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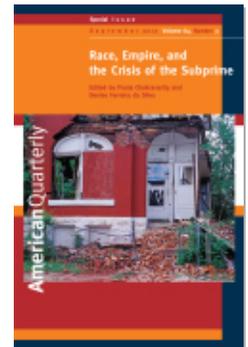
## Welcome to My Cell: Housing and Race in the Mirror of American Democracy

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# Welcome to My Cell: Housing and Race in the Mirror of American Democracy

*Ofelia O. Cuevas*

In June 2002, six years before the subprime crisis that would send the global economic system into a tailspin, then president George W. Bush addressed the congregation of the St. Paul AME Church in Atlanta, Georgia. The topic of his speech was a new program aimed at fulfilling the “American dream” through an ambitious domestic project to extend private home ownership to those who had hitherto been excluded from it. Explicitly acknowledging the disproportionately low percentage of African American and Hispanic homeowners, Bush’s plan involved removing the barriers people of color faced when buying a home. This address, just one year after New York’s Twin Towers were toppled, politically and historically linked the war on terror with a revised project of domestic racial equality:

And as we work for a more secure world, we’ve got to work for a better world too. And that means as we work on our security from possible attacks by terrorists, we also work on economic security. The two securities go hand in hand. . . . And part of economic security is owning your own home. Part of being a secure America is to encourage homeownership. So somebody can say, this is my home, welcome to my home.<sup>1</sup>

By situating the issue of domestic home ownership and its racial inequalities within the broader discourse of national and global security, Bush (or rather his speechwriters/handlers) attempted to articulate the emergent connections between the new war(s) abroad and a renewed multicultural agenda at home.<sup>2</sup> Economic security, symbolized by home ownership, and global security, symbolized by the spread of U.S.-style democracy, are the refracted image of the symbol of the home in the imperial mirror of American democracy. This symbolism of home as the realization of the American dream and a basic human need hides the violent side of housing—the incarceration and incapacitation of black and brown peoples domestically and abroad.<sup>3</sup>

The notion of “security” deployed by Bush circa 2002 refers not only to abstract, emotive, and ideological states but to individual financial assets, or to the certificates indicating ownership of them. At the time, investment banks

were already engaging in the process of *securitization*, the transformation of mortgage debt into a commodity appropriate to the speculative requirements of modern markets. There was, of course, no mention—nor was it likely foreseen by his administration—that securitization would undermine whatever benefits the imagined “security” of home ownership might provide, particularly for African Americans and Latinos.

This article explores the dual meaning of the terms *security* and *securitization* by engaging the inversion in which the racial subject, on the one hand, is positioned as a consumer of a sophisticated financial product (a mortgage) and, on the other, is acted on as a product, a body that fills a bed in a system of incarceration and captivity. Both forms of housing find their place under the rubric of securitization, conceived in the full force of its double meaning, in terms of the transformation of debt into financial securities and of the financialization of “security,” that is, of state violence and social control. I am interested in the inverted relationship to property, debt, and housing that, through the vicious dual logic of securitization, is forged at the very basis of the black and brown subject. This racial rubric of the black and brown subject are those populations formed by the carceral state’s logics of racial organization embodied in the U.S. histories of war, occupation, settlement, and slavery. The historical relation of the racial body to property in the United States has always been made material through violence, whether it was blacks as property during the era of chattel slavery, the expulsion of native people from their land through not only violence but a definition of property that excluded them, or the occupation of the mestizo Southwest and the forced acquisition of Mexican land, which occurred not in opposition to but *by means of law*.

I begin by discussing the fundamental role of the notion of property in both liberal and idealist concepts of personhood and freedom, and the privileged position of the home in forming those concepts, through which home ownership functions as a precondition for any meaningful conception of personhood and freedom. Such a conception, though, operates on the basis of a universality that is implicitly white and that, historically, has explicitly excluded black and brown people in the United States from both home ownership and the multivalent security that it ostensibly provides.

In the following section, I discuss that exclusion and trace the widespread invitation of black and brown Americans into a housing market radically transformed by shifts in the global economy. After decades of market liberalization, debt—and specifically mortgage debt—had become a complex and increasingly valuable financial product. Black and brown people thus entered the market not as home owners but as consumers of debt as commodity. They were cut

off not only from the possibility of acquiring any real value or accumulation of wealth but also from the full personhood and freedom held out to them by the promise of home ownership.

As a result of that double exclusion, the only kind of “secure housing” they would be offered would be found on the other side of what I call the dark mirror of democratic security, in the hundreds of thousands of housing units where predominately black and brown men, women, and children are contained as security threats: in prison cells. Even statistically, the inversion was almost identical. At the time of Bush’s speech, white people in the United States were 1.5 times more likely to own a home than black or brown people.<sup>4</sup> At the same time, incarcerated Americans were 1.6 times more likely to be black or brown than white.<sup>5</sup> In 2002 whites were as likely to own a home as African Americans and Latinos were to be housed in a prison, jail, or detention center. This was not a coincidence, I argue, but reveals a material reality rooted in the confluence of what home, housing, and race have come to mean in the contemporary markets of neoliberal securities, that is, both financial products such as mortgage securities and the overall state security apparatus.

In the final section, I thus map out the growth of a massive security apparatus in the form the largest carceral system in the world, which presently incarcerates 2.5 million people. This system where black and brown people disproportionately find themselves housed functions as a mirrored inversion of white freedom and home ownership. Finally, in conclusion, I examine the consequences of the long and tragic arc of this double movement of securitization by comparing the seemingly modest demands of the Pelican Bay prison strikes of 2011 to the emancipatory projects that underlay the prison uprisings of the early 1970s. What we have lost in the intervening years, I argue, is a projected future, a horizon of freedom.

