

## **Beyond Dehumanization: A Post-Humanist Critique of Solitary Confinement**

**Lisa Guenther**

### **Abstract**

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

**Keywords:** Solitary confinement, sensory deprivation, intercorporeal

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

- Merleau-Ponty, *Nature*, 166

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

punishment, in all but the most extreme cases. What is this “common decency and dignity” so often invoked to protect prisoners from abuse, and why does it tend to produce such negligible effects?

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

### **De-humanization**

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

The content of the right to “human dignity” in the context of *Madrid v Gomez* is based on the satisfaction of “basic human needs,” which are listed as “food, clothing, shelter, medical care, and reasonable safety (330).<sup>iii</sup> Note the degree to which these basic human needs overlap with the needs of any nonhuman animal; there is nothing on this list, except for clothing and perhaps medical care, that a horse or a bear would not also need in order to thrive. But precisely because “humans are composed of more than flesh and blood” – presumably, because they are not merely animals, but *human* animals, that is, social and rational animals – Judge Henderson argues that “mental health is a need as essential to a meaningful human existence as other basic physical demands our bodies may make for shelter, warmth or sanitation” (388).

How does Judge Henderson seek to protect this fundamental, apparently human need for mental health? And what *is* “mental health” anyhow? Henderson condemns the use of excessive force and the deliberate humiliation of prisoners, acknowledging that some of the techniques used at Pelican Bay violated “evolving standards of decency that mark the process of a maturing society” (329, citing *Patchette v. Nix*, 952 F.2d 158, 163 (8th Cir. 1991)). He acknowledges the evidence of expert witnesses such as Stuart Grassian, who found that in forty of the fifty inmates he interviewed over the course of two years, prolonged solitary confinement in the SHU, or “Security Housing Unit,” at Pelican Bay had either “massively exacerbated a previous psychiatric illness or precipitated psychiatric symptoms associated with RES [Reduced Environmental Stimulation] conditions” (281). He notes the typical effects of RES, or what Grassian later calls SHU Syndrome, as “perceptual distortions, hallucinations, hyperresponsivity to external stimuli, aggressive fantasies, overt paranoia, inability to concentrate, and problems with impulse control” (276). In passing, Henderson even acknowledges the Court’s observation during its tour of the SHU that “some inmates spend the time simply pacing around the edges of the pen; the image created is hauntingly similar to that of caged felines pacing at a zoo” (270).

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

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

The “specific population subgroups” for whom prolonged solitary confinement would count as “cruel and unusual punishment,” are: 1) prisoners who are already mentally ill, and 2) prisoners who are at “unreasonably high risk” of becoming mentally ill if held in SHU conditions (411). Note the frankly biopolitical resonance of the term, “population,” which refers to prisoners as a statistical entity with no specifically human qualities, even in a ruling that celebrates and seeks to protect this population’s (apparently) human need for mental “health.”<sup>v</sup> How are concepts such as “humanity” and “mental illness” (understood as an

affliction faced by human beings who are “more than flesh and blood”) working together here to expose prisoners to intolerable violence, even while claiming to protect them from it?

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

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

### **De-animalization**

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

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

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

What were the material conditions of prisoners in the SHU at Pelican Bay at the time of *Madrid v Gomez*? Inmates are confined for 22½ hours a day to an 80 square foot cell. The only natural light comes from a skylight in the "pod" or small cluster of cells; but since the cell doors are made of heavy perforated metal, most of the light comes from a fluorescent bulb. Each cell has an adjoining "exercise pen" with 20 foot walls and no windows, the top of which is partly covered by a screen and plastic rain shield. For many prisoners, their only view of the outside world is this small patch of sky, which itself is partially obscured. The walls of the cell are white concrete, and are deliberately designed "to reduce visual stimulation" (*Madrid v Gomez* 269). Interaction with visitors, other prisoners, and even guards is severely limited, to the point where one's only experience of the touch of others is typically during "cell extractions," when inmates are removed from their cells – sometimes

forcibly – for showers or medical treatment.<sup>vi</sup> Contact with visitors is limited to telephone conversations through thick plexiglass windows; even food trays are passed through a slot in the door to prevent contact between inmates and guards. Prisoners are for the most part allowed access to books and personal mail, and some prisoners are able to buy televisions or radios for their personal use, but contact with other humans – indeed, with other living beings – is severely limited to indirect visual or verbal exchanges. (*Madrid v Gomez* 268-72)

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

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

Prisoners in these early penitentiaries described their experience as a kind of death-within-life, as if they were "buried from the world" or condemned to "a living tomb."<sup>ix</sup> When Charles Dickens visited Philadelphia's Eastern State Penitentiary in 1842, he described the prisoner in solitary confinement as "a man buried alive; to be dug out in the slow round of years; and in the meantime dead to everything but torturing anxieties and horrible despair"

