counting them would result in their death.”(Chuku 2005)

Being counted, quantified, was incommensurable for these women with their unquantifiable fertility, with their biological infinity, or in the terminology that Astrida Naimanis and I have been using, with their gestational potential. (Chandler and Neimanis 2012) What recent developments in the fabrication of biotechnical property illustrate, I think, is a certain contemporary materialization of a similar epistemic violence issuing from the Hegelian ontological framework. In his recent publication, _The Socio-Legal Implications of the New Biotechnologies_, Alan Pottage typifies the patenting of recombinant DNA as predicated on a distinction between _the made—even if this ‘making’ simply entails a purposeful ‘recombining’—and thus simply a rewriting—and the grown_, between what can be attributed to a purposeful act of creation initiated by a self-interested person, even if that person happens to be an artificial one, a corporation, and what nature mindlessly and wordlessly reproduces. (Pottage 2007) The distinction, as Hannah Arendt would frame it, is thus between nature’s cyclical and repetitive movement and humans’ privileged status agents of new beginnings. Between cyclical time and linear time. (Arendt 1998) In decoupling biological information from its material biological sources, and obviating the developmental systems which gave rise to these biological sources and through which any fruition is possible, the alleged biotechnical maker claims to have
accomplished the penultimate creative act, and further, that this act ought to confer exclusive ownership.

Complaints from first nations groups about bioprospecting, and the further impoverishment of peasant farmers robbed of the agricultural strains their families developed over generations of seed selection notwithstanding, our juridical systems uphold the Hegelian framework. Most of the public discomfort with biotechnical property lies not in social justice issues or the depotentializing of developmental systems but rather at the intersection of ‘the human’ and the ownable in which a living human organism’s genetic information can enter the realm of ownable matter while at the level of the organism the individual remains a legally sovereign person. The distinction between person and thing, or owner and ownable matter, is, as Bruno Latour points out, (Latour 2005) a fluid and shifting one. Persons are legal entities which do not necessarily coincide with human biological entities.

The relatively recent removal of human organisms from the realm of legally ownable matter seems to have been accompanied by a wholesale abandonment of all other forms of matter and life to legally objectifiable status and limitless exploitation. While the person whose cell-line is used in the development of a patented pharmaceutical intervention may be running around with the rest of unenslaved and the unincarcerated, the fabrication and legal codification of biotechnical property is entwined with quantification and prohibition. So we are looking at, on the one hand, the materialization of the life-as-information metaphor in the form of a commodity which can be patented and sold, and simultaneously new forms of trespass and infringement, and thus potentially new forms of criminalization. Think, for example, of Monsanto’s strategy of destroying farmers who hold out against its monopolizing encroachment by bankrupting them with legal suits.

But while the intense traffic between the biological and economic spheres is shaped by particular epistemological and ontological frameworks that are enabled by particular institutional structures, these epistemological and ontological frameworks are not unshakable. The ethical concern for the needless suffering of our fellow human beings continues to periodically trump
property rights. Despite the widespread belief that there is no innovation without patents, no promise of new medicines without the production of an attendant scarcity, when US drug companies brought their patent infringement case against South Africa for producing and distributing affordable antiretroviral AIDS drugs, this sparked widespread public condemnation, and an ultimately successful coalition of AIDS activists, African solidarity groups, and students. Biotechnical property presents us with a new epistemological terrain which, like all dominant forms of knowledge, will become increasingly dependent on policing the boundaries between what is hegemonic and what threatens the reproduction of hierarchical power. (Cooper 2008)

By subverting the dominant structure which criminalizes the trade in opiates beyond big pharma’s reach, and instead focusing on the structural and administrative frameworks which perpetuate and reinforce the widespread violence which we call poverty and exploitation, what is evidenced is that this structural violence is executed through strategic and systematic forms of prohibition. In this past year, while the US government processed extradition orders for Canadian Marc Emery and Jamaican Christopher Coke, both criminalized for their engagement in the production and trade of marijuana, while the Toronto, Montreal, and Ottawa police were busy raiding compassion centers, while thousands in our country, and tens of thousands on this continent, lose their homes, livelihoods, and liberty every year for growing prohibited plants, pharmaceutical companies have begun to produce a synthetic cannabis-based medicine—dronabinol—a molecular re-iteration of the plant for whom so many are currently incarcerated. Perhaps this product is handily stocked in a shoppers drug mart near you—but you can be sure that the cops will not be throwing pharmaceutical industry executives into jail or raiding drug stores with big guns.

If, as Biko Agozino argues in *Counter-Colonial Criminology, a Critique of Imperialist Reason*, the criminalization of individuals has served western colonialism more directly than any other social regulatory apparatus, (Agozino 2003) the life sciences form a cornerstone of the neoimperialist project. As Melinda Cooper explains in *Life as Surplus, Biotechnology and Capitalism in the Neoliberal Era* “The US government has been at the center of efforts to reorganize global trade rules and intellectual property laws along lines that would favour its own
drug, agribusiness, and biotech industries….” (Cooper 2008 pp 4&5) The intense traffic between the biological and economic spheres is shaped by particular epistemological and ontological frameworks inscribed in institutional structures with deeply ethically problematic pedigrees. The expanding prison system is here the bedrock institutional structure. So, in conclusion, and although I am only repeating what we all already know, I will say it anyway: unless we begin to radically re-examine these frameworks we will continue to find new ways of reinscribing them while increasingly subjugating the underclasses and emptying the future of the plurality of its potentials.
References


Killing Time on the Prairie

Alan Mobley

Abstract

Persons subjected to penal servitude gain a startling vantage point on contemporary society. In this essay, a former prisoner recounts the experience of subjugation and how it opened his eyes to other forms of oppression, involving humans and nonhumans. Issues ranging from the consumption of other beings, to killing in the name of expediency, are explored. Readers are invited into the prison world to see ways in which prisoners negotiate their own humanity, while connecting with the personhood of other living beings. Paradoxically, the prison experience seems to foster a sense of empathy that leads the convicted to question their own prior actions, but that also inspires them to question the actions of officials, and societal practices more generally. Prison, then, along with being a deadening, incapacitating experience, can also provoke some to come more fully alive.