It is to gain this perspective that I consider the housing crisis in the context of the era of superincarceration and the massive contemporary housing of black and brown people in prison, jails, and detention centers. From gymnasiums crowded with dozens of three-tiered bunk beds that house hundreds of men, to the standard cell that rooms two to four cellmates, to the end-of-the-line containers called maximum security housing units, in which a single prisoner inhabits a single cell alone for years on end—the imprisonment of black and brown people is the space in the rubric of securitization through which we can see the inversion of the American dream and the ontological security that house and home (property and possession) mean in the United States. Offering the opportunity of home ownership to black and brown people in the wake of September 11 shows a simultaneous reliance on the powerful discourse of

material/economic security (what used to be understood to embody accumulated wealth through home ownership) and national-state security seen as the absence of threat to the national body.

### Personhood, Property, and Politics

Before I turn to the other side of the mirror of imperialist democracy, however, it is necessary to grasp something of the centrality of “home” in the annals of modern Republicanism and in the constitution of modern politics. In both its liberal (Lockean) and idealist (Hegelian) conceptions, our very understanding of what constitutes personhood are founded in property and property relations. For John Locke, even the body—the material seat of the self—is regarded fundamentally as property:

Yet every man has a property in his own person: this no body has any right to but himself. The labour of his body, and the work of his hands, we may say, are properly his. Whatsoever then he removes out of the state that nature hath provided, and left it in, he hath mixed his labour with, and joined to it something that is his own, and thereby makes it his property.<sup>6</sup>

Man’s labor and its material products were his property, but in the Lockean tradition that informs American law, so were his rights. Not only did one have a right to property, but one’s relationship to one’s body and one’s rights assumed the form of a property relation: personhood could not even be conceived except by way of property. One’s humanity is something one *owns*. As David Abraham puts it, “There is property in rights as well as a right to property.”<sup>7</sup> Hence the latter right worked as a pragmatic precondition to the full exercise of other political rights (for most of the first half of the nineteenth century, only white, male property owners were allowed to vote) and hence to full political personhood. Even when it appears absent, the law is saturated by property, as Abraham writes: “One result has been that even in those arenas of the law presumptively removed from issues of property, property governs conceptualization and discourse on all sides.”<sup>8</sup> Property, in the liberal conception, is hinged on exclusivity, on exclusion. That I own a home means that no one else can claim it. Such a forceful exclusion requires the full violence of the law as the means to enforce, sustain, and continually reproduce the divisioning between inside and outside, mine and yours, ours and theirs, and so on.

Nicholas Blomley finds this violence also in the roots of the liberal notion of property, itself dependent on “a domain of non-property,” conceived by Locke and later by Jeremy Bentham in racialized, colonial terms as an outside—both geographically and historically, an extrahistoric and distinctly non-European

condition.<sup>9</sup> Blomley quotes Locke—“In the beginning, all was *America*”—and concludes, “Western notions of property are deeply invested in a colonial geography, a white mythology, in which the racialized figure of the savage plays a central role.”<sup>10</sup> Property did not have to be explicitly denied to nonwhites (though of course it was): the very possibility of ownership was only conceivable for whites. Whoever existed outside whiteness existed outside property as well, or simply *as property*.

Similarly, Hegel situates property as the means through which the individual realizes himself as a being in the world, “superseding and replacing the subjective phase of personality,”<sup>11</sup> and saving it from abstractness. Here the person bestows meaning unto property as an expression of identity by applying his will (of possession) in relation to the property—with the act of possession not only to satisfy need but also to *experience freedom*—the point from which a person could engage in civil society. “Property is the first embodiment of freedom,” G. W. F. Hegel writes, “and so is in itself a substantive end.”<sup>12</sup>

The home, situated within this nexus of property, liberty, and freedom, takes on a distinctive role in Hegelian self-development. Margaret Jane Radin argues that the home has been overlooked or taken for granted in legal thought, so basic is the relation of property to personhood. The home is identified as a resource essential (even most essential) to the person, which makes it “worthier of protection than other property.”<sup>13</sup> Radin theorizes property as occupancy: the owners must be present in the object for it to take on a status superior to that of a simple commodity. Such occupancy grants it a status greater than mere fungibility. Because it is viewed as essential to life, providing shelter, protection, and security, the home takes on a moral component as well. It is the site of family and domestic relations, of the possibility of a future, both in terms of biological reproduction and of the projection of the self through time. As such, it functions as a precondition for any meaningful conception of personhood, for without the future, the self dissolves into the evanescence of an eternally fragmented present. Home ownership thus provides what sociologists and psychologists refer to as “ontological security,”<sup>14</sup> the state of emotive well-being and constancy necessary for developing a stable personal identity. U.S. law hence accords the home a “sanctity” not applicable to other spaces. It is the one space secure from intervention not only from other individuals but from the state. Radin explains:

It would be an insult for the state to invade one’s home, because it is the scene of one’s history and future, one’s life and growth. In other words, one embodies or constitutes oneself there. The home is affirmatively part of oneself—property for personhood—not just the agreed-on locale for protection from outside interference.<sup>15</sup>

Radin's explanation of home as related to personhood and property presupposes the transparency and universality of the law. But black and brown people in the United States have never been protected from the sort of "insult" to which Radin refers. Their homes have never provided the presumed guarantee against state or extralegal violence that the home is understood to provide for whites. Even when they are allowed to purchase and own houses, their homes do not provide full ontological security.