(Dickens 1957, 100-1).<sup>x</sup> The feeling of being buried alive, reduced to a ghost in one's own life, or cut off from the world and isolated from other living beings, is echoed in the testimony of prisoners in contemporary US penitentiaries. Jack Henry Abbott describes his life in prison – fourteen to fifteen years of which were spent in solitary confinement – as an experience that could “alter the ontological makeup of a stone” (Abbott 1991, 45). “When they talk of ghosts of the dead who wander in the night with things still undone, they approximate my subjective experience of this life” (4). One inmate at Pelican Bay describes the SHU as “a space capsule where one is shot into space and left in isolation” (*Madrid v Gomez* 269). Another inmate, held in the SHU at California's Valley State Prison for Women (VSPW) says, “It's like living in a black hole” (Shaylor 1998, 386). Yet another inmate, held in the SHU of Walpole Penitentiary says, “You feel like you are losing something you might not get back” (Grassian 2006, 335).<sup>xi</sup>

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

What is an animal? If we answer this question from the anthropocentric perspective shared by both the perpetrators of prison abuse and those who seek to curtail it by appealing to an intrinsic human dignity, we might say that a nonhuman animal is a degraded human. She or he is a living being who lacks the capacities that differentiate human beings from “mere flesh and blood,” capacities such as reason, politics and language. From this perspective, we owe nothing to nonhuman animals – although we do owe it to other human beings, and even to ourselves, not to reduce people to animals, even if they have betrayed our trust and violated our laws. But what is a human being? Is it the species, *homo sapiens*? But that is a

biological term, more fitting for animals. Are women fully human, or are they, as Aristotle wrote in the *Generation of Animals*, “infertile male[s],” “female on account of inability” (Aristotle 2000, 103)? Are African-Americans human, or are they, as Thomas Jefferson wrote in his *Notes on Virginia*, an “animal... who does not reflect” (cited Smith 2009, 104)?<sup>xiv</sup> Is it wrong to dehumanize a person who is not even counted as fully human?

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

But there were limits to what a scientist could do to human experimental subjects; some researchers took themselves as subjects in order to get around ethical constraints, but even so, lawsuits were eventually brought against some researchers.<sup>xvii</sup> Meanwhile, countless



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

Riesen makes a remarkable observation about the kittens' second hour of unhooded life. He notes that in this hour, "kittens typically spent considerable time sitting straight up and still, staring fixedly at the mother's face" (Riesen 1961, 23). Riesen does not comment on the role that the mother cat's face might play in the kitten's ability to orient itself within a visual and spatial world. Instead, he moves on to reflect on other experiments involving kittens and primates who were permitted an experience of light but were not permitted to move, and so failed to develop "the protective eye blink" (23).<sup>xviii</sup> For Riesen, light, movement, and the experience of another animal's face are all separable factors in the development of basic motor skills; the point of the experiment is to disentangle these factors so we can discover which is most fundamental. While Riesen might not put it this way, his analysis implies that light, movement and the face of the kitten's mother are all arranged on the same ontological plane; they are all sources of "stimulus" to which the animal responds. In the end, the mother's face disappears from Riesen's analysis; he concludes that "In the absence of patterned visual input, autonomous rhythmic activity appears to gain the upper hand" (25). But if we read this experiment in the context of the solitary confinement and sensory deprivation to which prisoners in US penitentiaries have been subjected for almost two hundred years, a different interpretation of both the cat's experience and the prisoner's experience begins to emerge.

Recall Dickens' observation that the prisoners held in solitary confinement at Eastern State seemed to lose their ability to see and hear, as if the experience of something – or someone – to look at and listen to were a condition for seeing and hearing, rather than simply physiological capacities of the separate individual subject.<sup>xix</sup> This observation is confirmed by the testimony of prisoners, again interviewed by Stuart Grassian, but this time at Walpole Penitentiary in 1982:

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

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

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

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

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

For the kitten who has been deprived of an open-ended field of visual experience from birth, the first orientation point in the world, the anchor for its own individuated experience of space, is the mother's face. For an hour or more, the kitten stares at this face, sitting straight

