

Toward a Sociology of the Trace

Herman Gray and Macarena Gómez-Barris, Editors

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• I •

Cartographies of Belonging

The Prisoner's Curse

Avery F. Gordon

The Stance of Undefeated Despair

This chapter emerges from my efforts to develop a conceptual vocabulary for linking the socioeconomic dynamics of accumulation, dispossession, and political power to the dialectic of social death and social life as these meet in the ontological and epistemological status of the prisoner. In trying to grasp the work imprisonment does to deliver state power to human life, I have been following, to use Ruth Wilson Gilmore's terms for defining racism, the "state-sanctioned," "fatal couplings of power and difference" that lead some groups of people to become "vulnerable" to "premature death" (2007, 28). Fate and fatality, life and death, are linked in complicated ways and nowhere more so than in the extent to which racism explains not just who becomes a prisoner—almost everywhere and at all times the poor, dissidents, and racial, ethnic, and religious minorities—but also what the prisoner becomes. Racism is not merely external to imprisonment, and prisoners are never only racial subjects (in the sense in which we commonly use that word). Imprisonment is a medium of racialized state-craft and prisoners are usually, and definitively in the United States, considered in law and in social practice an inferior race in and of themselves. The artifactual carving up of human differences into distinct groups whose worth is ranked hierarchically, the assignment of innate and ontological characteristics to these groups, and the othering, denigration, stigmatization, and the vulnerability to premature death that accompanies such a ranking—in short the state-sponsored coupling of difference and power—this regime of fate has been applied to the prisoner as a class. "The captive," Claude Meillassoux wrote in his 1975 book on *L'esclavage en Afrique précolonial*, "always appears [. . .] as marked by an indelible defect which weighs endlessly upon his destiny" (quoted in Patterson 1982, 38).

The destiny or fate of the prisoner in and of himself, and as his fate is bound up with those of us who are not yet captured, is what I address here in the interest of altering deadly fates and of promoting what John Berger calls “the stance of undefeated despair” (5). The *stance of undefeated despair* is that “familiarity [. . .] with every sort of rubble, including the rubble of words,” (3) that grief over cruelty and injustice, which is “without fear, without resignation, without a sense of defeat,” (4) and that “stance towards the world” (4), which is the basis for the carrying-on-regardless that the struggle for emancipation and happiness requires. The *stance of undefeated despair* is a position from which to carve out a livable life when everything is organized to prevent you from doing so, and it is a standpoint that guides political movements, including the movements to abolish slavery and prison (Berger 2006; Gordon 2006a).

The immediate scene for the meditations that follow is set around the June 2006 suicides of three prisoners of war held at the naval base in Guantánamo Bay, Cuba.

The Discourse of Struggle

“The discourse of struggle,” Michel Foucault said to Gilles Deleuze in 1972, “is not opposed to the unconscious, but to the secretive. It may not seem like much,” he continues, “but what if it turned out to be more than we expected? A whole series of misunderstandings relates to things that are ‘hidden,’ ‘repressed,’ and ‘unsaid’ [. . .] It is perhaps more difficult to unearth a secret than the unconscious” (Foucault 1977, 214). Later, Foucault famously brought the secretive and the unconscious together in his definition of subjugated knowledge. Subjugated knowledge was both unconscious and secret, for it referred to, as he put it, “two things” (2003, 7). Subjugated knowledge named, on the one hand, what official knowledge repressed within its own terms, institutions, and archives—official knowledge’s unconscious, we might say. “I am referring,” Foucault wrote, “to historical contents that have been buried or masked in functional coherences or formal systematizations [. . .] blocks of historical knowledges that were present in the functional and systematic ensembles, but which were masked, and the critique was able to reveal their existence by using, obviously enough, the tools of scholarship” (2003, 7). Subjugated knowledge also names or refers to “something else [. . .] quite different”: to marginalized and discredited knowledge from below and from outside

the institutions of official knowledge production to “a whole series of knowledges that have been disqualified as nonconceptual [. . .] as insufficiently elaborated [. . .] naïve [. . .] hierarchically inferior [. . .] below the required level of erudition or scientificity” (2003, 7). These fugitive, outlaw, insurrectionary knowledges are not hidden in the institutions of official knowledge and are not derivative by-products of these institutions but are their disqualified secrets. In this sense, Foucault was right to say that the discourse of struggle is opposed to the secretive and to the disqualification and disappearance of fugitive insurrectionary knowledge from below with its “memory of combats” and its plans for the future.

Foucault sought the collaboration and equality of these two types of subjugated knowledge on the grounds that the appearance or arising, whether welcomed or not, of disqualified knowledge by subjugated peoples makes advances in scholarly critique possible (2003, 8). “Genealogy” is the name he gives to the “coupling together of buried scholarly knowledge” and unauthorized, unrecognized knowledge in the service of “de-subjugating” or decolonizing knowledge (2003, 10). It was his great belief that the collaboration between these two types of subjugated knowledge and between their makers would provide a “knowledge of struggles” and a set of “antisciences” with the “strength” and the “tactics” to fight what he called the “power-effects [. . .] of any discourse” (2007, 8–9). Foucault’s argument for the necessity of a collaborative relationship in knowledge struggles was especially misunderstood, although he was neither the first nor the last to try to carve out a place for the radical intellectual, the radical professor in particular, in social and political movements, a job whose essential requirement is a practical, that is, operative, belief in the equality of the two types of subjugated knowledge. By equality, I do not mean sameness in either form or significance. By equality, I mean the distribution or redistribution of respect, authority, and right to representability or generalizability, which, among other things, entails the capacity to be something other than a local knowledge governed or interpreted by a putative superior (Gordon 2006a; Robinson 2007). By equality, I am referring to the standpoint that negates the dispossessions, disabilities, and dehumanizations experienced by those deemed inhuman or subhuman and treats their knowledge as autonomous (not merely derivative), authoritative, and necessary.

Needless to say, many scholars have not proved capable of or interested in occupying such an egalitarian standpoint in general. With prisoners, this standpoint is especially absent and troubled, since, as Jared Sexton

and Elizabeth Lee forcefully point out, most of what passes as critical discourse today cedes first and foremost to the legitimacy of criminalization, the rule of law, and the morality of innocence (Gordon 2006b, 2008; Sexton and Lee 2006).

To launch or participate in a discourse of struggle on this terrain requires first the confiscation of the authority not only to speak of specific prison conditions and the institution of prison but also to speak of what Dylan Rodríguez calls the U.S. “prison regime,” by which he means the forms of state power and statecraft that imprisonment “possesses” (2006, 43).¹ “An indispensable element of American statecraft” and form of “domestic warfare,” the U.S. prison regime “sanctions and exercises dominion (absolute ownership and ‘inner power’) over its human captives, a total power that does not require formal political approval or ethical consent from the ostensible polity” but that does require legitimation as a “respectable,” “commanding,” “common-sensical” authority (2006, 44). In the “*chattel logic*” of the U.S. prison regime, the prisoner is “conceived as the fungible property of the state” (2006, 42) and thus cannot and is not permitted to speak for him or herself, since as property, he or she lacks civil integrity and is what Subcomandante Marcos calls a “Nobody” (Taibo and Marcos 2006). This obviously makes confiscating the authority to speak, much less organizing for the arrival of the “Time of Nobody,” especially difficult and treacherous. The difficulty is compounded by the fact that, as most prisoners know—and it is a knowledge that can make you crazy because it is always denied as a lie, an exaggeration, and an obvious reflection of why you are a prisoner in the first place—it is “utterly” impossible to communicate with the “force,” much less the people, holding you in subjugation.²

For war captives subject to the U.S. prison regime and prisoners held in supermaximum or security housing conditions, it is arguably the case that communication and representation, both aesthetically and politically, are not only impossible in the sense of futile but also, practically speaking, impermissible. Under this condition, where more recognizable modes of reading, writing, speaking, teaching, and organizing are unavailable, prisoners must use other means to confiscate the authority to represent themselves and to speak about the power under whose dominion they reside. With a few exceptions, prisoners everywhere have always had to invent creative means to live and act in prison. That body of subjugated knowledge, an exemplary history of the infrapolitical, is what the genre of prison literature teaches over and over again.³ That body of subjugated knowledge is very often the

subject of the self-organized instruction and teaching prisoners do with each other in prison.⁴ That body of subjugated knowledge constitutes a radical methodology of imprisonment, a pedagogy of finding and making life where death and destruction dominate. The body of subjugated knowledge that shows and tells how to live in the space of death, dispossession, and disenfranchisement is what I call a methodology of imprisonment. It requires analytic awareness of the prison regime but is not reducible to it.

The more repressive are the conditions of imprisonment, the more inventive the means of political and aesthetic representation: prisoners are renowned for making all kinds of things out of the highly controlled residues of the prison, including remaking themselves. Under extremely repressive conditions, the confiscation of the authority to represent is also more dangerous, more risky, and the punishment for disobedience more severe, especially where the theft of authority is critically articulated and collective or grounded in solidarity with others. When communication is utterly impossible and other weapons and means are unavailable, the terrain of the discourse of struggle, which is always a struggle for life, becomes more and more bound up with death itself, since the degradation, the disposability of a permanently confined life in time and space, makes such a life not only taxing to bear but also exactly expendable. We see this at the military prison in Guantánamo Bay, Cuba.⁵

Where Here Is, Briefly

I don't know exactly what they did but they must have done something wrong to be here.

—Master at Arms Seaman Leif Kreizenbeck,
quoted by Carol J. Williams, "At Guantánamo"

As is well known, in 2001 following the attacks on the World Trade Center in New York City, thousands of men were captured by the United States and the Northern Alliance when the United States went to war against the Taliban and al-Qaeda in Afghanistan. Some of those captured were freed; some were and are still held in U.S. military prisons in Afghanistan and elsewhere. Starting in January 2002, large numbers were sent—forcibly shaved, hooded, wearing blackened goggles and orange jump suits, drugged, and shackled to the airplane bay floor in formations resembling the holds of slave ships—to an outdoor prison of wire cages named Camp

X-Ray situated on the U.S. naval base at Guantánamo Bay in southeastern Cuba. On January 11, 2009, worldwide protests celebrated the seven-year anniversary of the arrival of the first prisoners of war to Cuba.⁶

The Guantánamo naval base, the oldest U.S. off-shore military installation, sits on forty-five square miles of leased land that Cuba gave up in 1903 after the end of the Spanish American War in order to secure its nominal political independence from U.S. occupation. Under the complete jurisdiction and control of the United States, the base not only is considered U.S. territory in the legal sense but also is “self-sufficient, with approximately 7,000 military and civilian residents—an American enclave,” as Michael Ratner puts it, “with all the residential, commercial and recreational trappings of a small U.S. city” (2005, 35). Ever since 1964, when Castro cut off its water and supply avenues, Guantánamo has had “its own [airfield] and schools, generate[d] its own power, provide[d] its own internal transportation, [and] supplie[d] its own water” (2005, 35).