The residences of people of color, even when owned by their inhabitants, do not ultimately attain the status/condition of *homes*, as Radin uses the word. They are frequently and freely subject to insult and invasion by the state, often with fatal consequences for their inhabitants. As such, they cannot provide unified ethical personhood—full possession of self and future—that Radin claims for them. They are always already outside such possession, and always subject to the violence of the state. Racial violence, argues Denise Ferreira da Silva, "does not require stripping off signifiers of humanity."<sup>16</sup> The very figuring of ethical personhood in the Western philosophical tradition depends on the representation of the nonwhite and non-European self as an unstable and "affectable" subject "that can be excluded from juridical universality without unleashing an ethical crisis."<sup>17</sup> This dehumanizing exclusion, Silva writes, "is already inscribed in raciality, which produces humanity, the *self-determined* political (ethical-juridical) figure that thrives in Ethical life, only because it institutes it in a relationship . . . with an other political figure (the *affectable* I) that stands before the horizon of death."<sup>18</sup>

We should thus not be surprised by the routine violence with which the homes of black and brown people are subjected to by police, frequently with fatal consequences. Take, for instance, the case of Kenneth Chamberlain Sr., a sixty-eight-year-old African American Marine Corps veteran who was fatally shot in his home by White Plains, New York, police. Officers arrived at his house in response to a call from Chamberlain's med-alert device, which went off accidentally. When Chamberlain, from within the "sanctity" of his home, told officers that they were not needed and that they could not enter, the police proceeded to harass Chamberlain and subject him to racial insults, finally pulling the hinges off the door, entering his home, Tasing Chamberlain, and shooting him to death.<sup>19</sup> Or take the countless and literally uncounted black and brown people who have been injured or killed when militarized police SWAT teams unlawfully and apparently "mistakenly" entered their homes as part of the ongoing "war" on drugs.<sup>20</sup> There was, for instance, seven-year-old Aiyana Jones, killed by a Detroit SWAT team during a raid on her family's house in May 2010; seventy-six-year-old Helen Pruett who, that same month,

suffered a heart attack after a police raid on her Polk County, Georgia, home; Cheye Calvo, whose status as mayor of suburban Berwyn Heights, Maryland, did not prevent a state police SWAT team from raiding his house in July 2008, handcuffing his elderly mother-in-law, and shooting his two dogs; and the African American civil rights attorney Barbara Arnwine, whose Maryland home was raided at 5:30 in the morning of November 21, 2011, and who was held at gunpoint for hours and reported being told by police that “the Fourth Amendment doesn’t apply here.”<sup>21</sup>

The home offers no ontological security. On the contrary, in the name of “security”—the state’s self-preserving violence—we witness a full inversion of Radin’s suggestion that the home functions as a sanctified structure in which history, growth, and the future are protected even from the state.<sup>22</sup> In fact, it is the site that again foretells the future of the racial subject as what is not only *not* protected but more critically *un-projected*, in which the racial subject is denied the possibility of self-determination, of projecting oneself forward in time, of a relation to the future outside the “horizon of death,” to borrow Silva’s term. Racial subjects, excluded from any claim on personhood from the start, have no time or life in front of them, and therefore no need for the home/shelter that will allow them to produce or reproduce life. This *unprojected* future—on the other side of what I call the mirror of securitization, in another type of housing, the prison cell—is experienced by the racial subject in the form of debt, not mortgage debt but the incalculable debt “to society” that legitimates state violence in the form of imprisonment and, in particular, in the dark mirror image of the home, the Secure Housing Unit cell in the era of the “supermax” prison. This *unprojected* future takes the shape of what Dylan Rodríguez calls a “fatal unfreedom,”<sup>23</sup> which is “historically articulated through imprisonment and varieties of undeclared warfare.”<sup>24</sup>

## Housing and Accumulation

Given the more fundamental exclusion of the racial subject from what Silva calls “Ethical Life,” it should come as little surprise that, as the modern housing market expanded during the late nineteenth and twentieth centuries, those populations that had emerged from the building of the liberal property regime as racial others were continually and systematically excluded from the housing market in its various forms.<sup>25</sup> This occurred not only through geographic segregation (housing covenants and so-called red-lining, among other practices), but also through the systematic denial of mortgage credit (put another way, of the opportunity to take on debt) to nonwhites. If home ownership emerged

in the twentieth century as a primary icon of Americanness, it was a very specifically white American dream that it fulfilled. For most of the century the right to exclude was the prevailing practice of white property ownership. More than exclusion, though, the right to protect and secure one's home as related to personhood was inherent in the liberal property regime. From the New Deal era—during which wealth was massively accumulated through homeownership—to the newest landscapes of gentrification, the right to protect and guarantee possession through securitization has been legitimized through the assumed rationality of law, stripped of its coercive material and symbolic violence.

By the time Bush saw fit to address the housing gap and, supposedly, to facilitate racial equality in 2002, something fundamental had shifted in the global economy.<sup>26</sup> David Harvey, Christian Marazzi, and others have described the increasing financialization of the economy as an attempt to recoup corporate profits lost via the rise of wages during the postwar period.<sup>27</sup> The result was a massive expansion of what Karl Marx called “fictitious capital,” that is, capital brought about entirely through speculation.<sup>28</sup> “Under this distributive profile,” Marazzi writes, “the reproduction of capital . . . is carried out partly thanks to the increase in the consumption of rentiers and partly thanks to the indebted consumption of wage earners.”<sup>29</sup> In the wake of the credit crunch of the 1990s, driven by the fear of recession, the U.S. Federal Reserve kept interest rates low beginning in 2001 and for the next five years, setting the conditions for inexpensive and trouble-free loans. As Robin Blackburn puts it, the “masters of the universe seemed to be caught in a celestial machinery they did not control” and looked to “US householders, ‘the consumers of last resort,’ to keep the global boom going.”<sup>30</sup>

Debt, in increasingly abstract securitized forms, became a valuable financial product. Thirty years of neoliberal economic policies had created a new world of leverage, deregulation, and financial innovation. At the same time that the financial markets fed a hunger for new, and increasingly complex, financial products, the firewall between banking and investment—the Glass-Steagall Act, passed in 1933 to ward off future financial crises—was dismantled in 1999. Banks, which had once been motivated to issue credit conservatively, discovered an apparently bottomless market for debt. No longer interested in the role of caretaker of savings or deposits, they looked to consumer debt as a new business form by converting debt into securities that could be financialized and sold to investors. The home—with all its ties to personhood—has always also been a fungible commodity, but it became something new: a pretext for the issuance of debt.