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

The disastrous effects of being radically deprived of the concrete experience of other living beings suggest that there is nothing exclusively human about the need for everyday intercorporeal experience. Even though there are significant differences between humans and other animals – as there are between bats and bears, monkeys and chipmunks – there is nevertheless a level of intercorporeal intentionality that human beings share with other social animals. What the opposition between humane and inhumane treatment fails to grasp is the degree to which it is not primarily as *human beings*, with a presumably inherent sense of dignity and freedom, that we are affected by solitary confinement and sensory deprivation, but as *living beings*, sensible flesh, with corporeal relations to other embodied beings and to an open field of overlapping experience in a shared world. It is as *animals* that we are damaged or even destroyed by the supermax or SHU, just as our fellow animals are damaged or destroyed by confinement in cages at zoos, factory farms, and scientific laboratories.<sup>xxii</sup>

Our overlapping, intercorporeal experience of other animate bodies, both human and nonhuman, sustains our own capacity to perceive the world as a potentially meaningful context for our own lives. These interactions with other animals do not merely provide a source of pleasant diversion from what would otherwise be a monotonous life of solitude; as the experience of isolated prisoners suggests, these interactions are vital for sustaining our most basic sense of reality and living personhood, and for differentiating the void of empty and meaningless space from an experience of the world as an open-ended context for potential meaning. Even though medical or psychological terms like RES and “SHU syndrome” are helpful for expressing the harm of prolonged solitary confinement, and for listing its most common effects or symptoms, such terms fail to express the sense in which it is not just the prisoner’s “mental health” that is affected by prolonged solitary confinement, but their whole Being-in-the-World, their capacity to relate intentionally to objects within the world, to co-constitute with others a sense of shared reality, and to participate in a common situation that is accessible to a multiplicity of different, but overlapping perspectives.

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

The connection between human and nonhuman animal responses to sensory deprivation and solitary confinement suggest an ontology of animal life as fundamentally relational and intercorporeal. But this ontological point is not merely formal or abstract; it also has concrete implications for the way we might think about solitary confinement, both in the context of domestic prisons and in the relatively new context of the detention camp, which Agamben identifies as the new “nomos” of the modern (Agamben 1998; Agamben 2000). Already in the Cold War, the research on sensory deprivation directly informed the CIA’s techniques for

coercive interrogation; in fact, Lilly's observation that extreme isolation tends to produce "an intense love of any living things" is directly cited in the KUBARK manual as one of the typical effects of their own recommended coercive interrogation techniques (CIA 1963, 88; see also CIA 1983, K-6). More recently in the US War on Terror, the SERE techniques that were initially formulated to help US soldiers resist brainwashing were systematically inverted and used by US troops against so-called "enemy combatants" (see McCain and Levin, 2008).

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

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

The results of such experimentation include the START program (Special Treatment and Rehabilitation Training) designed by Edgar Schein and Martin Groder<sup>xxiv</sup> and the Asklepion program, founded by Groder, both of which were implemented at Marion Penitentiary in the early 1970s. These programs were patterned on techniques used by Chinese forces on US POWs in the Korean War: a combination of solitary confinement and small group confinement, with other elements of behaviorist conditioning, including punishment and

reward, aversion therapy, and what Groder called “attack therapy” (Aynes 1975, 459; for more on Chinese confinement practices, see Schein 1956, Hinkle and Wolff 1956, Lifton 1957). As Bennett had hoped, these programs specifically targeted Black Muslim prisoners, as well as Puerto Rican *independentistas*, Chicanos and American Indians (see Gomez 2006, Mitford 1973, Aynes 1975).

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

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

Again, we could describe this treatment as a form of dehumanization; prisoners were indeed treated like dogs to be chained, confined and re-trained through a system of punishments and rewards. But we cannot fully understand the brutality of these programs until we refuse to accept that dogs deserve to be treated this way, any more than humans do. To the extent that we focus on the abuse of prisoners as an affront to human dignity, we risk overlooking the ethical, political and ontological complexity of a situation in which not only human beings, but living beings as such are at stake. The problem with programs like START and Asklepieion is not that they treated human prisoners as “mere flesh and blood,” but that they failed to respect them as flesh and blood creatures, with corporeal and intercorporeal needs that go beyond the basic conditions of survival. Given the countless situations in which

nonhuman animals are similarly disrespected, the abuse of prisoners may well be described as a dehumanization in which prisoners are treated like animals. But this is only because animals themselves are being de-animalized: reduced to input-output machines, mechanisms of stimulus and response, separable units of behavior that can be disorganized and reorganized, unfrozen and refrozen, according the requirements of the animal industrial complex and/or the prison industrial complex. In order to find more fruitful ways of critiquing the abuse of both systems, in which human and nonhuman animals are confined to cages, pens and cells across the world, we need to think beyond dehumanization, and beyond the anthropocentric worldview that supports it.