And it has its own penal colony. From January to April 2002, prisoners were held in wire mesh cages with concrete floors and metal covers in what was called Camp X-Ray. By April 2002, the United States had built a new prison compound, Camp Delta, “referred to informally as ‘the Wire,’” because it is surrounded by barbed-wire fencing (Center for Constitutional Rights 2006a). Camp Delta consisted initially of five euphemistically named camps, sometimes known by their numbers 1 through 5 or by other names, such as Camp Echo (an early isolation unit) or Camp Iguana (holding juveniles), designed to house two thousand prisoners in maximum security conditions over the long term. In October 2006, the new \$38-million supermaximum solitary confinement unit, Camp 6, built by contractor Kellogg Brown and Root, a subsidiary of Halliburton, opened to house transfers from secret U.S. Central Intelligence Agency (CIA) prisons (fourteen at the time), the estimated one hundred “most dangerous” and disobedient prisoners, and what were expected to be a continual influx of prisoners from newly opened theaters (Iran, North Korea, parts of Africa, most immediately Somalia) in the permanent global security war known as the “War on Terror.”⁷ Because “there is no such thing as a medium security terrorist,” according to Rear Admiral Harry Harris, Director of Operations for the U.S. Southern Command and Commander of the Joint Task Force Guantánamo, because there have been continual uprisings at the prison, and because “detainees have [. . .] demonstrated they have the will and the thought processes to do self-harm [. . .] if [. . .] liv[ing] in a

communal [. . .] environment,” most prisoners have been held in Camps 5 and 6, where they are locked down in solitary confinement twenty-three to twenty-four hours a day in windowless steel cells measuring seven by twelve feet (quoted in Williams 2006a, 12).⁸

The six facilities that make up Camp Delta are not the first prisons to be built on the naval base. In 1991, after Haitian President Jean-Bertrand Aristide was overthrown, Guantánamo was used as a detention camp for Haitians seeking refuge in the United States. Thousands of Haitian and Cuban migrants passed through the prison—more than forty-five thousand in 1994—but it was the incarceration in foul and rat-infested conditions, guarded by armed marines, encircled by razor wire, of over three hundred so-called migrant contaminants that made Guantánamo the “world’s first camp for HIV-positive refugees” (Dayan 2003, 96).⁹ And that also made Guantánamo the site for a set of legal contests and precedents concerning the right to asylum and protection from unwanted rendition (both of which the Haitians were denied) and the right of the U.S. state to indefinitely quarantine or detain designated “alien” or “illegal” individuals who have been presumptively and secretly declared to be a threat to security without criminal charges and without access to legal or due process (habeas corpus). By June 2008, the United States anticipated completion of a ten-thousand-person “refugee camp” on the island to be used “in the event of a sudden, major influx of refugees” posing a security threat to the United States. Although no immediate regional refugee crisis appears on the horizon, the United States is planning for a scenario on the scale of 1994 and 1995.¹⁰

As Colin Joan Dayan has written, “[t]he haunt of Guantánamo Bay where the spirits of persons lie dead” (2003, 96).

A Captive or Prisoner at the Very Least

The term “detainee” has been used almost exclusively to refer to people held for an indefinite period, without charge or trial, by US forces in Guantánamo Bay. The guards there, under pain of punishment, were required, as they told me, to refer to us all as “detainees,” which sometimes got me upset and into a quarrel with them. I was a captive [. . .] or prisoner at the very least.

—Moazzem Begg, *Enemy Combatant*

Contemporary international laws of war are relatively recent, their principles established in the seventeenth and eighteenth centuries, the first actual codes written in the mid-nineteenth century, and the regulative Geneva Conventions operative today established after World War II. In earliest Western history, the question of the disposition of captives in war was simple: no prisoners were taken. The purpose of war was to destroy the armies of the enemy and weaken the state, kingdom, or tribe that they were appointed to defend. Captives were put to death, and soldiers were encouraged to kill women, children, and the elderly on the theory that in destroying the entire people or society, the military strength of the enemy would be seriously reduced in the present and the future. Complete destruction was the goal, and the norm, even for the Romans, who were nonetheless the first to perceive the economic value of prisoners or captives taken in war. This value lay in the fact that in being captured, they could be enslaved. As long as it held a mercenary or pecuniary interest for the captors, the prisoner of war might not be killed but have his death sentence commuted to slavery, a point to which I will return. Indeed the main route to enslavement has always been capture in war or through armed force, and this triangular and moneyed relationship between war, captivity, and enslavement repeats itself throughout history.¹¹

The development of a protectable prisoner of war, the “accidental enemy” to use Jean Jacques Rousseau’s phrasing, developed in tandem with the increasing regulation, eventually in law, of warfare. Francis Lieber prepared the first substantial body of regulations covering the treatment of prisoners of war for President Abraham Lincoln in 1863 at the close of the U.S. Civil War, when thousands of war captives were held by the remains of the union and confederate armies. But it was Rousseau who formulated their conceptual or philosophical foundation, notably in the section of *The Social Contract* that argues against slavery in general and against Grotius’s argument for the right of nations to enslave war captives. Rousseau wrote, “The aim of war is the destruction of the enemy’s state, in which one has the right to kill the defenders of the state, whom he encounters with arms in their hands; but as soon as they lay down their arms and surrender, they cease to be enemies; they become men and one has no longer the right to take their lives” (1762). The soldier, Rousseau noted, does not fight for himself, as he has neither the power nor the right to raise an army; he is a lowly servant of the state, and therefore of its ambitions, its authority, and its monopoly over the use of force. More to the point

for Rousseau, individual combatants are only casually and “accidentally” enemies: “Individuals are enemies accidentally, not as men, nor even as citizens, but as soldiers,” he wrote. The enemy soldier, then, is an accidental enemy, a temporary, situational condition not even created by him—a temporary, situational condition of forced conscription in which he rarely profits and in which the state has only a limited property interest despite its monopoly over the use of force. The moment the soldier lays down his arms or has them taken from him, Rousseau concludes, he ceases to be a soldier, an enemy, and becomes again “merely” a man. Thus, for Rousseau, the war captive has not only the right not to be enslaved; once he lays down his arms he is neither soldier nor enemy and is thus entitled to something more than a negative or even positive right, he’s entitled to the restoration of fellowship the lifting of enemy status confers (*Instructions* 1863; Michaelsen and Shershow 2004; Rousseau 1762).

In the main, the history of the laws governing warfare and the treatment of captives taken in war has been progressively humanitarian: to minimize the violence and disruption of war and to draw boundaries and distinctions between legal or acceptable forms of warfare and those deemed excessive. Regardless of the actual treatment of prisoners of war in the post–World War II period, the ideal of the Geneva Conventions and their vision of a limited but regulated peace between established actors in the international state system supervised by the permanent members of the United Nations (UN) Security Council and their needs has remained virtually unchallenged, and the international human rights framework on which it is based has grown in significance and political presence, if not political authority. To be clear, the Geneva Conventions and the international laws of warfare have never presumed the abolition of war but only—and only in the best of cases—the hope that it could be avoided or minimized. However, it is arguably the case that, through the introduction of the enemy combatant, the United States intended to circumvent and reverse this modestly progressive course.

According to the U.S. government, the prisoners held captive at the naval base at Guantánamo Bay, Cuba, and in Afghanistan are not prisoners of war but are “unlawful enemy alien combatants.”¹² The legal difference between a prisoner of war and an unlawful enemy alien combatant is that the former is entitled to protections set forth in the Geneva Conventions. The main protections include these five (*Geneva Conventions* 1949):¹³ One, prisoners of war are to be removed from the combat zone and treated

humanely, without loss of citizenship and civil rights. Prisoners of war are not civilly disabled. Two, because Henri Dunant, founder of the Red Cross, was closely involved in the development of the Geneva Conventions, which originated with a concern for the care of wounded and sick soldiers, representatives of neutral states and the International Committee of the Red Cross itself have the right to make official visits to prisons. Three, prisoners may be delivered to a neutral nation for custody, but they may not be deported en masse and at the end of hostilities, they must be released and sent home or repatriated without delay, unless they have been charged with specific crimes and are being held for trial or serving sentences imposed by legitimate judicial processes in which their due process was legally secured.¹⁴ Four, when there's a question about whether a person arrested, captured, or kidnapped is a lawful or unlawful combatant, the Geneva Conventions require that the person be treated as a protected prisoner of war until status determination by competent tribunal can take place. The military hearings to determine status are to be governed by modern legal standards of due process and legalistic evidentiary standards. Finally, the protections given prisoners of war under the Geneva Conventions remain with them throughout their captivity and cannot be taken from them by the captor or bought or bargained or given up by the prisoners themselves.

A prisoner of war, then, is in principle at least protected by the international laws of warfare. An unlawful combatant is someone who is not entitled to or is denied protection by the Geneva Conventions. The phrase "unlawful combatant" does not appear in the third Geneva Convention as such. This Convention does describe categories of people who are entitled to prisoner-of-war status and people who are not, and, in fact, much of the administrative history of the prisoner of war and the Geneva Conventions' protocols are attempts to determine who is and who is not entitled to this status. In summary, those in regular armies and militias and in many cases—although these can be contested—in rebel and guerilla armies, including some members of armed wings of resistance movements, are considered lawful combatants. Civilians who accompany armed forces, such as war correspondents, supply contractors, and members of labor service units, are also entitled to prisoner-of-war status. Soldiers without uniforms, spies, mercenaries, pirates, some rebels, and child soldiers are not.