Collateralized debt obligations, or CDOs, were created as a way to bundle mortgage debt and then break it up into fragments that could be bought and sold by investors to protect themselves against risks. The actual, physical house had never been more divorced from the financial processes that surrounded it. Mortgage debt became the driving force of the real estate bubble and the source of much of the economic growth of the early 2000s, as consumption increased through home owners mortgaging or refinancing to gain new credit because of the drastic and irrational rise in home prices and value. The complicated financial engineering required to allow the fictitious increases in the amount of credit over and over again—the exact process of securitization—became central to the world economy.

More and more, and ever larger, homes were built to feed the expanding market. So-called NINA (“no income/no assets”) loans were issued to ensure that consumption did not slow.<sup>31</sup> A whole category of mortgages emerged: the subprime. That adjective ostensibly indexed the borrower’s credit rating, but as the lending market expanded to include those whom it had previously excluded (nonwhites), so-called subprime mortgages were routinely issued to black and brown borrowers, regardless of their credit rating.<sup>32</sup> “Subprime” thus became a demographic category as much as a financial definition. It indexed the incorporation into capital markets of individuals and classes of people who had been largely excluded from both property ownership and full personhood.

Significantly, only once the market had severed itself from real property, and home ownership had become a facade for complex forms of indebtedness—properly speaking, consumers no longer bought homes, they bought mortgages—were black and brown people invited into the market with the bar lowered into the subrealm of security (-ies). That is to say, only for the briefest moment was access to home/property and shelter made universal, and only once it had been denuded of permanence and substantiality and transformed into a speculative fiction.

The proliferation of subprime and NINA loans briefly, and virtually, put title to home, property, security—the benefits of full personhood—in the hands of millions of new owners. Only later would the charade end when the bubble burst and consumers realized that they owned nothing more than their quickly ballooning debt. Their promised ontological security never appeared: it evaporated via the cruel magic of securitization. The future home, a place of permanence, for many dispossessed and surplussed black and brown Americans, would be found elsewhere, on the other side of the mirror of democratic security.

In June 2002 Bush did not appear to have any sense that the massive debt spending necessary to conduct massive war operations in Iraq, Afghanistan, and Pakistan would undermine the very possibility of embarking on an ambitious domestic program of expanding home ownership. The dual project for democracy was presented, in wholly idealistic fashion, as being well within the capacity of the Great Nation, and completely realizable through the sheer force of will and determination (after all, as we are told again and again, we are a nation that can achieve anything we set our minds to), to uplift its own citizens into the dream of property ownership and uplift the peoples of the world out of the tyrannies that prevent them from full participation in the glories of capitalist liberty.

Acknowledging that the gap between “Anglo America and African American and Hispanic homeownership [was] too big” was a significant discursive shift for a president who had shown little concern for black and brown people (at least since before being elected when he vigorously courted the “Hispanic vote” on the basis of his tenure as governor of Texas, a state with a large Latino population).<sup>33</sup> The government, he promised, would take an active and responsible role in alleviating this unacceptable racial gap to secure a more equitable America by fulfilling dreams that reside in ideas of shelter, home safety, freedom, and security of life. The dream that Bush presented to the congregation—which included the heads of Fannie Mae, Freddie Mac, HUD, and Wells Fargo bank—is, as he stated, one deeply ingrained in the ideology of the American republic. The home is the symbol, as Bush explained, of the freedom that the United States can provide its citizens. It is both property and personhood in its ethical and juridical understanding.<sup>34</sup> Interestingly, the term “ontological security,”<sup>35</sup> once employed only in sociology and psychology, has recently entered the discourse of international relations, extended from individuals to nation states,<sup>36</sup> reflecting the consistency of the term’s double meaning during the Bush era. Yet both of these usages fit within the rubric of *securitization* and the abstract functioning of capital to which that word points.

If it seems strange that Bush would suddenly be concerned about racial inequality—or the equal distribution of real security—it was. Indeed, it is more likely that he had other motivations. Enduring support for a “permanent war on terror” would probably not be sustainable without continuing attacks on American soil or the distribution of tangible, material benefits from the massive military campaigns abroad. Moreover, expanding control over resources (oil, natural gas, etc.) and markets in the Middle East, Eastern Europe, and North Africa was going to require a significant expansion of domestic markets of consumption within which home construction and home buying were a critical

part. In other words, at stake was not addressing the real gap in the housing market to create social, political, and economic equality but cultivating a new market of customers who had previously been excluded, in varying degrees, not only from home ownership but from the complex financial products, that is, mortgages, required to purchase a home. Black and brown people were thus allowed to enter the housing market not as active agents—in response to their legitimate need for the ontological security of home ownership—but as consumers of debt-as-commodity. In the logic of the market, the actual and material *home* was barely relevant, much less the home-as-symbol or home-as-basis-of-civic-personhood. To the market, it was not even a *house*. It functioned only as the pretext for the abstraction of mortgage debt that could be bundled, sold, and resold as a potentially limitless source of profit.

What was elided in this revamped discourse of security and its emphasis on home, however, was the fact that since the early 1980s and continuing on before 9/11 and for a considerable time after, the state has pursued its own “ontological security” by undertaking one of the most massive public housing projects in the history of the world: the incarceration of millions and millions of its citizens.

So while President Bush may have acknowledged the racial gap in access to home ownership, he was completely silent on a somewhat less visible, but no less material, link between domestic race-class policies and imperialist aggressions abroad: the central reliance of “*both*” projects (which are in fact one) on an absolute repression of the dispossessed for whom no home will ever be awaiting, the dispossessed who are more likely to say: “This is our cell, welcome . . .”