Key Words: prison, convict criminology, genocide, animal rights

The Federal Correctional Institution at Englewood, Colorado is an unusual prison. Created as part of a Progressive Era rehabilitation initiative that swept the federal prison system in the 1920s and ‘30s, FCI Englewood was designed for “youthful offenders,” aged 17-26. The ethic of the Progressive regime prioritized “the best interests of the child.” Troubled youths were separated from a potentially criminogenic society, and institutional safety and security were noted as integral aspects of state “care.” The new correctional facility featured a school curriculum quite comprehensive by prison standards (Basic Education classes, GED, some college), a large and well-appointed chapel facility (serving Muslims, Catholics/Christians, Buddhists, Hindus, and Jews), a variety of vocational training programs, and a campus with well-manicured lawns, judicious displays of seasonal flowers, and a grand and solitary maple tree. Trees are unusual in prisons. Trees can obstruct the views of supervising staff, give prisoners places to hide, and generally, may encourage a relaxed atmosphere (shade and conversation go well together) that most prisons strive mightily to eliminate.

I lived at the federal prison in Englewood for five years. I was not classified as a youthful offender, but I had been fairly young (19-24) when committing my narcotics-related crimes. By the time I got to Englewood I already had nearly five years in the federal system and an uncertain
amount of time to go. The Drug War had brought an unprecedented number of new inmates into federal prisons, and that system, like most others, had to adapt. One of the adaptations was to end the youthful offender program at Englewood and open up the prison to inmates of all ages. This was done in stages, with most teenagers and young adults shipped out to juvenile justice facilities, and older prisoners brought in. I landed somewhere in the middle.

Prison researchers have long documented the many “pains of imprisonment.” Prison time is intended as punishment, but not to overtly punish (a subtle distinction, I know) and to effectively separate the law breaking from the law abiding. A consequence of this separation is estrangement from many elements of mainstream life that most people take for granted. Besides the peculiarities of a paramilitary atmosphere and numbing, repetitive routine, most prison inmates, for example, reside in places without children, meaning that most prisoners never lay eyes on a child. Expressions of love and intimate physical relationships are discouraged, and congenial relations with members of the opposite sex are rare. Prisoners cannot go swimming or take a bath, walk barefoot, or fly a kite. Such was the experience of doing time at Englewood.

Another deprivation common to prisons, Englewood included, concerns variety and quality of diet. Serving time in prison won’t necessarily make you a vegetarian, but it might. The famously low-caliber food certainly motivated me to simplify my diet. But another factor was that I came to emphasize with nonhuman animals, particularly those raised for slaughter. As a drug trafficker I hadn’t given much thought to meat consumption: I just did it. But as a prisoner in a large, bureaucratic, Industrial Age prison, that changed. Daily I found myself herded about within what amounted to a warehouse and processing facility for troublesome human beings. We were marched to work, to recreation, the chapel, to the cellblocks, and the dining hall. After a time it didn’t feel right for me to support any “system” that treated living beings in impersonal, mass-produced ways. Increasingly I noticed myself repulsed by the human-made and drawn instead to nature. I stopped eating nonhuman animals as both cause and consequence of becoming more attentive to basic characteristics of human-made and natural worlds.

Coming to Englewood was not something I chose or desired, but I liked it right from the start. My previous prison home in west Texas boasted not a tree or even a blade of grass. The desolation of dirt and sand stretched beyond the prison’s landscape to its innards: no education programs, no sports. The prison library was a broom closet.
At Englewood I felt greeted by the greenery. There was moisture in the air, and wildlife abounded. Several avian varieties vied for space in that amazing maple tree. A gray squirrel or two might dart among the hedges. A feral cat could be seen stalking the food service warehouse. And sometimes, from my cell window, I would see a horse. A horse! But the biggest natural high, along with the distant sight of the Rocky Mountains, were the prairie dogs.

The once isolated prison had come to occupy a portion of prairie surrounded by Denver’s expanding suburbs. Commuters streaked along a highway to the west of the prison, while a tract of middle class commuter homes lay to the south. The other sides of the squared-off penal facilities were kept clear to form what prison lore refers to as a “kill zone.” Should a prisoner desire to escape, officials assumed the attempt would be in the direction of the recreation yard. Consequently, vegetation and all else in that area was cleared so that security personnel would have an unobstructed line of sight—and line of fire—towards digging, climbing, or fleeing felons. Each spring, however, the kill zone became prime real estate for prairie dogs.

Prison, even a relatively “nice” prison like Englewood, is bleak by design, with few thrills. Weather permitting, getting outside to stretch one’s legs, especially after meals, is prized. The prison recreation yard sported a circular track along the perimeter. During free periods, guys took their exercise in the yard or went outside just to kill time. Many prisoners noticed the prairie dog colony. Some cons smiled at the scurrying creatures, while others brought scraps of bread to toss toward the critters—when the guards weren’t looking, of course.

Watching and interacting with the prairie dog colony became part of the life of the prison. The prairie dogs were welcomed as companions to the prison’s inmates. Theirs was a parallel society just beyond our own. Like us, they appeared to lead an ordered, vigilant existence, with their own sentries and job specialties. But, unlike us, they were also free to scamper about, mate, and involve themselves in raising their young. We became observers of a compact little world, a micro society where simple beings led noticeably complex lives. It was easy to take joy from the prairie dog colony. We envied them and assisted them as we could. The colony became a sort of outlet for doing some good in the world.

One aspect of prairie dog life that prisoners found especially appealing was their relationship to the prison’s chained link fences. The fences, although topped with razor wire and booby trapped or electrified, were utterly ineffectual against these creatures that simply dug
under them. How delightful! Guards were less delighted. They noticed the holes on both sides of the fences, and instead of seeing a vibrant nonhuman animal colony, saw a threat to the security of the institution. Prisoners, seeing the guards, began to fret. We had learned from experience not to put any petty indignity past the guards. They, for example, searched our cells regularly, tossing thin blankets and flimsy pillows onto floors, and confiscating any unauthorized items that might enhance the quality of our lives. The prairie dog colony lacked authorization, certainly, and clearly lent quality to our lives. Could it be in danger?

A rumor began to circulate among the prisoners about orders to exterminate the prairie dogs. Maintenance staff were said to have purchased poisons and garbage (body) bags. Many inmates were upset and some felt panicked. As the days passed the rumors persisted and tensions rose. Talk made the rounds of a prisoner food strike or work stoppage. We began to stockpile what provisions we could in the event of a lockdown or riot. Experience had taught us that it’s hard to sustain a protest on an empty stomach.