### Works Cited

Abbott, Jack Henry. 1991. *In the Belly of the Beast: Letters from Prison*. Intro. by Norman Mailer. New York: Vintage Books.

Agamben, Giorgio. 1998. *Homo Sacer: Sovereign Power and Bare Life*. Trans. Daniel Heller-Roazen, Stanford: Stanford UP.

-----. 2000. "What is a Camp?" in *Means without End: Notes on Politics*. Trans. Vincenzo Binetti and Cesare Casarino. Minneapolis: University of Minnesota Press, 37-48.

Aristotle. 2000. *Generation of Animals*. Trans. A. L. Peck. Cambridge, MA and London: Harvard University Press.

Aynes, Richard L. 1975. "Behavior Modification: Winners in the Game of Life?" 24 *Clev. St. L. Rev.* 422.

Brown, Bertram, Herbert Leiderman, Bernard Kramer, David Landy and Edgar Schien. 1961. *The Power to Change Behavior* [Papers presented at a seminar conducted by the Bureau of Prisons at an Associate Warden Training Program in April, 1961]. Washington: Bureau of Prisons.

CIA. 1963. *KUBARK Counterintelligence Interrogation Manual*.

CIA. 1983. *Human Resource Exploitation Training Manual*.

Davis, Angela Y. 2003. *Are Prisons Obsolete?* New York: Seven Stories Press.

Dayan, Joan. 2005. "Cruel and Unusual: The End of the Eighth Amendment," *Boston Review: A Political and Literary Forum* (October/November), at <http://www.bostonreview.net/BR29.5/dayan.html>.

Dumm, Thomas L. 1987. *Democracy and Punishment: Disciplinary Origins of the United States*. Madison, WI: University of Wisconsin Press.

Foucault, Michel. 1990. *The History of Sexuality, Vol. 1: An Introduction*. Trans. Robert Hurley. New York: Vintage.

-----, 2003. "*Society Must Be Defended*": *Lectures at the College de France, 1975-1976*. Trans. David Macey. New York: Picador.

Gawande, Atul. 2009. "Hellhole." *The New Yorker* (March 30). Accessed 12/10/10 at [http://www.newyorker.com/reporting/2009/03/30/090330fa\\_fact\\_gawande](http://www.newyorker.com/reporting/2009/03/30/090330fa_fact_gawande).

Gomez, Alan Eladio. 2006. "Resisting Living Death at Marion Penitentiary, 1972," *Radical History Review* 96 (Fall), 58-86.

Grassian, Stuart. 1983. "Psychopathological effects of solitary confinement." *American Journal of Psychiatry* 140:11, 1450-1454.

Grassian, Stuart. 2006. "Psychiatric Effects of Solitary Confinement" *Journal of Law & Policy* Vol. 22:325-383.

Hinkle, Lawrence E. and Harold G. Wolff. 1956. "Communist Interrogation and Indoctrination of Enemies of the State: Analysis of Methods Used by the Communist State Police (A Special Report)." *AMA Archives of Neurology and Psychiatry* 76:2 (August).

Jackson, George. 1994. *Soledad Brother: The Prison Letters of George Jackson*. Chicago: Lawrence Hill Books.



Klein, Naomi. 2007. *The Shock Doctrine: The Rise of Disaster Capitalism*. New York and London: Macmillan.

Lifton, Robert J. 1957. "Chinese Communist "Thought Reform": Confession and Re-Education of Western Civilians." *Bull N Y Acad Med*. 33:9 (September), 626–644.

Lilly, John C. 1956. "Mental Effects of Reduction of Ordinary Levels of Physical Stimuli in Intact, Healthy Persons." *Psychiatric Research Reports* 5, American Psychiatric Association, Washington, D.C. (1-28 June).

Maclaren, Kym. 2008. "Embodied Perceptions of Others as a Condition of Selfhood? Empirical and Phenomenological Considerations." *Journal of Consciousness Studies* 15:8, 63–93.

*Madrid v Gomez* 889 F.Supp. 1146 (N.D.Cal. 1995).

Mason, William A. and R. R. Sponholz. 1963. "Behavior of rhesus monkeys raised in isolation." *Journal of Psychiatric Research* 1:4 (December), 299-306.

McCain, John and Carl Levin. 2008. *Senate Armed Services Committee Inquiry into the Treatment of Detainees in US Custody*. (December 11).

McCoy, Alfred W. 2007. "Science in Dachau's Shadow: Hebb, Beecher, and the Development of CIA Psychological Torture and Modern Medical Ethics." *Journal of the History of the Behavioral Sciences* 43: 4 (Fall), 401–417.

Melzack, Ronald. 1954. "The genesis of emotional behavior: an experimental study of the dog." *Journal of Comparative and Physiological Psychology*. 47:2 (April), 166-168.