## The Dark Side of the Mirror

Overlapping with the period of neoliberal financialization, another kind of housing, an inversion of the home-as-property and of any notion of home as foundation for ontological security and personhood, was being forged out of the aforementioned historical relation of property to personhood and racial violence. According to the International Center for Prisons at Kings College, London, as of 2009 more than 9.8 million people were being held in penal institutions throughout the world.<sup>37</sup> The global security apparatus had been expanding at an extraordinary pace since the 1990s: there have been dramatic rises in imprisoned populations on every continent, an increase that largely derives from forms of managing populations based on U.S. models of policing and imprisonment.<sup>38</sup>

Although the rise in prison building globally began in the mid-1990s, the colossal growth of prisons in the United States started a decade earlier. Ruth Wilson Gilmore argues that the rapid expansion of the prison system in California—the largest domestic prison-building project in the world—arose from antiblack racism as well as from a crisis of surplus land and labor. Gilmore explains the “build the jails and we’ll fill them” approach to the massive state project of incarceration as a response to the intersecting logics of capital accumulation and surplus and the rebuilding of the state, “fashioned from the surpluses that the emergent post golden-age political economy was not absorbing in other ways.”<sup>39</sup> Prison housing in California grew 500 percent between 1982 and 2001, with twenty-three new prisons at a cost of \$350 million each. This surplus of labor was a product of the same process of financialization already discussed, the attempt of capital to divest itself from an industrial labor force that had grown increasingly expensive to employ, and to seek out new sources of profit. As Jamie Peck has argued, the neoliberal state functions in a surprisingly flexible, “zombie-like” manner, swelling its repressive apparatus in apparent contradiction to the antistate visions of pioneering free market ideologues.<sup>40</sup>

But the “ambidextrous” flexibility of the state, to borrow Peck’s term, disproportionately rains blows with both arms on nonwhites. The prison population in California and elsewhere is overwhelmingly and disproportionately black and brown: because whiteness was inherently related to personhood and to property, white surplus labor could not be used/housed in the same fashion. The enormous increase in the prison population came out of the constant concern for “security” and the wars waged to pursue it: against drugs, gangs, immigrants, and terror. During this period, hundreds of new laws were passed, a process of criminalization; through laws like California’s Three Strikes and tools such as gang enhancements, sentences were drastically increased, guaranteeing that cells, once built, would stay full. In the United States overall the shift was similar: state, county, and federal prisons across the country grew 370 percent, because of the criminalization of immigration status during the early assembling of the Homeland Security structure, which conflated presumed gang members, undocumented migrants, and terrorists, leading to the swift construction of an archipelago of immigrant-detention centers nationwide. At the same time, the federal government was exporting its carceral systems, building U.S. prisons abroad to help wage the “war on terror”: not only at Guantánamo, Abu Ghraib, and Bagram but in a still unknown number of CIA-administered “black sites.”

Just as on the other side of the mirror of securitization, where homes were being built not to house people in need of shelter but as pretexts for the issuance of mortgage-backed securities (to feed a market), prisons were constructed through an inverted market in a different form of security and debt. They were built not to house a preexisting population, but in full confidence that criminals (or terrorists) would be found, or created, to fill each empty cell. Again, they would not be paying mortgages but an incalculable “debt to society” that could never be repaid in full. Security demanded expansion—*build the jails and we’ll fill them*. On both sides of the mirror, securitization would always be speculative, a futures game. On one side, the investors would profit; on the other, that of the *unprojected* future, prisoners would only lose.

It is perhaps unnecessary to specify that in all of these sites, whether in the United States or abroad, and regardless of which state agency was in charge, the bodies housed were overwhelmingly those of black and brown people. The population residing in the millions of beds in local, state, and federal jails and prisons across the country and outside it, is, as stated earlier, the inversion of the population that embodies the home. Not only by virtue of race (and its necessary exclusion from the realm of personhood) or juridical criminalization (and ensuing *legal* deprivation of civil and human rights) but by the material facts of this population’s incarceration, these individuals are not just outside personhood but function as its antithesis. They are stripped of every quality that defines personhood, not only of their freedom. They have no right even to the most basic forms of property—whatever objects they may be allowed to keep in their cell can be taken away at the whim of the state. Their very bodies exist only as the property of the state. They exist on a site outside the grid on which humanness—defined in terms of property and possession—is constructed, but one that remains subject to the violence of speculation and debt. Through their imprisonment, their personhood is erased and inverted, rendering them nonpersons, beings devoid of futures.

Nowhere is the racial body (this antithesis) realized more explicitly than in the jailing structures known as supermax prisons. Although they vary in size and structure, a report by the Urban Policy Institute Justice Center defines such prisons as “a stand-alone unit or part of another facility . . . designated for violent or disruptive inmates. It typically involves up to 23-hour-per-day, single-cell confinement for an indefinite period of time. Inmates in supermax housing have minimal contact with staff and other inmates.”<sup>41</sup> Supermax prisons feature none of the common areas typical to most prisons—exercise yards, cafeterias, libraries, and workspaces. All inmates, in other words, are kept in solitary confinement for the full length of their sentences.

The first of the stand-alone supermax facilities, Pelican Bay in Crescent City, California, opened in 1989. Riding the early wave of the prison building boom, the high-security facilities built solely to isolate prisoners grew at a marked rate. It exemplified, to use Peck's language, the hypertrophically swollen, punitive right arm of the neoliberal state. The extreme form of housing at Pelican Bay, in which enormous repressive resources were devoted to the isolated housing of each individual prisoner, appeared to fall outside any rational calculus of social (or even fiscal) profit and loss.