One day a fire was set in the restrooms of one of the inmate housing units. It was quickly put out, but sent a clear message. In response, the warden posted a memo stating that he understood that some inmates had concerns about the prairie dogs. The memo went on to say that the colony was unacceptable in its present form, and that care would be taken in its removal. That weekend the recreation yard was closed to inmate use while maintenance staff set traps for the prairie dogs. When their attempts to catch and remove the prairie dogs proved ineffective, however, they killed them. Later it was said that staff simply had no choice, that the safety and security of the institution mandated swift and immediate action.

The prisoners took in the news. Reprisals were discussed. A couple of small fires were set, some petty vandalism occurred, toilets flooded, and a few fights broke out. But ultimately, I think we understood that what was done was done. Cons would be smart to set their sights on the future, and not make our already difficult lives harder by protesting what was passed.

Like other indignities and perceived injustices of prison life, we accepted this. Sure we grumbled about it and some mourned. But life went on. What choice did we have?

Not long after the prairie dog massacre a xeroxed paper was passed around that detailed federal prison policy pertaining to national emergencies. A prisoner, a “jail house lawyer,” had dug it up in the prison’s small law library. The policy set out procedures to be followed in the
event that the nation was invaded by foreign troops or suffered a natural disaster of such magnitude as to necessitate the evacuation of staff and dependents. Before abandoning the facility, staff was to determine the relative risk to general society posed by prisoners. Those classified as “low risk” were to be released. The rest of us were to be shot.

I’m out of there now. Back in the free world, I continue to try to be a vegetarian. I feel lucky to have gotten out alive. I rarely go back, but when I do it is as researcher or volunteer. Sometimes I visit neighborhoods that serve as “feeders” for the prison system. In these places, many people cycle back and forth, into prison and back again to homes and families. When we discuss prison issues, often the word “genocide” comes up. For Americans concerned with safety and security, this might sound absurd. But to those of us who have resided in the belly of the beast, who are intimately familiar with the business end of the criminal justice system, the possibility is not so farfetched. Just ask the prairie dogs.

Recommended Reading


SOCIAL MOVEMENT ANALYSIS

Animal Advocates for Prison and Slave Abolition: A Transformative Justice Approach to Movement Politics for an End to Racism

Anthony J. Nocella II¹

Introduction to Racism in the Animal Advocacy Movement

Within the animal advocacy movement and critical animal studies, there is frequent discussion of and engagement around concepts and terms such as intersectionality, total liberation, alliance politics, and solidarity. Despite this rhetoric, there is very little actual leadership participation by animal advocacy movements within other movements. I remember the first time I confronted pure deliberate racism in the animal advocacy movement. In early 2000, I had posted an e-mail on a listserv for action in defense of Mumia Abu-Jamal, a political prisoner and journalist in Pennsylvania (Abu-Jamal, 2009). A respondent was shocked and offended that I posted it. However, her issue was not that I was attempting to gather support for a convicted murderer (a murder of which many people think he is not guilty). No, she was offended because he is Black. She also made a number of offensive racial comments against Abu-Jamal. Little did I consider that the animal advocacy movement is a microcosm of U.S. society, and that animal advocacy has only recently been accepted as a social justice movement. Similarly, a few years ago on Facebook, I witnessed animal advocates argue that Michael Vick, a professional football player who was convicted in 2007 of conspiring to engage in competitive dogfighting, procuring and training pit bulls for fighting, and conducting the enterprise across state lines, should be tortured just as his abused dogs were tortured. Such suggestions were followed by offensive remarks by white animal advocates. These white advocates stated that the African-American community supports gangs and dog fighting and that hip hop promotes

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violence. These sweeping judgments and general maligning of African-Americans alerted me that the racism I had observed in the early 2000s still exists in the animal advocacy movement today. Moreover, just because animal advocates are working toward nonhuman animal liberation, does not mean they advocate for human liberation or a total liberation.

Even though Vick easily became the animal advocate’s public enemy number one, the animal liberation/rights movement has a pattern of accepting the leadership of former animal abusers. Former cattle ranchers and vivisectors (former animal abusers) who are white have become leaders of the animal advocacy movement. This is not to say it is inherently wrong for these former abusers to become leaders, but this would hardly happen with Michael Vick, although the Humane Society of the United States (HSUS) did try to work with him, albeit with little success. In other words, we as a movement can be forgiving, but we must look at the selectivity of our forgiveness. Of course, it should be noted that Vick was convicted of a crime and the animal-abusers-turned-advocates were not. Further, the latter made a choice to walk away from their professions, while Vick was forced to stop engaging in dog fighting because of the criminal justice system and a lot of bad press.

Although he did his time and made an attempt to work with HSUS, people would not accept Vick as an animal advocate. This is somewhat understandable, for people in prison are rarely given the opportunity to personally transform, so the public assumes that the person who goes to incarceration is the same person who will come out, maybe even worse off. Again, prisoners are most often warehoused in the prison industrial complex to be punished, not provided resources, space, and place to transform. Alternatives can exist. Let us not forget Malcolm X. Although jailed for many crimes, he transformed himself in prison, and later became one of the most well respected social justice leaders in history (Haley and X, 1965). However, we must offer transformative resources to all people inside and outside of prisons, but first we, as animal activists and scholars, must accept that people do change.

For almost thirty years, the modern animal advocacy movement ignored issues of social justice such as racism, sexism, poverty, homophobia, and disability. Only with the emergence of feminist theory and ecofeminism in the 1970s did animal advocates begin to theorize the linkages between speciesism, sexism and patriarchy (Adams, 1990). Of course, connections between women’s and animal’s oppression were being made as early as the nineteenth century through the work of Anna Kingsford and other suffragettes against vivisection. However, it was
not until the latter part of the next millennium that these connections were made in a way that would have more lasting influence, which challenged sexism in society and the movement.

When animal advocates join other movements merely to convert others to veganism, this does not lead to total liberation, alliance politics, or solidarity; rather, it is a manipulative, coercive, and exploitive strategy that ignores the interconnected nature of oppressions. Simultaneously working to end both racism and speciesism is difficult, but it is essential that social justice activists and organizers do both because to eliminate one without the other, from an intersectional perspective, is impossible. All oppressions are interwoven and entangled in complex systems of domination which must each be eliminated. When one person or nonhuman animal is oppressed, all others are likewise oppressed. It is thus fruitless to engage in “oppression Olympics” (Martínez, 1993) politics, that is, claiming one oppression more real or worse than other. Doing so simply ends up marginalizing individuals and dividing the very movements that most need unity. Just as speciesism underlies the agricultural-industrial complex, racism underlies the U.S. criminal justice system and prison-industrial complex. If the animal advocacy movement claims to be a social justice movement, it needs to begin addressing racism along with other forms of oppression. One easy way for animal advocates to challenge racism is to support prison abolition and engage in true total liberation and justice for all.