Mitford, Jessica. 1973. "The Torture Cure: In some American prisons, it is already 1984." *Harper's Magazine* (August), 16-30.

Opton, Edward M. Jr. 1974. "Psychiatric Violence against Prisoners: When Therapy Is Punishment." 45 *Mississippi Law Journal* 605.

Riesen, Austin H. 1961. "Studying Perceptual Development Using the Technique of Sensory Development." *Journal of Nervous Mental Disease* 132:1, 21-25.

Riesen, Austin H. and Aarons, L. 1959. "Visual movement and intensity discrimination in cats after early deprivation of pattern vision." *Journal of Comparative and Physiological Psychology* 52:2 (April), 142-9).

Schein, Edgar H. with Inge Schneier and Curtis H. Barker. 1961. *Coercive persuasion: A socio-psychological analysis of the "brainwashing" of the American civilian prisoners by the Chinese Communists*. New York: W. W. Norton.

Shaylor, Cassandra. 1998. "It's Like Living in a Black Hole: Women of Color and Solitary Confinement in the Prison Industrial Complex." *New England Journal on Criminal and Civil Confinement* 24, 385-416.

Smith, Caleb. 2009. *The Prison and the American Imagination*. New Haven and London: Yale UP.

Smith, Peter Scharff. 2006. "The Effects of Solitary Confinement on Prison Inmates: A Brief History and Review of the Literature." *Crime & Justice* 34, 441-528.

Stern, Daniel N. 2002. *The first relationship: infant and mother*. Cambridge, MA: Harvard University Press.

Walsh, Paul G. and Peter G. Mertin. 1994. "The Training of Pets as Therapy Dogs in a Women's Prison: A Pilot Study." *Anthrozoos: A Multidisciplinary Journal of The Interactions of People & Animals* 7:2, 124-128.

Zeedyk, M. Suzanne. 2006. "From intersubjectivity to subjectivity: The transformative roles of emotional intimacy and imitation." *Infant and Child Development* 15:3 (May-June), 321-44.

---

<sup>i</sup> See *Madrid v Gomez*, 889 F. Supp. 1146, (N.D. Cal. 1995).

<sup>ii</sup> On the right “not to be treated as less than human beings,” Judge Henderson cites *Spain v Procunier*, 600 F.2d 189 (1979), citing *Furman v. Georgia*, 408 U.S. 238, 271-73, 92 S.Ct. 2726, 33 L.Ed.2d 346 (1972) (Brennan, J. concurring) (cited *Madrid v Gomez* 329).

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

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

<sup>v</sup> See, for example, Foucault 1990 and 2003.

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

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

<sup>viii</sup> For example: *Jones 'El v. Litscher*, No. 00- C-421-C, (W.D.Wis.2002), *Overton v. Bazzetta*, 539 U.S. 126, 134 (2003), *Gillis v. Litscher* (7th Cir., Nov. 15, 2006), *Fleming v. Nebraska, et al.* (USDC. Neb. Oct. 16, 2006), *Beard v. Banks*, 548 U.S. 521, 536 (2006).

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

<sup>x</sup> Dickens denounced solitary confinement as a punishment “which no man has a right to inflict upon his fellow creature” (Dickens 1957, 99). “I hold this slow and daily tampering with the mysteries of the brain to be immeasurably worse than any torture of the body; and because its ghastly signs and tokens are not so palpable to the eye and sense of touch as scars upon the flesh; because its wounds are not upon the surface, and it extorts few cries that human ears can hear; therefore the more I denounce it, as a secret punishment which slumbering humanity is not roused up to stay” (99; see also 109). While Dickens is clearly writing within a humanist paradigm, his critique of

---

solitary confinement nevertheless recognizes that it is not only as a human being that the prisoner is harmed, but at the level of sensible, affective animal life: “That it makes the senses dull, and by degrees impairs the bodily faculties, I am quite sure” (109).

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

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

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

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

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

<sup>xvi</sup> See Klein 2007, 25-48 and McCoy 2007, 408.

<sup>xvii</sup> The only successful lawsuit was won by nine Canadians against Ewen Cameron in the late 1980s.

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

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

<sup>xx</sup> See Walsh and Merton 1994. Programs connecting prisoners with companion animals in US prisons include the Wisconsin Correctional Liberty Dog Program, Prisoners Training Dogs for the Disabled, and the Prison Pet Partnership at Washington State Corrections Center for Women.

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

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

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

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

<sup>xxv</sup> The language of freezing and refreezing comes from Schein's book, *Coercive Persuasion* (1961).