On September 18, 2001, the U.S. Congress invoked the War Powers Act and gave the president a broad and sweeping Authorization for Use

of Military Force (AUMF) against nations, organizations, and persons involved in planning, authorizing, committing, harboring, or aiding the terrorist attacks on September 11 and to prevent any future acts of international terrorism against the United States (*Authorization* 2001). The authorization enabled force for past acts and the prevention of future ones—preemption—and President George W. Bush used that authority to issue an important Presidential Military Order: “Detention, Treatment, and Trial of Certain Non-Citizens in the War Against Terrorism” permitted the “detention” and possible trial for violations of the laws of war of members of al-Qaeda and anyone else who conspired or committed acts of international terrorism or who has as their aim to cause injury to or adverse effects on the United States, its citizens, its national security, its foreign policy, or its economy. The individuals held were not called prisoners or captives, but “detainees.” The name it gave to these detainees was “illegal enemy alien combatants” (White House Office of the Press Secretary 2001) The U.S. military began holding individuals captured in Afghanistan and elsewhere under this military order and not under the terms of the Geneva Conventions, asserting that “none of the provisions of the Geneva Convention[s] relative to the treatment of prisoners of war apply to our conflict with al Qaeda in Afghanistan or elsewhere throughout the world because, among other reasons, Al Qaeda is not a High Contracting Party to Geneva”; that is to say, it is not a state (*Memorandum* 2002).¹⁵ Al-Qaeda was something else.

What it became was more clearly defined in the National Security Strategy issued in 2002 (and then revised in 2006) when the United States officially declared permanent global war against the enemy of “terrorism.” Although terrorism is defined as neither political regime, person, religion, ideology, nor state, the United States nonetheless knows its shapeshifting enemies without question (Bush 2006, 5). Because this is a general war against an elusive, cunning, and new enemy who most frequently takes the form of ordinary powerless people, the United States argued that the conventional rules of warfare do not apply. In this context, al-Qaeda was and is only a face or front, one that appears and disappears as the public’s fears ebb and flow, in a war in which the soldier and the authority he or she serves or represents are one and the same; the soldier is not a defender of an enemy state per se, following orders from above, but rather a more horizontal participant. The recognizable format for this kind of war is the war for self-determination, national liberation, or civil war, and in 1977, Geneva did recognize these as warfare, loosening the state-to-state

hostility requirement, although it should be noted that the United States refused to ratify Protocol I because President Reagan said that it confused terrorism with national liberation.¹⁶ To be in a possible war of liberation against a legitimate and dominating state is to immediately trigger the state's old and still-effective power, particularly acute when dedicated to the rule of law, to advance, order, and suppress through criminalization. The tension between enemy and criminal has beset the invention of the alien enemy combatant from the start. In this context, al-Qaeda was merely a face or a front in a war in which there are no accidental enemies, no even limited peace to be made, and thus no fellowship to be restored. The illegal enemy alien is a permanent one and thus a fundamentally racialized enemy, since his enemy status forms a part of his very being. Neither fellowship nor innocence can ever be restored; such a being is only fit for death or enslavement or permanent captivity.

Using first the Presidential Military Edict and then the 2006 Military Commissions Act passed by Congress, the president as commander in chief of the U.S. Armed Forces declared—and thus perhaps we might not be mistaken in calling this a declaration of martial law—that he or those to whom he delegates such authority can capture wherever they are to be found, secretly classify, and imprison indefinitely without access to lawyers or courts or the law under conditions determined solely by the captor those illegal enemy alien combatants who are presumed to threaten the security of the United States. As is well known by now, the unlawful enemy alien combatant—the individuals seized and captured in the War on Terror—has neither the protection of international law nor the protection of U.S. Constitutional law: no First Amendment right of access to a court or to petition for writ of habeas corpus to challenge the legality of detention, no Fourth Amendment protection against unreasonable search and seizure, no Fifth Amendment right to a lawyer, and no Eighth Amendment protection against cruel and unusual punishment (Olshanky 2005, 179–225).¹⁷ Thus was born the great new enemy in the global War on Terror—the unlawful enemy alien combatant—and, as we will see, a certain historical trajectory from actual death to social death closed.

An Awful and Horrible Scene

I do not plan to stop until either I die or we are respected. People will definitely die. Bobby Sands petitioned the British government to stop

the illegitimate internment of Irishmen without trial. He had the courage of his convictions and he starved himself to death. Nobody should believe for one moment that my brothers here have less courage.

—Binyam Mohammed, quoted by Audrey Gillan,
“Hunger Strikers Pledge to Die in Guantánamo”

On June 10, 2006, three of the approximately 460 to 480 prisoners of war then currently held incommunicado and indefinitely at the U.S. military prison in Guantánamo Bay hanged themselves in a conscious and coordinated act of rebellion.¹⁸ This was the second mass suicide attempt at the prison; in August 2003, twenty-three prisoners tried to take their lives (Center for Constitutional Rights 2006a, 16; Worthington 2007, 269–80). None of them had been accused of a crime or had access to any judicial process, although they had been tortured, abused, and interrogated hundreds of times. Despite the fact that the United States refuses to call the captives “prisoners of war,” Navy Rear Admiral Harry Harris claimed the suicides were acts of “asymmetrical warfare,” a U.S. military term describing the combat tactics “insurgents” in the War on Terror use to fight militarily superior U.S. forces (Barnes and Williams 2006, A-1).

The commander was certainly correct about the disproportion, the asymmetry, but he misidentified the objective of the struggle the prisoners of war—who are not really prisoners of war but juridically nonexistent yet spectrally real alien unlawful enemy combatants—were waging locked away under twenty-four-hour human and electronic surveillance without any shoes (and periodically without bed sheets) in a fortified island prison. The three prisoners had been confined as a disciplinary measure in an isolation area and, like hundreds of others, were on an ongoing hunger-to-the-death strike, violently force-fed by tubes against their will, to protest their criminalization and the punishment and prison regime to which they have been condemned by the fiat of the conquering U.S. Army. This may account for the prison authorities’ characterization of them as “hostile toward [...] camp rules.”¹⁹

There have been hunger strikes at the prison since it opened, sometimes with as many as two hundred people, or half the prisoners, striking at once. There have been waves of strikes—February and October 2002, in August 2003 preceding the mass suicide attempt, and then again in June and July of 2005 (Worthington 2007). From all accounts, and as Binyam Mohammed suggested in referring to Bobby Sands and the

Northern Irish prisoners (and some of these prisoners would have had the longstanding Turkish example in mind as well), the prisoners were successfully using the hunger strikes to organize themselves and to deepen their political consciousness and antagonisms. The hunger strikes were also getting some, albeit intermittent, international media attention and had intensified by August of 2005, when the force-feeding started. Force-feeding is an invasive and painful procedure; medical records and prisoner accounts show that, with the help of a new six-point restraint chair, force-feeding was being used as a weapon to abuse and torture prisoners and to force “compliance” among the rebellious. By January 2006, the majority of the eighty-four August 2005 hunger strikers had been force-fed into submission. By June 2006, only three of the original August 2005 group were still being force-fed in the restraint chairs (Annas 2006, 1377). Are these three the same prisoners who killed themselves? We do not know for certain. We do know that by 2006, twenty-five prisoners had officially tried to kill themselves forty-one times at the camp, but these figures exclude what U.S. military officials euphemistically call “self-harm incidents,” of which the U.S. Department of Defense reports 350 (including 120 “hanging gestures”) in 2003 alone (ACLU 2006). These numbers also, of course, do not include the large numbers who had been on the hunger-to-the-death strike.²⁰

It took several days for the names of the three men who died and the photograph of one of them to be made public. Their names are Mani al Utaibi, Yasser al Zahrani, and Ali Abdullah Ahmed. It should be said that even though the Guantánamo Bay prisoners are the most well-known prisoners in the world, having garnered the consistent attention of several major newspapers, the UN, human- and legal-rights organizations, and some notable public officials, which is far more attention than most ordinary prisoners receive, few know their names. Their names have been a state secret, a mark of their dispossession. There had been an unofficial but publicly available list maintained by the British group Cageprisoners.com based on a groundbreaking 2004 report by United Press International (UPI) journalist John Daly. But it was not until May 2006—at the height of the largest organized revolt at the prison—that the U.S. Department of Defense first disclosed the names of the near eight hundred men from over forty countries who have been confined at Guantánamo, and only then in response to a lawsuit filed by the Associated Press, prompted in part by the hunger strike.

A Small Gift for You, the Names to Hold and Remember

Released

David Hicks	Mishal al Shedoky	Salman Mohammed
Gholam Ruhani	Lahcen Ikassrien	Bijad al Atabi
Abdul Aziz al Matrafi	Yusif Khalil Nur	Muhammad Hussein Ali
Abdullah Ghulam Rasoul	Mishal Saad al Rashid	Hassan
Yaser Hamdi	Najib Lahcini	Janan Taus Khan
Abdul Sattar	Rukniddin Sharipov	Fawaz al Zahrani
Abdul Sattar Safeezi	Mehrabanb Fazrollah	Salim al Shihri
Shabidzada Usman	Fahed al Harazi	Ibrahim al Shili
Fahed Mohamed al Qahtani	Fahd al Shabrani	Toufig al Marwai
Zafar Iqbal	Walid Mohammed Ali	Faha Sultan
Zia Ul Shah	Rasul Kudayev	Abdul Salam al Shehri
Jamal Muhammad al Deen	Yusef Nabied	Mohammed Ouzar
Muhammed Ijaz Khan	Ilkham Batayev	Ghaser Zaban Safollah
Mohammed Sayed	Munir Bin Naseer	Ejaz Ahmad Khan
Shah Mohammed Alikhel	Shafiq Rasul	Tariq Mohammad
Mohammed Ishaq	Asif Iqbal	Mohammed Tariq
Salah Hudin	Wahldof Abdul Mokit	Salahuddin Ayubi
Isa Khan	Said Mohammed Ali Shah	Hafiz Liaqat Mansoor
Feroz Abbasi	Ibrahim al Sehli	Said Saim Ali
Majeed al Joudi	Abdul Rahman Al Ghamdi	Haseeb Ayub
Asad Ullah	Mohammed al Utaybi	Fazaldad
Abdullah Alhamiri	Tariq Aziz Khan	Mohammad Saghir
Zayd al Husayn al Ghamdi	Hafiz Ehsan Saeed	Mohammed Ilyas
Majid al Barayan	Abdul Razaq	Hamood Ullah Khan
Isa al Murbati	Mohammed Ashraf	Muhammed Kashif
Saud Dakhil al Mahayawi	Mohammed Irfan	Khan
Mohammed al Zayla	Mohammed Khan Achezkai	Mohammed Arshad Raza
Abdullah Tabarak	Adnan al Saigh	Salim Hamdan
Salim al Harbi	Mohammed Raz	Said al Boujaadia
Musa al Wahab	Jan Mohammed Barakzai	Mubarak Hashem
Sultan al Uwaydha	Abdul Rauf Aliza	Mazin al Awfi
Adel Kamel Haji	Yusef al Rabiesh	Khalid al Hubayshi
Murat Kurnaz	Rhuhel Ahmed	Said al Malki
Mohammed al Juhani	Ali al Tayeea	Majid al Harbi
Abdel Hadi Sebaai	Abdul Aziz Al Oshan	Abdullah al Noaimi
Omar Rajab Amin	Sarfazar Ahmed	Mohammed Benmoujan
Yasim al Sulami	Yousef al Shehri	Mourad Benchellali
Abdulrazzaq al Sharekh	Yamatolah Abulwance	Ali al Tays
Khalid al Bawardi	Abdul Rahman Juma Kahm	Imad Kanouni
Sadeq Ismail	Suleiman Shah	Mehdi Ghezali
Abdul Raham Houari	Rabel Khan	Ayman al Amrani