In a recent article entitled “The Top 10 Most Startling Facts About People of Color and Criminal Justice in the United States,” Sophia Kerby (2012) provides ten details that explain why the current criminal justice system is racist. They include:

1. While people of color make up about 30 percent of the United States’ population, they account for 60 percent of those imprisoned.
2. According to the Bureau of Justice Statistics, one in three black men can expect to go to prison in their lifetime.
3. Students of color face harsher punishments in school than their white peers, leading to a higher number of youth of color incarcerated.
4. According to recent data by the Department of Education, African American students are arrested far more often than their white classmates.
5. African American youth have higher rates of juvenile incarceration and are more likely to be sentenced to adult prison.
6. As the number of women incarcerated has increased by 800 percent over the last three decades, women of color have been disproportionately represented.
7. The war on drugs has been waged primarily in communities of color where people of color are more likely to receive higher offenses.
8. Once convicted, black offenders receive longer sentences compared to white offenders.
9. Voter laws that prohibit people with felony convictions from voting disproportionately impact men of color.
10. Studies have shown that people of color face disparities in wage trajectory following release from prison (Kerby, 2012)

These ten facts exemplify the reality that discussions about race in the U.S. must address the criminal justice system. People who do not consider the criminal justice system when analyzing race avoid the topic for two reasons: (1) they are not aware or are not educated about the direct connection between the school system and the criminal justice system, and/or (2) they do not want to offend or cause conflict with their audience or those who fund their work and institutions. Moreover, many reformists do not speak the truth about racism for fear of losing the support of those in power (administrators, bureaucrats, politicians) who control our cultural systems. Martin Luther King Jr. spoke out against waiting for justice and taking the slow path toward equity in his book *Why We Can’t Wait*. King wrote, “The bell of man’s inhumanity to man does not toll for any one man. It tolls for you, for me, for all of us. Somehow God gave me the power to transform the resentments, the suspicions, the fears and the misunderstanding I found that week into faith and enthusiasm. I spoke from my heart, and out of each meeting came firm endorsements and pledges of participation and support” (Washington, 1991, p. 540). It has been through my relationships with prisoners and youth in detention that I have gained a true understanding of the reality of the interconnection between prisons and racism. The two issues must be dealt with together, regardless of format: event, lecture, writing project, or organization.

**Prison Abolition = Slave Abolition**
After hundreds of years, de jure slavery officially ended in 1865 with passage of the Thirteenth Amendment. However, de facto slavery still exists because the Thirteenth Amendment allows for institutional slavery if an individual is “duly convicted” of a crime. The Thirteenth Amendment benefited Northern whites by removing slaves from plantations and putting them into factories. This neo-slavery afforded northern industrialists cheap/free labor within the prison system and allowed for the success of the Industrial Revolution. Thus, to suggest that the slave-free North of the nineteenth century was morally superior to the slavery-supporting South is fallacious. Auburn Prison in Auburn, New York was the first modern prison designed to hold many prisoner-slaves who were forced into factory work. Auburn—part prison, part factory—still exists today, and it was the first prison I worked in as a volunteer with the Alternatives to Violence Project (AVP). Although there were well-meaning slavery abolitionists in the North, the Union military and government wanted to defeat the South forces not to end slavery, but to foster industrial growth. Union leaders understood that free slaves would presumably move North. If their battle had been altruistic, they would have banned all forms of slavery rather than imbricate it into the Thirteenth Amendment. Therefore, individuals imprisoned in the U.S. have not been only stripped of their right to vote, but of their citizenship, as they are now recognized as slaves and are property of the State. Lest anyone wonder if slavery has really been abolished, they must surely see that it has simply been reframed as the prison-industrial complex.

Neo-slavery is profitable for many companies, including the private companies that imprison them. In “21st Century Chain Gangs,” Steve Fraser and Joshua B. Freeman (2012) note that today’s prisons are becoming privatized with the aid of the Corrections Corporation of America and G4S (formally Wackenhut), who contract out prisoners for cheap labor (between “.93 cents and 4.73 dollars per day”) (Fraser and Freeman, 2012) to make computers, furniture, clothing, to secure phone reservations, and run slaughterhouses and dairy farms. Many corporations contract labor with these private prisons including “Chevron, Bank of America, AT&T, and IBM” (Fraser and Freeman, 2012). Consequently, any person who supports the current U.S. criminal justice system also supports capitalism and slavery.

Anti-Racist Animal Advocates for Prison Abolition
With the rise of animal advocacy as an intersectional social justice cause, advocates need to address what should be done with those who illegally abuse nonhuman animals. This question is critical for those anti-racist animal advocates because, as noted above, anyone who opposes racism and slavery must also oppose prisons and the current criminal justice system. Therefore, anti-racist animal advocates should not support the conviction, sentencing, and incarceration of those who abuse nonhuman animals. While many individuals and organizations advocate for harsh prison sentences for animal abusers, this in effect promotes slavery, a social injustice that is inherently connected to mainstream views of nonhuman animals as products and machinery. With so many organizations and individuals supporting the current criminal justice system, the same system that labels animal advocates as terrorists, it must be asked: Why do we support such an oppressive, repressive, violent structure?

The answer is simple. Many animal advocates fail to critique the criminal justice system because they do not understand that the criminal justice system and the oppression of nonhuman animals are interrelated. Just as nonhuman animals are cheap labor and are often property of the State, so too are human prisoners. Beyond just providing free labor to corporations, prisoners are also forced to work in slaughterhouses and on dairy farms. Finally, the criminal justice system protects the very corporations that animal advocates protest and boycott. Animal advocates’ protests and boycotts, once protected under the First Amendment, are now considered illegal and a domestic terrorist threat under laws such as the Animal Enterprise Terrorism Act (AETA) (Best and Nocella, 2006). Those activists who adopt such once-legal tactics now frequently find themselves arrested, charged, and convicted as criminals and sometimes even as terrorists. As a result, many animal advocates have begun to educate themselves about political repression and unjust laws such as the AETA, but many still support the current U.S. justice system via their calls for the imprisonment of nonhuman animal abusers.