By 1996 more than thirty U.S. states had built supermax facilities. Collectively, they housed more than twenty-thousand prisoners. By 2004 all but six states had built a supermax facility, and full-time solitary confinement had become a normalized feature of the U.S. incarceration system.<sup>42</sup> According to the *New York Times*, at least twenty-five thousand, "and probably tens of thousands more" are currently held in solitary confinement, more than "in any democratic nation."<sup>43</sup> The desirability of supermaxes was rationalized as necessary for the stability of the prison environment, as a way to prevent prisoner violence by holding "the putatively most violent and disruptive inmates in single cell confinement."<sup>44</sup> More directly, their growth was sold as an economic incentive to small towns and cities struggling amid the uncertainties of a post-Fordist economic environment.<sup>45</sup>

For most of its history, solitary confinement has been regarded not as the norm but as an extraordinary punishment for the most disruptive inmates. First introduced in 1829 in Philadelphia's Eastern State Penitentiary, solitary confinement has been repeatedly and consistently been condemned as inhumane. It has nonetheless persisted, despite an 1890 Supreme Court finding that it caused inmates to become "violently insane" and, more than a century later, the 1995 case of *Madrid v. Gomez*, in which federal courts found that conditions at Pelican Bay "may well hover on the edge of what is humanly tolerable." In October 2011 Juan E. Méndez, the United Nations special rapporteur on torture, called for a ban on solitary confinement "except in very exceptional circumstances and for as short a time as possible," singling out the United States and making specific reference to supermax prisoners. Under no circumstances, Méndez said, should prisoners be held in solitary confinement for more than fifteen days. Couched in careful bureaucratic prose, Méndez acknowledged the dehumanizing aspect of such confinement as not only a side effect but a goal: "Social isolation is one of the harmful elements of solitary confinement and its main objective. It reduces meaningful social control to an absolute minimum."<sup>46</sup>

Solitary confinement stands at the extreme end of the dehumanization that begins in the smaller localities of jails around the country, at the moment of arrest and detention. As John Irwin explains in describing the holding of suspects in local jail, the initial stages of the encounter with police/force incites the processes of officially physically separating individuals from their property. As a process that he calls disintegration, he details the separation that ultimately results in a form of disorientation with the world outside. Supermax prisons and their solitary housing units, or SHUs, form the extreme version of this initial process: people are held indefinitely in cells that average fifty to seventy square feet, without windows or natural light (zero exposure to the “natural world”). They are allowed no access to educational or vocational programs and are subject to round-the-clock surveillance. Prisoners are chained at all times when in the presence of another human being and, denied all visitation rights, have no opportunity to even touch another human being (minus the occasional brush with guards). As further punishment, prisoners can be denied a bed, clothing, and all access to light, and subjected to increased food rationing. Craig Haney explains:

Because supermax units typically meld sophisticated modern technology with age-old practice of solitary confinement, (therefore) prisoners experience levels of isolation and behavioral control that are more total and complete and literally dehumanized than has been possible in the past. The combination of these factors is what makes this extraordinary and extreme form of imp

Although solitary confinement was initially based on the idea of penance—that forced solitude would allow wrongdoers an opportunity to reflect on their sins—and remained an exceptional form of punishment enacted for brief periods for most of the twentieth century, it has become a routine form of confinement for years at a time. Such prolonged periods of forced isolation, writes Haney, can cause profound existential crisis, permanent physiological changes to the brain, and ultimately death. The personality breaks down, past and future become incomprehensible: the exclusion from any coherent personhood that elsewhere occurs in the realm of law and representation is here actually and forcibly imposed.

Supermax prisons have in recent decades proliferated into a superstructure of violent dehumanization that even many correctional officials have trouble justifying on rational grounds. Daniel Mears’s 2006 report *Evaluating the Effectiveness of Supermax Prisons* argues that, in blunt budgetary terms, supermaxes are not even cost-effective. Mears concludes that costs are not at all measurable

in regard to the stability and security that they allegedly provide or in terms of any rehabilitative effects on the prisoners themselves.<sup>48</sup>

### **In Conclusion: Two Moments of Resistance**

But supermaxes do have a rational genesis. They guaranteed that there could be no return to the prison rebellions of the 1960s and 1970s, in which inmates explicitly asserted themselves as political beings entitled to a full personhood that had been denied them both inside and outside prison walls.<sup>49</sup> The supermaxes, though, prevent even the possibility of the formation of solidarity and organized resistance among prisoners.<sup>50</sup> (They thus stand out as a fantastical and almost demonic instance of the general neoliberal push to combat the formation of social collectivities: “There is no society,” as Margaret Thatcher famously declared.) Increasingly sophisticated and self-conscious forms of resistance among prisoners were on the rise throughout the late 1960s and early 1970s: in 1967 there were five prison riots in the United States. In 1972 there were forty-eight, though the word *riot* diminishes the sophistication of these uprisings. Prisoners were developing comprehensive demands that related the conditions of their confinement to their own possibilities for personhood and to power relations in society outside. Incarceration, they insisted, should not mean permanent dehumanization. Temporary housing in a prison cell should not cut off the possibility of meaningful selfhood or social participation beyond the prison walls.

Striking inmates at California’s Folsom prison in 1970, for instance, drafted a “bill of rights for prisoners” that went far beyond ameliorating conditions. They demanded the right to organize themselves into unions, to vote, to be allowed “access to press and media,” as well as “furloughs or institutional accommodations to maintain social, sexual and familial ties.” They insisted on their right “to have the community come into the prison,” to “freedom from mental and physical brutality,” and “to make restitution in lieu of further incarceration.”<sup>51</sup> They were thus demanding their right to belong to and interact with the community from which they had been removed, to relate to it in a productive and even reproductive fashion, to insist on a meaningful existence as social beings with a stake in their own and their society’s future. They were questioning not only the immediate circumstances of their confinement but the punitive foundations of the entire carceral system. Striking prisoners at Attica went as far as to issue statements of support with the people of Vietnam and others around the world engaged in struggles against imperialism. They thus connected the state violence to which they were subject to the violence of the

state abroad and felt entitled to make claims on behalf of a common humanity. They were, in short, insisting on their humanity and on the right to shape their futures; they were demanding not the bare needs of life but emancipatory requirements that explicated a horizon of freedom—a projected future.