Ali Mohammed Nasir	Mohammed Fenaitel al	Mohammed Ijaz
Mohammed	Daihani	Ali Ahmed
Redouane Khalid	Humud al Jad'an	Mohammed Ansar
Hassan Mujamma Rabai	Abdulhadi al Sharekh	Hanif Mohammed
Said	Khalid al Zahrani	Mullah Abdul Salam Zaeef
Majid al Qurayshi	Khaled Ben Mustafa	Adil Uqla Hassan al Nusayri
Fahd al Jutayli	Mohammed Laalami	Sherghulab Mirmuhammed
Abdul Rahman Al Juaid	Abdullah al Utaybi	Ezat Khan
Majid al Shammari	Haji Hajaj al Sulami	Yarass Ali Must
Bandar al Jabri	Sheikh Salman al Khalifa	Ghuladkhan
Issam al Jayfi	Kay Fiyatullah	Rami al Taibi
Othman al Omairah	Saleh al Oshan	Mohammed al Subaie
Turki al Asiri	Faris Muslim al Ansari	Khalid al Barakat
Rashid Balkhair	Nayif al Nukhaylan	Slimane Hadj
Murtadha Maqram	Ahmed Adil	Abderrahmane
Jabir al Fayfi	Juma al Dossari	Nizar Sassi
Saleh al Khathami	Abdullah al Wafi al Harbi	Abdullah al Tayabi
Ibrahim al Rubeish	Abdul Aziz al Baddah	Mohammed al Harbi
Mohsin Moqbill	Tariq al Harbi	Jarallah al Marri
Mohammed al Futuri	Abdullah al Ghanimi	Majid al Frih
Musa al Amri	Hamed Abderrahman	Saad al Bidna
Mohammed al Asadi	Ahmed	Wasim al Omar
Ravil Gumarov	Abdul Rahman Al Hataybi	Khalid al Morghi
Said al Zahrani	Mosa Zi Zemmori	Bessam al Dubaikey
Nasser al Mutairi	Ibrahim al Nasir	Said Ali al Farha
Abdullah al Yamani	Ziyad al Bahuth	Mohammed al Qurbi
Mishal al Harbi	Abdul Aziz al Nasir	Abdullah al Rushaydan
Maroof Salehove	Bader al Samiri	Rashid al Qa'id
Shamil Khazhiyev	Akhdar Qasem Basit	Sami al Haj
Faik Iqbal	Haji Mohammed Ayub	Said al Shaibani
Ruslan Ogidov	Abu Bakker Qasim	Mohammadullah
Mohammed al Qurashi	Mohammed al Qadir	Aziz Khan Zumarikourt
Fahd al Sharif	Ziad al Jahdali	Ehssanullah
Jamil al Kabi	Sami El Leithi	Abdullah Ghofoor
Abdul Aziz al Shammeri	Yuksel Celik Gogus	Abdul Hadi Sayed
Fahd al Fouzan	Abdulli Feghoul	Abdul Waheed
Abdullah al Ajmi	Adel Abdul Hakim	Nabu Abdul Ghani
Ali Mohsen Salih	Muhammed Mazouz	Nassir Malang
Umar al Kunduzi	Mesut Sen	Abdul Razaq
Hani al Shulan	Ibrahim Shafir Sen	Abdul Rahman
Anwar al Nurr	Salih Uyar	Mohammed Sargidene
Salah al Balushi	Abid Raza	Abdullah Edmondada
Abdullah Kamel al Kandari	Zahid Sultan	Murtazah Abdul Rahman
	Khalil Rahman Hafez	Shaibjan Torjan

Shai Jahn Ghafoor	Sultan Mohammed	Ahmed Errachidi
Mohammed Kakar	Khirullah Akah	Qari Esmhatulla
Sabit Layar	Abdul Karim	Bakhtiar Bameri
Hazrat Sangin Khan	Abdulrahim Kerimbakiev	Majid Mehmood
Mohammed Yusuf Yaqub	Ehssanullah	Noor Habib Ullah
Amran Hawsawi	Mohammed Anwar	Nematuallah Sahib Khan
Abd al Hizani	Ataullah Adam Gul	Alizai
Brahim Yadel	Yakub Abahanov	Mahngur Alikhan
Sa'id al Shihri	Mohamman Daoud	Nisar Rahmad
Hassan Abdul Said	Abdullah Magrupov	Padsha Wazir
Nayif al Usaymi	Bacha Khan	Rostum Shah
Faizal al Nasir	Dawd Gul	Muhammed Naim Farooq
Hani al Khalif	Abdul Hanan	Ali Mohammed
Khalid Al Ghatani	Mohammed Sharif	Mohammed Akhber
Abdul Maula	Tarek Dergoul	Nathi Gul
Juma Khan	Mohammed al Harbi	Insanullah
Jihan Wali	Amanullah Alikozi	Badshah Wali
Mohammed Nasim	Noor Allah	Bismillah
Mohammed Sadiq Adam	Mohammed Omar	Niaz Wali
Hamdullah	Mohammed Noman	Abdul-Karim Ergashev
Mohammad Gul	Mohammed Abas	Hamidullah
Abib Sarajuddin	Nuri Mert	Mohammed Tahir
Gul Zaman	Sajin Urayman	Mirza Muhammed
Khan Zaman	Muhibullah	Mohammed Kabel
Jamal al Harith	Wali Mohammed	Azizullah Asekzai
Saddiq Ahmed Turkistani	Abdul Majid Muhammed	Zaban al Shamaree
Aryat Vakhitov	Abdullah Khan	Haydar al Tamimi
Abdul Hakim Bukhari	Abu Sufian Bin Qumu	Mushtaq Ali Patel
Haji Noorallah	Moazzam Begg	Jabir Al Qahtani
Mohammed Rafiq	Bader Zaman Bader	Usama Abu Kabir
Fizaula Rahman	Abdul Rahim Muslim Dost	Abdullah al Qahtani
Nasir al Subii	Ehsanullah Peerzai	Arkan al Karim
Redouane Chekhouri	Sohab Mahud Mohammed	Khudaidad
Emdash Abdullah Turkash	Abdul Hakim Al Mousa	Abdul Baqi
Nawaf al Otaibi	Adel al Zamel	Haji Faiz Mohammed
Saleh al Zuba	Sa'ad al Azmi	Bismillah
Aminulla Amin	Rustam Akhmyarov	Abdulnour Sameur
Khalid al Muri	Noor Ahmad	Lotfi Bin Swei Lagha
Sultan al Anazi	Saeed Abdur Rahman	Mamdouh Habib
Mamhud Sadik	Abdul Rahman Noorani	Ahmed Sulayman
Abdul Rahman Khowlan	Ibrahim al Umar	Reda Fadel El-Weleli
Abdullah al Anazi	Karama Khamisan	Rashid al Uwaydah
Israr Ul Haq	Brahim Benchekroun	Sadee Eideov
Ghanim al Harbi	Khalid al Asmar	Hezbollah

Kari Mohammed Sarwar	Haji Osman Khan	Abdullah Khan
Abdul Al Hameed Andarr	Mohammed Haji Yousef	Allah Nasir
Abdullah Hekmat	Noor Aslam	Haji Shahzada
Said Abassin	Abdul Salaam	Hammidullah
Zakirjan Asam	Tila Mohammed Khan	Abdul Ghafour
Alif Khan	Qadir Khandan	Mohammed Quasam
Timur Ishmuradov	Naquibullah Shabeen	Abdul Ahmad
Mohammed Anwarkurd	Mohammed Rasoul	Mohammed Nasim
Mohammed Wazir	Sultan Ahmad	Bismaullah
Fawaz Mahdi	Saghir Ahmed	Abdul Wahab
Din Mohammed Farhad	Mohammed Akitar	Abdul Bagi
Mohammed al Ghazali	Amin Ullah	Rahmatullah
Babikir	Mohammed Nasim	Hafizullah Shah
Jamal Kiyemba	Barak	Baridad
Labed Ahmed	Abdul Nasir	Naserullah
Mohammed Hussein	Nasrullah	Haji Bismullah
Abdallah	Ismatullah	Akhtar Mohammed
Mustafa Hamlili	Rahmatullah Sangaryar	Amanullah
Mohammed al Amin	Parkhudin	Kushky Yar
Salim Muhood Adem	Abdul Rahim	Alif Mohammed
Hassan Hamid	Zakkim Shah	Mohibullah
Hammad Gadallah	Taj Mohammed	Abdullah Wazir
Rashid Ahmad	Jamil al Banna	Izatullah Nasrat Yar
Hussain Mustafa	Bisher al Rawi	Kako Kandahari
Ala Salim	Habib Rahman	Haji Ghalib
Fethi Boucetta	Peta Muhammed	Abdurahman Khadr
Mustafa al Hassan	Mohabet Khan	Haji Mohammed Wazir
Amir Yacoub al Amir	Mohammed Khan	Mirwais Hasan
Abdullah Bin Omar	Abdul Samad	Hafizullah Shabaz Khail
Menhal al Henali	Asadullah Rahman	Abdul Matin
Omar Deghayes	Naqib Ullah	Shabir Ahmed
Muhibullo Umarov	Shardar Khan	Mohammed Yacoub
Ibrahim Fauzee	Abdul Razzaq	Bashir Ahmad
Mazharuddin	Abdul Qudus	Mohammed Irfan
Abdughaffor Shirinov	Mohammed Ismael Agha	Abdul Halim Sadiqi
Mohammed Saad Iqbal	Haji Naim Kuchi	Haji Nasrat Khan
Madni	Swar Khan	Zahir Shah
Abbas Al Naely	Mammar Ameur	Mohammed Akbar
Ibrahim Zeidan	Adel Hassan Hamad	Aminullah Tukhi
Shams Ullah	Juma Din	Feda Ahmed
Haji Roohullah	Abdul Ghani	Walid al Qadasi
Sabar Lal Melma	Said Amir Jan	Soufian al Hawari
Qalandar Shah	Anwar Khan	Wisam Ahmed
Richard Belmar	Abdul Zahor	Naibullah Darwaish