Building Alternatives

Actively renouncing and resisting racism, slavery, and the criminal justice system does make being an animal advocate that much more complex, but this is what is needed if we are to be effective critical animal studies scholars, social justice activists, and allies with people of color. Any person who is anti-racist has a duty to aid in the abolition of all prisons. Therefore,
before advocates call for imprisonment of nonhuman animal abusers, they need to think about alternative justice systems rather than punitive retributive punishments. Transformative justice addresses social injustices, while advocates for education, healing, accountability, and responsibility (Nocella, 2011).

Anti-racists in the U.S. must target three major cultural institutions: (1) the criminal justice system, (2) the economic corporate capitalist system, and (3) the academic industrial complex. The social side effects of these two institutions are homelessness, drug and alcohol abuse, bankruptcy, hunger, illiteracy, public assistance, elevated high school dropout rates, gangs, and domestic violence. Too often people get caught up in addressing these issues from a reformist approach, while never addressing the larger systems of domination through which reform is instituted. It is important as good organizers to recognize and search for alternatives to these institutions that we critique. Hence, people should promote a transformative justice system rather than the punitive system that is currently in place, offering nothing more than prison sentences, probation, and the death penalty (Nocella, 2011). A transformative justice system is a holistic process that brings people together in a non-adversarial manner in the form of mediation, arbitration, or community circles (Morris, 2000). The process also addresses socio-political and economic injustices, while making sure that all people involved take responsibility and have decision-making power on the final resolution of the conflict.

The alternative to the current economic corporate capitalist structure is an economic system that promotes equity, social justice, mutual aid, collaboration, community based interest, and protection of the individual. One such economic system is anarchist economics, about which I have co-edited The Accumulation of Freedom: Writings on Anarchist Economics (Shannon, Nocella, and Asimakopoulos, 2012). Both alternative institutional models are embedded in a challenge to domination and a promotion of respect for all living beings. These models are not perfect, nor are they fully developed, but they are enlightened alternatives supported by many people in social justice communities around the world. Thus, when we see offenses such as animal abuse in our community, we should develop an opportunity to transform, heal, take accountability and responsibility, and address injustices, instead of looking to the government to convict, sentence, and punish offenders. Society must begin to look for more just, peaceful, and inclusive justice processes, rather than perpetuating a violent retributive justice system rooted in racism and structured to maintain modern day slavery.
References


INTERVIEW

“What Is Good for All of Us, Is the Only True Good for Any of Us”: An Interview with Marie Mason

Interviewed by Matthew Calarco

Marie Mason is a social and environmental justice activist with a long-standing history in both movements. Her activism, which is the primary topic of this interview, is focused on what are undoubtedly among the most exigent issues of our age: environmental destruction, genetic modification of food, privatization of the commons (especially water), the intensive rearing and confinement of animals, and the marginalization and precarity of workers within capitalist economies.

Mason was arrested in 2008 and charged with crimes related to arson (in which no individuals were harmed). She eventually accepted a plea bargain relating to two acts of property destruction: one involving Michigan State University’s Agriculture Hall genetics laboratory (in which research on the genetic engineering of crops was being conducted), and the other involving logging equipment in Mesich, Michigan. As part of the recent “Green Scare” and increasing trend of ever harsher sentences for radical animal and environmental activists, Mason was sentenced to just under 22 years in prison—the longest sentence for any current environmental political prisoner. She was also ordered to pay over $4 million in restitution for her acts of arson. Her most recent appeal for re-sentencing was denied.

Although Mason discusses in the interview some aspects of daily life at the prison facility at which she is currently being held (FMC Carswell in Fort Worth, Texas), many of the details of her current situation remain ambiguous. She is allowed only a very select number of personal visitors; and while she can receive letters from the outside, she is only allowed to respond to some one hundred or so correspondents. I was unable to visit Mason in person, and thus our interview was conducted by way of exchanging letters through the mail. In contacting Mason for this interview, my aim was to provide a platform for her to give voice to her ideas both on the topic of this special issue (Animals and Prison) as well as on the current state of the struggles
about which she is most passionate. I wish to thank Marie for her thoughtful and generous responses to my questions, and I also wish to thank her for the inspiration she has given to so many of us in the social, animal, and environmental justice struggles. 

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Matthew Calarco: Your activism is rather unique in that it is characterized by a broad range of concerns and issues, from earth and animal liberation to water privatization issues and anti-capitalist workers’ struggles. Can you say a bit about when you first started to reflect critically on the world around you and when you first became ethically and politically engaged with some of these issues? Which issues and movements were you most drawn to initially?

Marie Mason: I was about sixteen and in high school when I first started to engage actively in political work (meetings, demonstrations). But I was a direct action proponent from the age of five. It started for me when a neighborhood group of teenagers were tormenting a kitten by throwing her up in the air repeatedly to see if the old adage was true that she would land on her feet every time. She was clearly frightened and exhausted, failing to land on her feet and not doing well by the time I worked up my courage to leap from the big crowd of bystanders, grab the kitten, and run like hell for home. My parents explained to me how pets were owned by people and that I had stolen someone’s property. So they made me go and speak to the kitten’s “owners” to apologize for my “theft” and tell my side of the story. I managed to impress them with my sincere wish for the kitten’s well being, so they gave her to me, and Misha lived with my family for twenty-two years as a cherished companion. That was my first direct action in defense of an animal, and it led to other neighborhood rescues. It was considered entertainment in my neighborhood to catch birds, frogs, or young rabbits in order to shoot them with BB guns or to place them in garbage cans with firecrackers. I risked injury many times but managed to free the animal in the can most of the time before the fireworks went off. I was too young at that time to have a worldview of any kind; I was just appalled by cruelty and felt driven to action. I’d never heard the term “animal rights,” but it made sense to me that animals should not be treated
worse than any human being. I also didn’t know then that human beings did such things, and much worse, to each other.

There was no one in my working-class neighborhood with whom I could share my ideas of equality between humans and non-humans. The idea of equality among humans was disputed enough, as racism and religious bigotry were rampant. When I was sixteen, my family moved to a different neighborhood, more cosmopolitan and upwardly mobile than where I grew up. The teachers were more intellectually engaged with the students, and it is here that I was first exposed to a number of ideologies that attempted to explain the world as it was and postulate a different possibility. I also started reading some of my father’s (a teacher and a union activist) books on history and unionism. I read Marxist and neo-Marxist theory at this time, and while I did not embrace it, it was helpful to me as a foundation for understanding how economic relationships could affect social relations and culture. While I could not identify myself as a communist, I absolutely identified as an anti-capitalist and anti-Statist.