There is perhaps no more sobering evidence of the consequences of the intervening four decades of neoliberal securitization than to compare the demands enunciated by striking prisoners at Pelican Bay in 2011. All the intervening years of warfare—the various wars on drugs, crime, and terrorism—which had created a prison population of more than 2 million and necessitated the construction of infrastructure to confine them, had also recategorized and reconstructed the prisoner. The incarcerated black or brown man or woman could no longer take up a role of resistance such as that of George Jackson, a political prisoner, or a political being at all. Decades of media representation and public policy had confined the prisoner to a series of exclusionary roles through a pathologized racial criminalization—gang member, drug dealer, terrorist, superpredator—as a threat to the security of the nation and the state. Meaningful political participation—human engagement within a community of humans—with these figures was not only dangerous but also unimaginable. They defined the limits of the social and thus could not be allowed in.

On July 1, 2011, inmates at Pelican Bay began a hunger strike. Within weeks, more than six thousand prisoners joined them across the state's penal archipelago. Despite such strength in numbers, their demands seemed relatively modest. They had five: that officials abolish the “debriefing policy” (by which inmates were required to inform on other prisoners as a condition of release from the SHU); that they “end group punishment”; that they provide “adequate and nutritious food”; that they comply with the recommendation of the U.S. Commission on Safety and Abuse to end long-term solitary confinement; and that they offer “constructive programming” for inmates indefinitely confined to the SHU. Examples of the latter included “wall calendars,” “one photo per year,” a “weekly phone call,” and “more TV channels.” Except for the passive engagement of television viewing and the occasional telephone call to family or friends, they asked for nothing that would connect them to the world outside, that would allow them to connect to the world outside, to a projected future beyond the numbered grid of a wall calendar.

The Pelican Bay hunger strikers could locate no emancipatory horizons. The logic of securitization had accomplished its work. They had been housed, but on the wrong side of the mirror. There, as black and brown men, their debts were incalculable and could never be paid. They were willing to give their lives for the right just to hang a single photo and a calendar on the wall, to imagine another life, to count the days, to make themselves at home.

## Notes

I would like to thank the reviewers and editors for their careful read of and helpful comments on this article. And I am especially grateful to political and intellectual comrade Ben Ehrenreich for his continued support.

1. See <http://georgewebush-whitehouse.archives.gov/news/releases/2002/06/print/20020617-2.html>.
2. See Jodi Melamed's deft elaboration of neoliberal multiculturalism in "The Spirit of Neoliberalism: From Racial Liberalism to Neoliberal Multiculturalism," *Social Text*, no. 89 (2006): 1–24.
3. For a historical overview of housing and cultural construction of "home" as a primary symbol of U.S. progress, freedom, and security, see Dolores Hayden, *Redesigning the American Dream: Gender Housing and Family Life* (New York: Norton, 2002); Margaret Garb, *City of American Dreams: A History of American Homeownership and Housing Reform in Chicago, 1871–1919* (Chicago: University of Chicago Press, 2011); Gwendolyn Wright, *Building the Dream: A Social History of Housing in America* (New York: MIT Press, 1981).
4. According to the U.S. Census of Housing in 2000, 73 percent of whites owned homes ([www.census.gov/hhes/www/housing/census/historic/ownershipbyrace.html](http://www.census.gov/hhes/www/housing/census/historic/ownershipbyrace.html)).
5. The Bureau of Justice reported that in 2002 the prison and local jail population exceeded 2 million people, holding 1 in every 142 persons. African Americans represented an estimated 45 percent of all inmates but only about 12 percent of the general population. White Americans represented 34 percent of the inmate population and made up almost 73 percent of the general U.S. population. Hispanics made up 18 percent of the inmate population and about 16 percent of the general population (U.S. Department of Justice, *Bulletin: Prisoners in 2002* [Washington, D.C.: U.S. Department of Justice, July 2003]).
6. John Locke, *The Second Treaty of Civil Government*, chap. 5, <http://constitution.org/jl/2ndtr05.htm>.
7. David Abraham, "Liberty without Equality: The Property-Rights Connection in 'Negative Citizenship' Regime," *Law and Social Inquiry* 21.1 (1996): 5.
8. *Ibid.*
9. Nicholas Blomley, "Law, Property, and the Geography of Violence: The Frontier, the Survey, and the Grid," *Annals of the Association of American Geographers* 93.1 (2003): 122.
10. *Ibid.*
11. G. W. F. Hegel, *Philosophy of Right*, trans. T. M. Knox (Cambridge: Cambridge University Press, 1967), 45a.
12. *Ibid.*, 45r.
13. Margaret Jane Radin, *Reinterpreting Property* (Chicago: University of Chicago Press, 1993), 48.
14. Cf. R. D. Laing, *The Divided Self: An Existential Study in Sanity and Madness* (London: Penguin, 1960); and Anthony Giddens, *Modernity and Self-Identity: Self and Society in the Late Modern Age* (Stanford, Calif.: Stanford University Press, 1991).
15. *Ibid.*, 57.
16. Denise Ferreira da Silva, "No-Bodies: Law, Raciality, and Violence," *Griffith Law Review* 18.2 (2009): 212–38.
17. Denise Ferreira da Silva, *Toward a Global Idea of Race* (Minneapolis: University of Minnesota Press, 2007), 35.
18. Silva, "No-Bodies."
19. <http://www.nytimes.com/2012/05/04/nyregion/no-charges-in-polices-killing-of-sickly-white-plainman.html>.
20. Individual chapters of the ACLU have brought suit in a number of cases, and a simple Google search yields an overwhelming number of press accounts of people of color "mistakenly" killed and injured during police raids, but I have been unable to find any comprehensive study documenting the phenomenon. In *SWAT Madness and the Militarization of the American Police* (Santa Barbara, Calif.: Praeger, 2010), Jim Fisher writes that a sizeable percentage of the fifty thousand homes raided by SWAT teams each year occur at the "wrong addresses." Few of these assaults, most of them conducted under the auspices of the war on drugs, occur in white neighborhoods.
21. [www.abajournal.com/news/article/civil\\_rights\\_leader\\_arnwine\\_says\\_police\\_held\\_her\\_at\\_gunpoint\\_raided\\_home\\_wi/](http://www.abajournal.com/news/article/civil_rights_leader_arnwine_says_police_held_her_at_gunpoint_raided_home_wi/).
22. Much of the massive militarization of local U.S. police forces since September 2001 has occurred via federal antiterrorism preparedness grants. This violence thus occurs doubly through the rubric of security: "homeland" security on a global scale and the dubious security against criminality promised by the war on drugs.