Gul Chaman,
Abdul Ghafaar
Sada Jan
Haji Mohammed Akhtiar
Nazar Gul Chaman
Habib Noor
Abdul Razaq Iktiar
Mohammed

Azimullah
Sharbat Khan
Mahbub Rahman
Said Mohammed
Mohammed Aman
Kakai Khan
Abdullah Mujahid Haq
Mullah Jalil

Said Mohammed Ali Shah
Hukumra Khan
Mohammed Mussa
Binyam Mohamed
Mohammed Nechle
Mustafa Ait Idr
Boudella al Hajj
Martin Mubanga

Still Held

Abdul-Haq Wasiq
Mullah Norullah Noori
Mullah Mohammed Fazil
Othman Mohammed
Muaz Alawi
Mohammed al Ansi
Ahmed al Hikimi
Mahmoud al Mujahid
Faruq Ali Ahmed
Mohammed al Adahi
Idris Qader Idris
Ibrahim Idris
Abdul Malik Al Rahabi
Ali Hamza al Bahlul
Abdel Qadir al Mudafari
Majid Ahmad
Abdul Rahman Shalabi
Samir Moqbel
Mohammed Ghanim
Ali Ahmad al Rezehi
Ibrahim Sudan al Qosi
Mohammed al Qahtani
Mohammad Hanashi
Adham Ali Awad
Poolad Tsiradzho
Abdul al Saleh
Abdul Rahman Naser
Muktar al Warafi
Ghaleb al Bihani
Salem Ben Kend
Fayiz Suleiman
Adnan Farhan Abdul Latif
Khalid al Qadasi

Sharaf Masud
Abu Bakr Alahdal
Hisham Sliti
Tareq Baada
Salem Gherebi
Sharif Al Mishad
Mohammed Al Shumrani
Younis Chekhouri
Mahmoud Bin Atef
Khalid al Mutairi
Abdul Rahman Sulayman
Abdul Rahman
Muhammad
Fawzi al Odah
Abdul Salih
Saeed Jarabh
Abdullah al Shabli
Khaled Qasim
Abdul Latif Nassir
Mohammed al Hamiri
Yasim Basardah
Mohammed Khenaina
Said Hatim
Riyad al Radai
Abdul Nasir al Tumani
Mueeen Abdal Sattar
Djamel Ameziane
Ashraf Sultan
Mohammed al Tumani
Moammar Badawi Dokhan
Ahmed Yaslam Said Kuman
Mashur al Sabri
Ahmed Ajam

Ali Hussein Shaaban
Abu Omar al Hamawe
Maasoum Mouhammed
Abdul Rahim al Gincio
Jawad Sadkhan
Mustafa al Shamyri
Mohammed Bawazir,
Abdul Rahman al Zahri
Mohammed Haidel
Khalid al Dhuby
Salman al Rabie
Mohammed Khusruf
Riyad Nasserri
Yasin Ismail
Hassan Zumiri
Tariq El Sawah
Mahmud al Ali
Omar al Dayi
Walid Zaid
Fouad al Rabia
Faiz al Kandari
Abdul Khaliq al Baidhani
Haji Wali Mohammed
Jalal Bin Amer
Mohammed Sulaymon
Barre
Zohair al Shorabi
Sabri al Qurashi
Hamoud al Wady
Saad al Azani
Zahir Bin Hamdoun
Jamal Mar'i
Abdul Aziz al Suadi

Khairullah Khairkhwa	Abdul Ghani	Ridah al Yazidi
Ayman Batarfi	Sharifullah	Sayf Bin Abdallah
Abdul Hamid al Ghizzawi,	Bostan Karim	Assem Matruq al Aasmi
Mohammad Tahar	Mohammed Mustafa Sohail	Nag Mohammed
Emad Hassan	Omar al Rammah	Arkin Mahmud
Ghassan al Sharbi	Abdul Hafiz	Adil Mabrouk Bin Hamida
Fayad Ahmed	Mohammed Kamin	Asim al Khalaqi
Mohammed Tahamuttan	Saifullah Paracha	Said al Busayss
Abdelrazak Ali	Mohammed Zahir	Ali Yahya al Raimi
Abdel Hakim	Mohamed Rahim	Adel Hakimi
Fahmi Ahmed	Haji Hamidullah	Said Al Qahtani
Mohamed Salam	Adil al Jazeeri	Ahmad Tourson
Ahmed Abdul Qader	Sanad al Kazimi	Nabil Hadjarab
Mohammed al Zarnuki	Hassan Bin Attash	Shaker Aamer
Ali Bin Ali Ahmed	Abdu Ali Sharqawi	Hassan Anvar
Sufyian Barhoumi	Abdul Rahim Ghulam	Mohammed Bin Salem
Omar Abu Bakr	Rabbani	Omar Abdulayev
Jabran al Qahtani	Mohammed Ghulam	Fadil Hintif
Ravil Mingazov	Rabbani	Mohammed El Gharani
Noor Uthman Muhammed	Abdulsalam al Hela	Yusef Abbas
Ismael al Bakush	Belkacem Bensayah	Bahtiyar Mahnut
Mohammed al Zahrani	Mustafa al Hawsawi	Abdul Helil Mamut
Jihad Diyab	Ahmed Khalfan Ghailani	Saidullah Khalik
Jamil Nassir	Ramzi Bin al Shibh	Abdul Ghappar
Abdul Zahir	Waleed Bin Attash	Hajiakbar Abdulghupur
Ahmed Ould Abdul Aziz	Abdul Rahim al Nashiri	Abdullah
Mohamedou Ould Slahi	Abu Faraj al Libi	Abdulquadirakhun
Awal Gul	Ammar al Baluchi	Motai Saib
Obaidullah	Riduan Isamuiddin	Dawut Abdurehim
Omar Khadr	Majid Khan	Ahmed Belbacha
Ahmed Mohammed Al	Modh Farik Bin Amin	Farhi Said Bin Mohammed
Darbi	Mohammed Bin Lep	Huzaifa Parhat
Mohammed Nabi Omari	Gouled Hassan Dourad	Ahmed Mohamed
Ayoub Murshid Ali Saleh	Khalid Sheikh Mohammed	Ayman al Shurafa
Bashir al Marwalah	Mohammed Abdul Malik	Kahlid Saad Mohammed
Shawki Awad Balzuhair	Abdul Hadi al Iraqi	Adel Fattough Ali El Gazzar
Musab al Mudwani	Abdullahi Sudi Arale	Abdul Rahman al Qyati
Hail Aziz Ahmed Al	Haroon al Afghani	Oybek Jabbarov
Maythali	Inayatullah	Ali Sher Hamidullah
Said Salih Said Nashir	Muhammad Rahim	Abdul Ourgy
Mohammed Hashim	Cleared for Release	Sulaiman al Nahdi
Tawfiq al Bihani	Shakhrukh Hamiduva	Mahrar al Quwari
Shawali Khan	Fahed Ghazi	Fehmi al Assani
Mohamed Jawad	Abdullah al Yafi	Mansoor Qattaa

Salah al Zabe	Abdul Aziz al Noofayae	Mohammed Abdul
Adel Noori	Abdul Rauf al Qassim	Rahman
Ahmed Zaid Salim Zuhair	Abdulahdi Bin Hadiddi	Hussein Almerfedi
Kamalludin Kasimbekov	Aziz Abdul Naji	Sabir Lahmar
Mohammed Hassen	Rafiq al Hami	Lakhdar Boumediene

Dead

Yasser Talal al Zahrani	Ali Abdullah Ahmed Al
Abdul Rahman al Amri	Salami
Mani al Utaybi	Abdul Razzaq Hekmati ²¹

The Letter

It is unlikely that the letters the three men left will ever be available to the public, especially since U.S. authorities seized eleven hundred pounds of documents belonging to four hundred prisoners and their lawyers during the investigation into the suicides.²² But we received one from Jumah Abdel Latif al Dossari, signed “Prisoner of deprivation,” on October 14, 2005, when he wrote to his lawyer, Joshua Colangelo-Bryan and interpreter, Khaled, saying “farewell” and explaining why his lawyer would find him hanging in his cell, arm deeply cut but still alive:²³

In fact, I don't know where to begin . . . or how to begin [. . .] I feel very sorry for forcing you to see . . . It might be the first time in your life . . . to see a human being [. . .] dying in front of your eyes . . . I know it is an awful and horrible scene, but [. . . t]here was no other alternative to make our voice heard by the world from the depths of the detention centers [. . .] for the world to re-examine its standing and for the fair people of America to look again at the situation and try to have a moment of truth with themselves [. . .] The detainees are suffering from the bitterness of despair, the detention humiliation and the vanquish of slavery and suppression [. . .]

Take some of my blood . . . take pieces of my death shrouds . . . take some of my remains . . . take pictures of my dead body when I am placed in my grave, lonely . . . send it to the world . . . [t]o make them carry the burden of guilt in front of the world for this soul that was wasted with no guilt it has ever done . . . [t]o make them all carry this burden in front of the future generations for this wasted soul that

has done no sin . . . [t]o make them carry this burden of guilt in front of history for this soul that was wasted with no reason . . . After this soul has suffered the worst by the hands of “the protectors of peace and the callers for democracy, freedom, equality and justice” [. . .]

At this moment, I see death looming in front of me while writing this letter . . . Death has a bad odor that cannot be smelled except by people who are going through the agony of death. [. . .]
(Dossari 2006)

I will return to the curse Jumah al Dossari delivers in his letter; it is best to take that slowly in any event. For the moment, we need to focus on the vision of *death looming in front*, the terrain or the smell of the discourse of struggle, that is to say, the nature of the attempt to confiscate the authority of the prison regime. About, which there is more to say than that there is a long tradition of using the hunger–death strike of which prisoners almost everywhere are aware. Indeed, this knowledge is almost organic to being a prisoner, etched or tattooed, as it were, in the skin of the prison. So too do prisoners know that, stripped bare, literally, your body remains the most adaptable oppositional technology when communication is utterly impossible and other weapons unavailable. The relationship between captivity and death has deep roots: the degradation and the disposability of a permanently confined life in time and space make such a life not only taxing to bear but also expendable.