It was at this time that I began to study science as a means toward both social evolution and environmental integrity. Human society jeopardized ecological integrity both at the point of consumption (trees become timber, the earth becomes coal or uranium, water becomes a commodity . . .) and at the point of disposal and waste. My purpose in focusing on chemistry was to try to understand how we poison ourselves and the planet, and to try to find ways for providing for true needs with no (or minimally) negative consequences. This knowledge proved elusive all my life, though I was fortunate to pursue my studies for quite a while. I became convinced our problems could not be solved with technology.

Simultaneously, I began to join some organizations of students and community folks who were concentrating on the United States government’s foreign policy, a policy of constant war and manipulation. These anti-interventionist groups introduced me to the philosophy of non-violence, and there were many strategies and permutations put forth on the application of non-violent principles to affecting social change. Still, the right of self-defense seemed a tremendous counter-weight to many of the best arguments for non-violence.
So, I began as an activist to be involved in what so often seemed like two completely disparate movements: the peace movement and what came to be known as the environmental justice movement. There was some overlapping membership, but not very many individuals chose to be active in both.

**MC:** Many people who are involved with this kind of radical activism—and earth and animal liberation activism in particular—find out quickly that mainstream activist approaches (leafleting, effecting changes in consumer purchases, policy changes, legal reform, etc.) tend to have a very partial and limited effect in terms of transforming the status quo. Were you at all drawn to these more mainstream approaches in your early activism, or had you already developed a more direct action approach to activism based on your anti-capitalist and anti-Statist leanings? In other words, what eventually led you to take a more direct action approach to activism? Was it encountering the limits of more mainstream approaches that led you in that direction, or were you already cognizant of such limits and looking to develop other strategies?

**MM:** I think that I was always aware of how limited standard reformatory efforts could be, and yet given the direct circumstances, even limited effects could be worthwhile. One trash incinerator getting shut down might save the lives of many people; one cease fire negotiated might save a village from destruction. I interviewed Lois Marie Gibbs in the early 1980s (she was a housewife turned activist who confronted Hooker Chemical Company), and she told me something that I would remember throughout my life. She said that she believed completely in what she called the “shotgun approach.” (I laughed and said I wasn’t sure that folks were ready for armed rebellion against the corporations!) What she meant by this term was that she could never be sure, when a campaign was finally successful, what it was that had been the deciding factor. Her conclusion was to do everything—at once—like a shotgun blast and not to put all of the group’s resources into one strategy. This really resonated with my own experiences, and so even as I incorporated more and more direct action strategies into my approaches to create social change, enlarge public dialogue, and protect other beings from harm—I never gave up on the perhaps limited but still worthy gains that could be made with public hearings, consumer boycotts, or legal reforms. Nature is always our best teacher, and diversity is the constant lesson.
she stresses. Also, by remaining an active participant in many mainstream social change and environmental groups, I hope to avoid the isolation that many radical fringe groups have suffered in the past by being out of touch with what the larger society is thinking.

**MC:** One of the things that I find so remarkable about direct action activists in animal and environmental liberation circles is their deep passion for animals and the earth. While activists in these movements tend to be well aware of the relevant facts of the situation, know the pro-and-con arguments on the issues, and be able to make a rational case for their cause, most of these intellectual matters seem somewhat secondary to and derivative of a deep love and extraordinary passion for the non-human world. In many ways, I think the kind of passion displayed by these activists has a tremendous impact on both those who are sympathetic to and those who are opposed to earth and animal liberation. There is something truly remarkable about someone who is willing to be harmed, imprisoned, and perhaps even killed for a “non-human” being, species, or ecosystem. Such actions can perhaps be explained as being driven by reason and arguments, but they seem to be more fully explicable in terms of activists being driven by deep love and passions. Can you speak about what you take to be the source of your activism, especially in terms of your activism concerning the non-human world?

**MM:** Certainly to an audience of predominantly anthropocentric but well-intentioned human beings, I might appeal to their enlightened self-interest when I am explaining the importance of saving another species from harm. The mainstream environmental movement has done a commendable job of trying to protect trees by pointing out their constant service to humanity as the cleansing lungs of the planet. As a pragmatic organizer, I can see the value in this approach as a way of engaging and building a social base for change. But as a biocentrist, I believe that this line of logic does us a great disservice, all of “us,” both human and non-human. It is the height of amoral individuality to see everything in the world other than ourselves as merely “of use” or “not of use.” It leads to dangerous thinking. For example: we don’t like sharks, as they are dangerous to us when we are in their territory; so we don’t worry when they are hunted to extinction. And yet the health of the ocean ecosystem depends upon their existence. It even runs counter to our selfish interests as a species to be anthropocentric. A biocentric perspective
ensures that our actions are formed from an understanding that what is good for all of us, is the only true good for any of us. This is certainly an intellectual formulation, but it is a powerful motivating factor for me in all things. The love I feel for the world is harder to explain or quantify. Yes, I was fully aware when undertaking each of my actions that I was risking injury, death, or imprisonment for myself. I did not take the risks lightly. I was happy in my life, had a wonderful family, many friends, and I felt there was meaning and purpose in my daily activities. So, why risk this happy life, this privilege? I felt morally compelled by my love for all other creatures to renounce my safety, my privilege of being born human. I could not know about animals and what they might suffer and do nothing to try to save their lives. Having formed relationships with animals, and yes, with trees—it was impossible for me to see them as “things.” They were my family as well, my relations, and I was bound by honor, love, and duty to do right by them.

**MC:** Thus far we have focused primarily on your activism concerning the non-human world. I was wondering if we might broaden our discussion and talk about some of the other groups you were involved with that were directly linked to social justice for human individuals and communities.