23. Dylan Rodríguez, *Forced Passages: Imprisoned Radical Intellectuals and the US Prison Regime* (Minneapolis: University of Minnesota Press, 2004), 1.
24. Such warfare of course predates the current wars on drugs, crime, and terror, as stated earlier.
25. Melvin Oliver and Thomas Shapiro, *Black Wealth/White Wealth: A New Perspective on Racial Inequality* (New York: Routledge, 1997).
26. Recall that it was during this time that President Bush called on the members of the public to take out their credit cards and shop as a patriotic expression after the September 11 attack: “security” could be achieved by expanding consumer spending and debt.
27. David Harvey, *A Brief History of Neoliberalism* (New York: Oxford University Press, 2005); Christian Marazzi, *The Violence of Financial Capitalism* (Los Angeles: Semiotext(e), 2007).
28. Karl Marx, *Capital: A Critique of Political Economy*, vol. 3 (London: Penguin Books, 1981), 527.
29. Marazzi, *Violence of Financial Capitalism*, 33.
30. Robin Blackburn, “The Subprime Crisis,” *New Left Review* 50 (March–April 2008): 65.
31. A. M. Dickerson, “Over-Indebtedness, the Subprime Mortgage Crisis, and the Effect of U.S. Cities,” *Fordham Urban Law Journal* 36.3 (2010): 403.
32. J. T. Darden and E. Wyly, “Cartographic Editorial—Mapping the Racial/Ethnic Topography of Subprime Inequality in Urban America,” *Urban Geography* 31.4 (2010): 431.
33. <http://georgewbush-whitehouse.archives.gov/news/releases/2002/06/print/20020617-2.html>.
34. P. Kenna, “Globalization and Housing Rights,” *Indiana Journal of Global Legal Studies* 379 (2008): 15; L. Fox, *Conceptualizing the Home* (Oxford: Hart, 2007). The home/house is included and to a degree protected under international human rights law versus as property in U.S. domestic law.
35. Cf. R. D. Laing, *The Divided Self: An Existential Study in Sanity and Madness* (London: Penguin, 1960); Anthony Giddens, *Modernity and Self-Identity: Self and Society in the Late Modern Age* (Stanford, Calif.: Stanford University Press, 1991).
36. Cf. Brent J. Steele, *Ontological Security in International Relations: Self Identity in the IR State* (New York: Routledge, 2008).
37. R. Walmsley, *World Prison Population List*, 5th ed. (London: Research, Development and Statistics Directorate, International Center for Prison Studies at Kings College, 2004). This is not including prisoners in administrative detention in China, which would increase the number to 10.6 million.
38. *Ibid.* The most dramatic increases since 2006 are in Chile, up 28 percent; Brazil, 18 percent; and Indonesia, 17 percent. In Turkey and in Georgia the rise in imprisoned populations is more than 50 percent.
39. Ruth Wilson Gilmore, “Globalization and US Prison Growth: From Military Keynesianism to Post-Keynesian Militarism,” *Race and Class* 40.2–3 (1998–99).
40. Jamie Peck, “Zombie Neoliberalism and the Ambidextrous State,” *Theoretical Criminology* 14.1 (2010): 104–10.
41. Daniel P. Mears, *Evaluating the Effectiveness of Supermax Prisons: Research for Safer Communities*, Report of the Urban Policy Institute Justice Center, Washington, D.C., March 2006, ii.
42. *Ibid.* However, these numbers do not account for state and local jails’ use of Security Housing Units (SHU) Maximum Security Housing, Restricted Housing Units, Special Management Housing. In a 2005 federal Bureau of Justice report, approximately 81,622 individuals were being held under some form of isolation.
43. Erika Goode, “Prisons Rethink Isolation, Saving Money, Lives, and Sanity,” *New York Times*, March 11, 2012, [www.nytimes.com/2012/03/11/us/rethinking-solitary-confinement.html](http://www.nytimes.com/2012/03/11/us/rethinking-solitary-confinement.html).
44. Mears, *Evaluating the Effectiveness of the Supermax Prisons*.
45. Kevin Pyle and Craig Gilmore, *Prison Town: Paying the Price* (Northampton, Mass.: Real Cost of Prison Project, 2005).
46. UN News Centre, *Solitary Confinement Should Be Banned in Most Cases, UN Expert Says*, <http://www.un.org/apps/news/story.asp?NewsID=40097>.
47. Craig Haney, “Mental Health Issues in Long-Term Solitary and ‘Supermax’ Confinement,” *Crime and Delinquency* 49.1 (2003): 143.
48. For testimony of prison administrators, policy officials, and politicians against the cost-effectiveness of supermax imprisonment, see Mears, *Evaluating the Effectiveness of Supermax Prisons*.
49. I thank Dylan Rodríguez for directing my attention to the 2011 prison strikes taking place across the country.

50. Alan Eladio Gomez, "Resisting Living Death at Marion Federal Penitentiary, 1972," *Radical History Review*, no. 96 (Fall 2006): 58–86. Gomez provides a historical account of the response to the prison movement of the 1960s and 1970s and the techniques developed to control political organizing. This included strict segregation in what was called steel boxcars, a form of isolation that eventually became a form of the control unit (CU). Used as a tool of political repression that is reflected in its progeny, the special housing unit, Gomez cites Giorgio Agamben and states that this form of solitary confinement "collapsed the legal and physical space between life and politics—and between punishment and death" (60).
51. For the Folsom prison strike manifesto, see [http://www.prisonpolicy.org/scans/instead\\_of\\_prisons/chapter9.shtml](http://www.prisonpolicy.org/scans/instead_of_prisons/chapter9.shtml).