The Language of Death, an Idiom of Power

The very first time, it was like dying. [. . .] Capture, imprisonment, is the closest thing to being dead that one is likely to experience in his life.

—George Jackson, quoted in Yee, *The Melancholy History of Soledad Prison*

The language of death surrounds captivity, follows it, envelops it, and taunts it. *The very first time it was like dying*. We should not be misled by the way Jackson says it; it could be said a hundred other ways. It has been said a hundred other ways. The language of death that surrounds captivity is not metaphorical in the sense of an analogy: the very first time, it was *like* dying. The language of death is, to use Orlando Patterson’s term, an “idiom of power,” a symbolic and ritualistic representation (Patterson 1982, 17–34). But it begins as a literal substitution for the one enslaved.

For the enslaved? Bonded labor, penal servitude, debt bondage: worldwide, these are so historically entangled that there is a warrant, despite the danger of neglecting important differences, for speaking of the captive, the prisoner, and the slave in one breath. Certainly, in the United States, the significance of plantation slavery to the historical development of the prison system and to who (Black Americans) became and still most frequently becomes a prisoner is clear; the proximate relation between imprisonment and enslavement was legally enshrined in the U.S. Constitution's Thirteenth Amendment, which abolished slavery "except as punishment for crime duly convicted." After the formal abolition of slavery, the fundamental racial ontology of permanent slavery was transferred to the prisoner who, faced with the scientific legitimacy of criminal anthropology and bearing always the double burden of racialist ontology, became an inferior race in and of themselves. It remains the case today that slavery is constitutionally enabled in the United States, and any place subject to their jurisdiction, for prisoners and for prisoners only. I am using the word prisoner in the British sense of the accused—by state or crown—because the constitutional power is applied to the condition of imprisonment, and not to the convict. Conviction, in fact, is no longer necessary; captivity itself confers a legally binding judgment of preestablished criminal status. The prisoner and the prisoner of war who is not really a prisoner of war held in captivity and confinement by the United States are in fact and in law enslaved to the state, under its dominion, and subject to its absolute rule (Rodríguez 2006, 41). *The detainees are suffering*, Mr. Dossari wrote, *from the bitterness of despair, the detention humiliation and the vanquish of slavery and suppression* (2006). The detainees are suffering from what Orlando Patterson (1982) famously described as social death.

The language of death is an idiom of power, a symbolic and ritualistic representation. But for the one enslaved, it begins as a literal substitution. Slavery was almost always a substitute for the death that would otherwise befall the defeated enemy in war or the criminal awaiting execution or some other form of capital punishment. As Patterson parenthetically notes, the substitution was understood as the origin or the source of the slave's condition of powerlessness (1982, 5). This understanding entailed a double burden, for it both lent to the condition of enslavement the aura of salvation—saved from death—and inscribed in the ontology of the slave a permanent connection to the death sentence. Indeed, as Patterson writes, "The condition of slavery did not [. . .] erase the prospect

of death. Slavery was not a pardon; it was [. . .] a conditional commutation.[. . .] The master was essentially a ransomer,” masquerading, one should add, as a god (1982, 5). To give and take life: in exchange for commuting the death sentence—and the death sentence itself *is* the mark of the captive’s incapacity for exchange even on the most degraded or unequal terms—the owner acquired the “slave’s life” (1982, 5). Patterson rightly emphasizes the importance of what is acquired—not only a property interest in a person or a person treated as a property object but also the entire life (1982, 18–27). In exchange for avoiding immediate death, what is taken from the captive is his past, his family, his culture, his honor, his future, his very being. A priced but inestimable forfeiture, in exchange for his life, he must give his life.

What of this exchange, then? Captured, stolen, confined, and transported, the captive is offered a life of externally imposed social negation. In the words used by Judge Thomas Ruffin in an important 1892 case, *North Carolina v. Mann*, that extended the right of a slave owner to wound and kill his own slaves, the captive is offered a life “doomed in his own person and his posterity” (quoted in Patterson 1982, 3). Fate and fatality: the enslaved will be granted no legitimately recognized existence independent of the entity—state, corporation, crown, empire, temple, individual, and so on—to whom he is absolutely subject, and who possesses a monopoly interest in him. A “nonperson,” he is thoroughly dishonored, natively alienated, separated from “all ‘rights’ or claims of birth,” and treated as a “genealogical isolate” with neither present nor future claims or obligations to living and dead “blood relations” (1982, 5–7). “Ceas[ing] to belong in his own right,” the enslaved lose, in effect, birthright or a socially recognized place in the stream of time itself. This is fatal. This is the slave’s fate. It is as if he or she were never alive to begin with. As Claude Meillassoux famously put it, “*The captive always appears therefore as marked by an original, indelible defect which weights endlessly upon his destiny. This is [. . .] a kind of ‘social death’. He can never be brought to life again as such.[. . . He] will remain forever an unborn being (non-né)*” (quoted in Patterson 1982, 38).²⁴ Perpetual slavery, permanent war.

How Ordinary People Should Relate to the Living Who Are Dead

According to Patterson, there are two apparitional modes of social death, both very ancient and powerful stories or myths designed to account for

the presence of human nonpersons, what the Greeks called animated instruments, and what Ruth Gilmore calls inhuman humans, who are designed to account for their presence and to define the terms of marginality by which they will be incorporated into the society in which they live. The living dead or the inhuman human must be accounted for, their presence explained, and the terms of their exclusionary inclusion defined; without such an explanation, too many other uncontrollable and less degraded possibilities quickly arise. For Patterson, there are two representational modes—the intrusive and the extrusive—by which this occurs (Patterson 1982, 41).

In the intrusive mode, where capture in war is the principal method of enslavement, the slave is taken to be “the permanent enemy on the inside,” the stranger, the foreigner, or the hostile alien (39). Patterson quotes a telling saying of the Bella Coola Indians of British Columbia: “No slaves [they say] came to earth with the first people” (39). In the extrusive mode, where criminality, poverty, misery, heresy, and rebelliousness are the principal conduits to enslavement, the slave is conceived as a fallen insider or as someone who might have or did in principle belong but has been “expelled” and now no longer belongs (41). The fallen insider has violated the social or legal terms of order; the fallen insider is an outlaw. Here, penalty and enslavement are virtually indistinguishable: the slave is a criminal, and the criminal is a slave. In some cases, most notably ancient China, even the prisoner of war, who under most circumstances was considered a foreign outsider, was “legally and ideologically assimilated to the status of the internal criminal” (42). Here is Patterson’s summary: “In the intrusive mode the slave was [. . .] someone who did not belong because he was an outsider, while in the extrusive mode the slave became an outsider because he did not (or no longer) belonged. In the intrusive mode, the slave was an external exile, an intruder; in the extrusive mode he was an internal exile, one who had been deprived of all claims of community. The one fell because he was the enemy, the other became the enemy because he had fallen” (44).

The idiom of social death speaks of the captive, but it only partially addresses him or her. The idiom of social death teaches, Patterson says, “how ordinary people should relate to the living who are dead” (1982, 45). The pedagogical function of the idiom of social death is crucial and has been a little misunderstood, in my view. Social death is too often presumed to be both a condition *exclusive* to the one so tainted and a condition that

defines the *totality* of the slave or the prisoner in that it becomes him or her, so to speak. Social death is an externally imposed form of social negation; it has, in fact, quite real—awful and horrible—effects, and some captives do succumb to it, lose the capacity for social life, lose the capacity, as Gregory Frederick puts it, to “live in prison without allowing the evil of prison to live” in you (2001, 85). But, social death is rarely a complete achievement, either socially or ontologically, and it is emphatically not a singular but a relational idiom that speaks most intently and essentially to the not-yet-captured and to those ordinary people who need instruction in how to relate to the living who appear to be dead.

The Prehistoric

There's no denying that our social system is totally without tolerance; this accounts for its extreme fragility in all its aspects and also its need for a global form of repression.

—Gilles Deleuze and Michel Foucault, “Intellectuals and Power”

The application and maintenance of intensive subjugation—the attempt to impose absolute control and absolute powerlessness on others—is extremely difficult; it foments a fierce rage, resistance, revolt, escape, and refusal that must be constantly deflected and prevented. The exercise of coercive power in its various guises is formidable, and it is also fragile. (Since it is usually a tactical response to the superior’s failure to achieve aims with other methods, in this sense, coercion is a sign of weakness and not strength, accounting, for example, in the present circumstances for why the U.S. state operates principally on emergency powers and on the incitement of the heightened alert. It simply cannot rule otherwise.) The exercise of coercive power draws attention to itself and, like all arrogances, is blinded in significant places by its own conceits and paranoid delusions. This is why imprisonment and enslavement are always accompanied by ferocious violence and military enforcements, if not permanent siege. Notwithstanding Foucault’s distinction between punishment and discipline, captivity has always been a tortuous and deadly affair and grows only more so today where technically sophisticated weaponry, excessive force, and extreme deprivation define the warlike nature of the normal paradigmatic punishment regime the United States follows and promotes (Gordon 2008).