**MM:** When I chose organizations to work with, I tried to choose ones that seemed either to address a particular problem with a program for a local specific solution (for example, an herbal collective that did seminars on cold remedies and handed out free herbal remedies) or a group that tried to find a particular strategy for changing the society as a whole. I think my work with the Industrial Workers of the World falls into the latter category. As a working person who mostly held jobs that were not traditionally organized by established unions, I was always at risk of being unjustly fired, shorted my wages (which happened a few times), and without recourse to any help in the matter. The Wobs have historically been there to support the workers most pushed to the margins of society. And in the process of teaching workers what influence they might gain from solidarity and mutual aid, they model a healthier, egalitarian society that would be more sustainable for all. Again, the principle that what is good for all of us is the only true good for any of us is, at its heart, anti-capitalist.
I also chose to work on the issue of water (its consumption, pollution, conservation, and control) with both a local group (Sweetwater Alliance) and an international group (at one time referred to as the Water Warriors by Dr. Vandana Shiva, though later changed because of the inferred connection to a war of any type). This issue surrounding water could scarcely be characterized as a single issue at all, as it is the nexus of so many issues of both human societies and the Earth as a whole. Certainly, access to potable water was becoming an increasingly important human rights issue, but at the same time the crisis of what we as human beings were doing to all of the water on the Earth needed to be addressed and confronted. And both of these groups embraced multiple strategy approaches to accomplishing social change; both recognized that the nature of the problem (whether work or access to water) lay in the structure of society itself. Still, both groups were predominantly anthropocentric, as opposed to Earth First! or the Earth Liberation Front and the Animal Liberation Front, all of which were adamantly biocentric.

**MC:** How do you tie together the various struggles you’re engaged in—that is, how do you tie together the human and non-human, the environmental and the economic? Are they pieces of a single struggle for you, or do you see them as slightly overlapping but largely unrelated struggles? Are you trying, through your actions and words to unite them? If so, how do you conceptualize and envision the unity among these struggles?

**MM:** I think that currently much of the work of the various struggles that I participated in was overlapping, but not concentric. It was possible and laudable for people of many perspectives to find pieces of the whole in which they could participate. Some of the differences were in strategy. Some disdained direct action, but could countenance civil disobedience. Some preferred only legal reform measures, such as educational efforts and lobbying toward legal changes. Some of the differences were in the end goal. Many participants seemed to want to keep the social order in place (rich over poor, humans at the top of the hierarchy of priority), but to take the harshest edges off. Some wanted complete social evolution. I avoid the word revolution more and more now. It has come to mean something else in this day and age, though I used to consider myself a revolutionary. I do not think that the social unrest in the Middle East has accomplished
the kind of social reinvention that was envisioned, just as the original vision finally failed in Russia/Soviet Union. And it has been proven historically costly in human lives and suffering to enact change by force. So without completely abandoning the right of self defense, it seems desirable to bring about change in a fashion that allows for culture and ideas to change organically in an evolutionary process—though not necessarily on a generational scale. Certainly the exception to this as a preferred approach is when lives are threatened directly, when there is no way to find immediate short-term relief for the suffering of those at risk. I see mink releases as such a short-term but vital effort at relieving the suffering that the fur trade causes, but the end goal should be the end of the fur trade. The sanctuaries for Salvadoran refugees in the 1980s served the same purpose. Save as many as we can until the change can be made. But the work is not done until the evolution of society is accomplished.

I do try through my actions and writings to unite the struggles within which I have worked. But it is not possible nor is it ultimately desirable for the exact nature of our evolved society to be articulated by one voice, no matter how well intentioned. There is no such thing as benevolent fascism. A society must be pieced together and invented continually to match the needs and desires of the citizens of that grouping. Even if this process brings forward ideas that are against the best interests of solidarity, mutual aid, and sustainability, if the systems of coercive and oppressive force have been eliminated, the society will always be able to right itself without causing harm. It is my ideology as an anarchist, a social anarchist, that guides my vision to connect the struggles for control over our labor, to end war, to end racism, and to stop environmental destruction, with the struggle to relate to each other and to nonhuman communities as equals, as family. In the end, as Che is often quoted, it is really only the greatest love that should guide the true revolutionary.

**MC:** Many animal and environmental activists speak of animal and environmental “liberation,” and they seek to make the case that our culture of incarceration, domination, and oppression is not limited to human beings but extends outward to many of the dominant culture’s interactions with the rest of the natural world. This argument has led many activists and theorists to draw direct parallels between the practices of imprisonment and confinement that we find in the
human prison-industrial complex and the way animals and the rest of the natural world are treated within the animal- and agricultural-industrial complexes. What do you think of these parallels? Do you find them illuminating, misleading, or perhaps both? Have your current circumstances since your arrest and incarceration led you to think about and see such parallels in a different light?

MM: On the question of “liberation,” I think it is important to note that exploitation, whether in the case of colonialism and genocide or in the subjugation of the natural world and of animals to become commodities, follows rationalization. A convenient paradigm has been developed that allows for guiltless consumption. I think that science—certainly science according to Descartes—has created an accepted perspective that animals do not have the power of cognition, that they respond instinctually and automatically. It is acceptable to believe that animals do not anticipate pain, and that they do not react in resistance to abuse. These ideas have been applied to some human populations as well, though only to those that have been, in preparation for later exploitation, diminished in their cognitive powers (as perceived). Even as late as the Vietnam War, some reporters made references to the Vietnamese people as being fundamentally different from us in how they saw death and suffering.

There are clear parallels between all populations, both human and non-human, when they are treated as “resources” by capitalism. Individuality, autonomy, agency, and independent value are lost, and we become units that can be measured in terms of dollars. As a prisoner, I am viewed as a cipher for a certain amount of the federal budget. My presence in the prison system both expends and creates wealth. As in any capitalist venture, the push is to create more wealth than is expended—but that is not a hard and fast rule, as long as the ones running the system create wealth for themselves. In actuality, destroying the environment and forcing species to extinction may cost more in the long run than is made through forestry or chemical pollution/industrial processes. But, like the national debt, if those costs are deferred or transferred to someone else, then the profit motivation still holds.

Prior to my incarceration, I could only empathize with the plight of animals in zoos. Intellectually, I could comprehend that zoos forced animals into unnatural and truncated lives,
even the well-intentioned “nice” zoos. But even in these few years spent inside, my information about what that feels like is devastatingly visceral. I try to be self-conscious, self-critical, and constantly self-evaluating. This was my practice previously on the outside, and it was due in large part to reading bell hooks’s exposition of racism and its role in culture. We, as anarchists opposed to every system of oppression, wanted to be very aware of how culture had formed our thinking and might affect our relationships with others. Only through this awareness, this vigilance, could we be truly capable of building a society based on egalitarianism and mutual aid. But I have found that the conditions in prison have reinforced the worst aspects of human culture and brought the worst and most violent instincts in myself and other prisoners to the fore.