Powerful and fragile: the fragility of such a project is why enslavement and internment almost always involve despoiling rituals of initiation that strip the captive of the powers he or she brings onto himself—given name, clothing, hair, and ancestral protection—and replace them with the visual stigmata of captivity—shaved head, number, new name, new skin markings. The fragility of such a project is why, as Elisabeth Welskopf argued some time ago, if a society needs or wants to replenish its enslaved population, it is “necessary continually to repeat the original, violent act of transforming free man into slave” (Patterson 1982, 3). Welskopf called this repetition of originary violence “pre-history,” and we might see it not only as a synonym for the social death sentence—to live as if you never were born—but also as a form of primitive accumulation. For though I have not discussed the motivation for enslavement and mass imprisonment, only its ontological symbolics, needless to say accumulation by dispossession, has been and is highly profitable, if also deeply parasitical.²⁵

For the captive, brute force is usually enough to solicit, up to a point, obedience or to extract “compliance,” the prison’s favorite word; almost everything else is extremely painful, too, but supplemental. (It is crucial to remember that brute force—violence and torture—target not just an inert body but a psychologically complex living human being and is always accompanied by talk and proximate contact, in which are encoded elaborate narratives or ideologies.) But, the spectacle of coercion—the whip, the chain, the boots, the guns, and now the technology and machinery of “shock and awe”—exposes, at every turn, the very sacrificial and deformed terms of the freedoms, the rights, the peace, the wealth, and the rules of law being ostensibly upheld or protected or secured; the spectacle exposes what is in, to use Dossari’s words, the hands of “the protectors of peace and the callers for democracy, freedom, equality and justice” (2006). The spectacle not only reveals it to the captive, who bears the imprint of the terms or the conditions on his body and spirit and who knows it and can speak of it better than most, but also reveals it for the rest of us to see, if we dare. The face of social death—the fallen enemy—helps to mask the general terms that underwrite apparent, routine, innocent social life by explaining the captive’s status as intrinsic to his being, his actions, his failures, and his fate *doomed in his person and in posterity* and by justifying the prohibition against contact with him, with his mark, and with his word. The story of the fallen enemy is one way force is transformed into right and obedience into duty for the large segment of the population, not

rulers, not yet captured and not yet able to imagine themselves as capturable whose solidarity is required for the whole regime to operate in a state of normalcy, its attendant pathologies and nervous disorders taken as the wonders of progress. One of the main pedagogical functions of the idiom of social death is to create an impassable breach: a breach of fate, a breach of faith, and a breach of kinship between those who are and know themselves to be capturable and those who are not yet able to imagine themselves, ordinary as they may be, subject to such a death sentence.

In the Hem, Crossing and Cursing

And, so, for you, for us, this neat schema is offered: *the one fell because he was the enemy, the other became the enemy because he had fallen*. Sometimes it works the other way around. Sometimes they are one and the same. At all times, they fall, but into where or what? The socially dead fall into the hem, the brink, the verge, or a state of liminality. In social death, one lives “on the margin between community and chaos, life and death, the sacred and the secular” (Patterson 1982, 51), shadowing one’s former self and “teetering on the brink between life and death,” as Mumia Abu-Jamal puts it (1995, 3). Marked with an indelible defect, forced to endure a fatal alienation, wrenched out of the stream of time, and stranded in the reiterating prehistorical, the living dead suffer miserably, and the injustice of their suffering, the distress, haunts those still standing and haunts the very justice that can be meted out. The living dead are scary and it is no wonder. People unjustly rendered spectral are haunted, too, and they carry the rattling chains, the demanding hungers, and all the rest around with them. They are frightening, in this sense, because they are unrequited and unloved and because they are the exploited and down-and-out porters of the nastiness that created them in the first place.

The socially dead have lost some of the special and dangerous capacities they were said to have enjoyed in the past, such as slaying sleeping dragons, assuming the power of the bear, giving supernatural offense, or having immunity to pollution, fatigue, and pain. But they have acquired today an extraordinary shapeshifting power. The fallen enemy—whether foreign infidel or illegal criminal—is said to possess the power to frighten and terrorize at will, without reason, without any special powers, and without weapons, regardless of the strength of the opponent. Even when captured and under the constant watchful eyes of the soldier or guard, this fallen

enemy is a source of such looming unending insecurity and danger that perpetual war has been declared against him and permanent incarceration his punishment for capture.²⁶ In explaining why Amnesty International was “reprehensible” and misguided (“trapped in a 20th century mindset”) in condemning the American military prison “gulag,” then-Vice President Dick Cheney explained that these prisoners were more “threatening to individual life and liberty” than “the actions of sovereign governments” (Lobe 2005). The notion that the captives in this “asymmetrical” perpetual War on Terror, driven by ideologies of order and counterinsurgency and by the need to quarantine the effects of global poverty, are more powerful than the mightiest and wealthiest military empire in the world is one phantom effect all abusive power relationships exhibit: the weaker is mistaken for the more powerful. This is surely a phantom effect (and one the threat of terrorism is designed to continually magnify), but it is no less real for the captive or for his keepers who are, one must say, possessed—bewitched, haunted, bedeviled, spooked—by living in a state of permanent terror of and war with their own inventions.

The repetition of the prehistorical, a blind siege, the enemy that is always close but seems to come from nowhere: all this talk, bordering on the gothic, about the dead and ghosts and sheer terror emanating from every closet, can make you forget that the mask of social death is worn by actual living people up to all kinds of stuff, including trying to get themselves out of prison. The mask of social death is not, however, the kind of performative mask you can just put on and take off. The mask of social death is more like a carrying card, a passport of sorts, for living in a state of liminality, for living in the hem. Indeed, an old capacity still retained by those with the taint of social death is that they can travel, cross the boundaries, and curse. I return now, at the end, to al Dossari's curse:

Take some of my blood . . . take pieces of my death shrouds . . .
 take some of my remains . . . take pictures of my dead body when
 I am placed in my grave, so lonely . . . and send it to the world . . .
 To make them carry the burden of guilt in front of the world for
 this soul that was wasted with no guilt it has ever done . . . To make
 them all carry this burden in front of the future generations for
 this wasted soul that has done no sin . . . To make them carry this
 burden of guilt in front of history for this soul that was wasted with
 no reason. (2006)

Take Some of My Remains . . . Send It to the World . . . to Make Them Carry the Burden

A curse is a malediction, bad speech, conveying a current that might alter fate and might rechart or transform a destiny that had seemed to be traveling the other way: “The curse, if properly prepared and recited, will bring about the wish it expresses” (Scott 1992, 42). It is the learned language of the accursed themselves. It is an angry, demanding, sometimes vengeful language, registering the recalcitrance, the indifference, and the venality that prompted it. The curse is a reply to the death sentence, a stepping back into the stream of time, a demand on *the world in front of history*, and a hurling of a heavy burden carried back across to *them*. The curse confiscates the authority to speak in a context in which communication is utterly impossible. The curse is not so much a means of communicating as a means for insuring that, even if no one is listening, no one can forget.

Abdulla al Noaimi, a former prisoner at Guantánamo Bay, “Former Detainee No. 159” as he signs his name, issued a statement following the deaths of Mani al Utaibi, Yasser al Zahrani, and Ali Abdullah Ahmed. At the end of it, he writes, “The three people who did this, I know them very well. I was next to them while they were on hunger strike and they were on hunger strike till death. And if nothing happens about Guantánamo [...] there are more people who will do it, and I can tell you who they are. Finally, sorry to say this, but the whole world would say something if it was alive, but the world is dead” (al Noaimi 2006).

Here, then, is perhaps the blade and the burden of the curse. What you will learn and what, once you learn it, you will never forget is that your world is dead. The curse delivers to you a vision of your own deathly existence laid bare. It is a kind of remythologizing, remaking the illusion of reality, or reilluminating the making of reality not with a simple reversal—“You are really the dead one, not me”—but with a more delicate and deep cut—“I have brought you to the other side and you do not even know it yet. How will you cross back without me?”

The prisoner’s curse, then, replies to the social death sentence in multiple voices. It asserts the lifeworld and life force, the anticipatory afterlife of the ones whose existence has been denied, abandoned, and forgotten. *I am not what you say I am.*²⁷ It demands to know what the captive has done to deserve the reduction in and deprivation of personhood to which he is subject. *How have I come to appear to you so indelicately, as nothing*

or nobody to whom a care should be shown or a harm can be done? And it calls for reparation. *You will carry the burden of guilt in front of the world for me.* The prisoner's curse also declares that, contrary to appearances, the social death sentence obtains and belongs to the ones who maintain and enforce its brutal reality and gratuitous fictionality, the ones who negate, deny, and abandon their fellow human beings. Without fellowship, they possess and are possessed by social death. Prefaced by an unnecessary apology—"sorry to say this, but the world is dead"—the curse cuts away at the effort to create an impassable uncrossable border of fate, of faith, and of kinship separating—oh so barely—the captured from the not yet captured. The curse cries out: *It could be you, it might be you, don't you see?!* And it also holds out a gracious hand, despite the fact that it is "horrible and unfair" that the ones so troubled and burdened should have to do this too.²⁸ *Here, let me show you what remains unimaginable to you. Here, we will return somewhere else together. Here, together, we will hasten the arrival of the Time of Nobody.*

Notes

Portions of this chapter have been published in Avery F. Gordon, "Methodologies of Imprisonment," *PMLA* 123, no. 3 (2008). The first version of this chapter was occasioned by the invitation from Janice Radway and Wahneema Lubiano to participate in the conference "The Collapse of Traditional Knowledge: Economy, Technology, Geopolitics" at Duke University in January 2007.

1. Rodríguez's idea of possession is more complex than I am rendering it here, and it is important for the way it emphasizes imprisonment not as a simple tool of state power but as a power or force that makes the state what it is and also what it is not: "I am attempting to examine the ways in which *it is the prison regime that possesses and constitutes the state*. I am invoking a doubled meaning to the terms of 'possession': first, in the sense of a haunting intervention—the state's 'possession' by the sometimes ghostly and always haunting technologies of power and violence that emanate from the prison . . . ; and second, as a reference to the . . . undeniably massive political influence of the prison regime's designated agents and administrators on the broader architecture of the state" (2006, 43).

2. The "Time of Nobody" is from the wonderful and clever novel about the search for "The Bad and the Evil" (the content of which is patently obvious even though it means different things to different people), jointly written by Paco Ignacio Taibo II and Subcomandante Marcos (Taibo and Marcos 2006). On the impossibility, I am taking a line from Dylan Rodríguez's *Forced Passages*: "This

body of knowledge and truth [by radical prison intellectuals] is premised on the utter impossibility of dialogue and communication with the force—discursive, embodied, institutionalized—of one’s own domination” (2006, 9). These particular prisoner intellectuals got the idea not only from their own experiences but also from the lessons of the Black radical tradition with which they were deeply engaged and attached.

3. The genre of prison literature would be unknown to scholars today without the seminal work of H. Bruce Franklin (1989) and Barbara Harlow (1992). On infrapolitics, see James C. Scott (1992) and Robin D. G. Kelley (1996).

4. See, for example, Mumia Abu-Jamal (2009), Allen Feldman (1991), George Jackson (1970), Govan Mbeki (1991), and Nawal el Saadawi (1994).

5. Given President Obama’s election promises and the executive orders he issued immediately upon taking office, I expected that by the time this book went to press, it would be happily necessary to change the sentence’s verb tense from the present—“we see today”—to the past—“we saw.” Unfortunately, as of May 2010, the prison complex at Guantánamo remains open and the disposition of the prisoners still pending and uncertain. Regardless, it should be noted that the new military prison regime evident at Guantánamo is in place in Afghanistan and Iraq.

6. On January 22, 2009, President Obama signed an executive order stipulating that the prison would be shut down within the year. As of May 2010, the prison remains open.

7. In January 2008, camps 1 through 3 were closed. All the prisons at Guantánamo Bay are maximum- or supermaximum-security facilities. Press reports that describe Camp 4 as medium or minimum security are misleading; the regime of maximum-security imprisonment always permits the arbitrary granting and withdrawal of privileges.

8. Harris is currently vice admiral and since November 2009 he has been in command of the U.S. 6th Fleet and Striking Support Forces, NATO, in Italy. He also serves as deputy commander, U.S. Naval Forces, Africa.

9. See also the U.S. Navy’s history of the station at Guantánamo Bay at <https://www.cnic.navy.mil/Guantanamo/AboutGTMO/gtmohistgenera>.

10. The news of the building of a refugee camp was first reported and set in the context of the earlier wave of imprisonment by Carol Rosenberg (2007); its June 2008 completion was reported by Robert Burns (2008).

11. According to the Center for Constitutional Rights, 86 percent of the Guantánamo prisoners “were arrested by either Pakistan or the Northern Alliance when the United States was paying large bounties for apprehension of suspected Al Qaeda or Taliban supporters. Following the 2002 U.S. invasion of Afghanistan, the practice of ‘selling’ foreign nationals arrested in or near Afghanistan to the U.S. military for thousands of dollars in bounty money was commonplace” (Center for Constitutional Rights 2006a, 8). The report contains a facsimile of

a Psychological Operations flyer offering “millions of dollars” distributed by the U.S. military forces in Afghanistan.

12. The case of Iraq has been more ambiguous. Iraqi prisoners are sometimes considered prisoners of war and at other times ordinary criminals, reflecting the constitutive indistinction between criminal and enemy in counterinsurgency warfare. On March 13, 2009, in response to queries for clarification from the federal judiciary, the U.S. Department of Justice filed documents indicating that it would no longer use the term “enemy combatant.” It nonetheless retained the right to detain, without trial and anywhere in the world, anyone the United States deems to be providing “substantial” assistance to al-Qaeda and the Taliban. Tom Parker, Amnesty International’s advocacy director for terrorism, counterterrorism, and human rights, told the *Washington Post*, “It’s symbolically significant that he’s dropped the term ‘enemy combatant,’ but the power to detain individuals within the ‘indefinite detention without charge’ paradigm remains substantially intact” (Wilber and Finn 2009, A06).

13. The subsequent protocols and other documents are also available online from the UN Office of the High Commissioner for Human Rights, <http://www.ohchr.org/EN/Pages/WelcomePage.aspx>.

14. One of the main principles essential to the entire history of the development of the idea of the protectable prisoner of war and elaborated in the various Hague and Geneva conventions is that the prisoner of war, unless charged specifically with a war crime and provided that he is neither spy nor mutineer (important qualifications), is not a criminal and so may not be punished as if he were one. This is absolutely crucial. There are no extant laws of war that treat war in and of itself as a crime. The question of what constitutes a legitimate act of war—when is war a war and not something else, like a revolution, uprising, armed struggle, mutiny, murder, crime, act of terrorism, and so on—is the main problematic that has dominated the history of the development of the rules governing warfare. This main problematic has been overwhelmingly characterized by an unrelenting effort to delegitimize and criminalize political opposition and social revolt from below. This was clear already in Lieber’s codes. Although Geneva has expanded the definition of war beyond situations in which recognized states make formal declarations of war or commit unequivocal acts of hostility and territorial aggression, the protections Geneva offers are only activated in a legally recognized state of war. Where war is recognized in international law, it is not a crime, and the captives of such wars are not criminals. This is why the United States sought UN authorization for its invasion of Afghanistan and Iraq and also why, in a nutshell, Virginia Woolf famously said that if you want to know how to prevent war you need to oppose the tendency toward war, or the war for the preparation of war. (See Woolf 1938; Gordon n.d.)

15. The U.S. government did recognize that “the provisions of Geneva” do “apply to our present conflict with the Taliban,” and also that the president had

the “authority under the Constitution to suspend Geneva as between the United States and Afghanistan.” Although he claimed that he “decline[d] to exercise that authority at this time,” President George W. Bush did nonetheless determine that “common Article 3 of Geneva does not apply to either al Qaeda or Taliban detainees” and that “the Taliban detainees are unlawful combatants and, therefore, do not qualify as prisoners of war under Article 4 of Geneva. I note that because Geneva does not apply to our conflict with al Qaeda, al Qaeda detainees also not qualify as prisoners of war” (*Memorandum for the Vice President. Subject: Humane Treatment of al Qaeda and Taliban Detainees* 2002).

16. The United States signed Protocol II but never ratified the 1977 amendments to the Geneva Conventions. Protocol I was rejected by then-President Ronald Reagan because it “would give special status to ‘wars of national liberation,’ an ill-defined concept” (1987). Reagan was specifically opposed to the Palestine Liberation Organization’s pending claim for prisoner-of-war privileges (Meron 1998, chapter 8).

17. The question of U.S. law was considerably more complicated until the progressive thrust of the two key Supreme Court decisions in *Rasul v. Bush* and *Hamden v. Rumsfeld*, challenging the Guantánamo regime was voided with the passage of the Military Commissions Act (MCA) in October 2006. The MCA enhanced and legalized the Guantánamo regime in ways most do not understand, and it established a military court system where the military serve as judge and jury and only government-approved lawyers may appear; where the defendant has no right to see the evidence against him and can be tried without being present. The MCA permits the admission of evidence seized without legal warrants and under “duress” and, most tellingly, it forbids the invocation of Geneva as a source of rights before, during, and after trial. The MCA and the variety of totalitarian security laws—Patriot Act I and II, the Protect America Act of 2007—have been the object of considerable attention, and rightly so in the face of arbitrary arrest, indefinite imprisonment, conviction without trial, and unsupervised and enhanced executive authority (Center for Constitutional Rights 2006b).

18. Almost a year later, on May 30, 2007, a Saudi prisoner who was never permitted access to a lawyer—Abdul Rahman al-Amri—killed himself, according to the U.S. Southern Command, <http://www.southcom.mil/appssc/news.php?storyId=41>. A fifth prisoner, Yemeni Muhammad Salih, took his life on June 1, 2009, “Yemeni Detainee Dies in Apparent Suicide,” *The Washington Post*, June 3, 2009, <http://www.washingtonpost.com/wp-dyn/content/article/2009/06/02/AR2009060203930.html>.

19. Navy Commander Robert Durand, spokesman for the prison, told the press that the three men “were hostile towards camp guards, defied camp rules and took part in protracted hunger strikes.” Apparently, the men also refused to participate in the military tribunals (Williams 2006b).

20. Despite the force-feeding and the media blackout, the hunger strikes have continued at the prison. The last major news report was issued on February 9, 2009, by a U.S. military lawyer—Lt. Col. Yvonne Bradley of the Air Force—who told a British newspaper that “at least 50 people are on hunger strike, with 20 on the critical list” (Mackey 2009). A Center for Constitutional Rights report issued on February 23, 2009, confirms that most prisoners remain in isolation and that hunger strikes and force feeding continued (Center 2009). See also Andy Worthington’s analysis of the prisoner weight records released by the Department of Defense in 2007 (2009). He shows that from January 2002 until February 2007, “one in ten of the total population [. . .] weighed, at some point, less than 112 pounds [. . .] and 20 of these prisoners weighed less than 98 pounds.”

21. This list is a redacted and condensed version of what is arguably the most thorough database on the Guantánamo prisoners. It has been compiled by Andy Worthington and can be accessed in its entirety in four parts on his Web site, <http://www.andyworthington.co.uk/guantanamo-the-definitive-prisoner-list-part-1>. As of January 1, 2010, Worthington counts 772 prisoners held in total: 574 prisoners have been released (42 under President Obama), 5 are dead, 198 remain, in custody, 60 of whom are cleared for release. His records for each prisoner includes name(s); internment serial number (ISN); status (released, cleared for release, still held, deceased); nationality; place of capture; their rendition and torture, where applicable; and links to chapters and articles by Worthington that detail the stories of over seven hundred of the prisoners. See also Worthington (2007). Cageprisoners.com, which published the first comprehensive list based on the initial report by John Daly in 2004 and supplemented by other reports in the Arabic language press and the *Washington Post*, also has an archive of photographs, interviews, and letters.

22. According to Agence France Presse, U.S. authorities seized over one thousand pounds of documents from lawyers and from over four hundred prisoners during the “investigation” into the suicides. *AFP Wire*, July 22, 2006. These documents, which included habeas documents, have yet to be returned, despite the court’s restoration of the right of habeas petition in *Boumediene v. Bush* (2008).

23. Al Dossari was kept in solitary confinement from the end of 2003 until his release in July 2007. He tried to kill himself many times but never succeeded. The authorities treated him less as a troublemaker and more as a pathetically disturbed individual, who nonetheless required supervision and isolation. He transformed this letter into a poem entitled “Death Poem” (Falkoff 2007, 31).

24. Claude Meillassoux takes the phrase “social death” from his colleague Michel Izard.

25. Although the specific term “accumulation by dispossession” is now attributed to David Harvey (2003), it has an older origin not mentioned by Harvey, whose African and Black radical reference is more relevant to the problems of

imprisonment and militarism discussed here, although Harvey's discussion of Rosa Luxemburg is suggestive in our context, too. See for example, Beinart, Delius, and Trapido (1986) and the variety of groundbreaking work done on enclosures, primitive accumulation, and the commons by the contributors to *The Commoner* at <http://www.commoner.org.uk>.

26. For a thorough critique of the government's operating definition of terrorism in the War on Terror that focuses on the extent to which nonstate terrorism, as a form of irregular warfare, is a result of the absence of alternative avenues of political redress and thus must be addressed by creating these, see Record (2003).

27. About the prison rebellion at Attica, James Baldwin famously said, "People are often not what we think they are" (Freedom Archives 2001).

28. Fred Moten, personal correspondence with author, December 12, 2006.

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