There is a constant level of frustration that is built into the system of prison life that builds an unfocused anger. I am sure that animals might feel the same as I do, especially those animals in circuses. So many illogical and senseless—but absolutely imperative—actions must be done throughout the day. For the orcas who are exhausted, bored, and angry because for the umpteenth time they must charmingly jump from the water and lick the trainer’s cheek, I have so much sympathy as I stand up to be counted alone in my locked cell for the second time of the day. None of my work here is as grueling as the shows that animals perform for human amusement (I wash laundry from other units as my mandatory job), but a prisoner’s work is not chosen. If a prisoner does not work, then he or she is sanctioned. You don’t get to decide if you are too sick; you must go early before work call, wait to see a medical staff member, and they will decide whether to excuse you. I only went once. I had the flu and threw up three times while I was in line waiting. I was not deemed sick enough to stay in the unit, so I went on to my job in the kitchen. I’ve tried not to take a sick day since. Clearly, I have not experienced the beatings that animals in labs undergo all too often. Even the beatings of prisoners by officers that have taken place have only rarely achieved the level of violence that is commonly visited upon animals. In that way, I think the parallel between human prisoners and animal prisoners is not an exact one. There are still levels of privilege accorded to human prisoners based on their species membership, privileges that are not granted to our non-human counterparts.

Still, I’d like to point out a few similarities. In this small and very isolated unit, I see the similarities between the psychological changes that occur with captivity for both animals and
humans. In Jason Hribal’s book, Fear of the Animal Planet, he cites several psychological problems that are noted in animals who have been held in confinement. These problems include unconscious swaying, incessant pacing, and self-mutilation. I would guess that it is the lack of natural stimulation that causes these animals to seek those dysfunctional substitutes for the everyday interests and experiences that would be part of a normal, free life. Absolutely, these same behaviors are expressed by so many prisoners I’ve known, including myself. It is a big thing in my day if I can be out of my cell and walk in our outdoor cage. It is the size of a very small (maybe half) basketball court, entirely enclosed (like the Velociraptor cages in Jurassic Park) and on concrete. My fellow inmates and I walk around in circles for hours sometimes; and to anyone watching, I’m sure it looks nutty. As for self-mutilation, despite serious sanctions against it, there are many people who cut themselves to create serious injuries and others who cut patterns or make tattoos. I’ve definitely noticed the swaying that happens when a couple of prisoners stand talking, and notice a tendency to shift feet when standing in conversation myself. Certainly, the depression and sense of isolation is shared between human and non-human prisoners. We all miss home, family, and real life.

And in human prison, as in any animal confinement institution, any attempt for prisoners to band together, protect each other, or form a collective action to improve conditions is immediately responded to by separating or transferring individuals, as well as increased security or brutality. Perhaps because the odds are so stacked against it, it was much more encouraging to read Hribal’s book about animal solidarity and resistance in the worst of circumstances. Maybe animal prisoners understand and take comfort in solidarity better than human prisoners are able to at this point in time. As in so many other ways, the animals are our teachers.

MC: Given the daunting political stakes we currently face in many of the struggles that you and I are most concerned with (and I’m thinking in particular of (1) the biodiversity crisis, which strikes me as the most under-discussed and nevertheless one of the most pressing environmental issues of our time, and (2) the unprecedented amount of confinement, suffering, and killing of animals and the rapidly increasing destruction of land and sea animal habitats), I’m wondering if you have any closing thoughts concerning activism in these and related areas going forward.
What particular problems do you see as most pressing? What strategies and forms of practice do you think might be most helpful or useful?

MM: I agree with your concern for what you term the “biodiversity crisis,” or just the extinction of species and disintegration of the natural world that is occurring at such an alarming rate. What is to be done? That’s a book in and of itself, isn’t it? I don’t think the stumbling point is that we do not know what is to be done (speaking as a human, I think animals know and are actively engaged in what they need to do), but rather in what we are willing to do. We must relinquish privilege, live with less, share more equitably with others what is necessary for life, and most emphatically stop fouling our collective nest. I think that we must re-evaluate and change the way we use and abuse water as well as all of our energy sources (even the “green” ones). Without these changes, we will run out of time to work on anything else. Perhaps the first and foremost shift that would help us make all of the other changes would be to stop seeing ourselves at the figurative apex of creation and instead see ourselves as just one more fish caught in the same net as everyone else. We are all Earthlings together, one family in relationship to one another, animal and human (and mountain and forest and ocean) the same.

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Addendum
In our final exchange, Mason enclosed a separate letter telling me about how one of her friends had recently sent her Jason Hribal’s Fear of the Animal Planet (mentioned briefly in the interview above). She described the book as “wonderful” and characterized Hribal’s defense of animal liberation and animal resistance as “eloquent” and “bold.” She was so moved by Hribal’s book that she took the time to copy out a passage from it that spoke to her about how animals in zoos undergo changes that are deeply similar to the changes that incarcerated human beings undergo. I reprint that powerful passage here:
Organization and mutual aid are essential aspects in many animal cultures, including elephants, gorillas, and chimpanzees. Zoos, however, are places wherein that culture is restricted, altered, or even destroyed. This is done, whether intentionally or not, through the removal of autonomy, the break up of the family unit, restrictions on corporeal movement, continuous transfer of animals from one facility to [the] next, and in the alteration of other living patterns. Psychologists call this a process of alienation and institutionalization. (114)

Mason added that this passage identifies for her the precise nature of what is wrong with zoos, prisons, and other spaces of animal confinement. She also stressed that Hribal’s words give us insight into the overarching aim of both human and non-human institutions of confinement. Their aim, she notes, is always “better control of the incarcerated population.”

All endnotes are mine—MC.

i Full details about Mason’s case, as well as her contact information at FMC Carswell, can be found at <http://supportmariemason.org/>.


iii The Sweetwater Alliance is discussed in Alan Snitow, Deborah Kaufman, and Michael Fox’s book Thirst: Fighting the Corporate Theft of Our Water (San Francisco: John Wiley & Sons, 2007), especially Chapter 9. For Vandana Shiva’s work on water privatization, see her Water Wars: Privatization, Pollution, and Profit (Cambridge, MA: South End Press, 2002).