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Solitude and Freedom A Response to Saul Newman on Stirner and Foucault

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Punishment in Western Society. Eds. Norval Morris and David J. Rothman. New York: Oxford UP, 1995.

Said, Edward. "Traveling Theory." The Edward Said Reader. Eds. Moustafa Bayoumi and Andrew Rubin. New York: Vintage, 2000.

Shane, Scott. "Locked Up in the Land of the Free." Baltimore Sun 1 June 2003 final ed.: 2A.

Stirner, Max. The Ego and His Own. Trans. Steven Byington. New York: Tucker, 1907.

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Dayan, Joan. "Held in the Body of the State: Prisons and the Law." *History, Memory, and the Law*. Eds. Austin Sarat and Thomas R. Kearns. Ann Arbor, MI: U of Michigan P, 1999. 183-247.

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

Evans, Robin. *The Fabrication of Virtue: English Prison Architecture, 1750-1840*. Cambridge: Cambridge UP, 1982.

Foucault, Michel. *Discipline and Punish: The Birth of the Prison*. Trans. Alan Sheridan. New York: Vintage, 1977.

Franzen, Jonathan. "Control Units." *How to Be Alone*. New York: Farrar, 2002. 211-41.

Hanway, Jonas. "Distributive Justice and Mercy." London: J. Dodsey, 1781. *Goldsmiths'-Kress Library of Economic Literature 12217*. New Haven, CT.: Research Publications, 1976.

Herivel, Tara, and Paul Wright. *Prison Nation: The Warehousing of America's Poor*. New York: Routledge, 2003.

Jameson, Fredric. *Postmodernism, or, the Cultural Logic of Late Capitalism*. Durham, NC: Duke UP, 1991.

Johnston, Norman. *Forms of Constraint: A History of Prison Architecture*. Urbana, IL: U of Illinois P, 2000.

Levenson, Michael. *A Genealogy of Modernism: A Study of English Literary Doctrine, 1908-1922*. New York: Cambridge UP, 1984.

Marx, Karl, and Frederick Engels. *The German Ideology*. *Collected Works*. Vol. 5. New York: International, 1975.

Newman, Saul. "Stirner and Foucault: Toward a Post-Kantian Freedom." *Postmodern Culture* 13:2 (Jan. 2003). <http://muse.jhu.edu/journals/postmodern_culture/v013/13.2newman.html>

Parenti, Christian. *Lockdown America: Police and Prisons in the Age of Crisis*. London: Verso, 1999.

Rotman, Edgardo. "The Failure of Reform: United States, 1865-1965." *The Oxford History of the Prison: The Practice of*

If the aim of privately contracted discipline is to increase construction of new prisons, to incarcerate more people for longer periods of time because more prisoners now mean more business, more profits, higher stock prices, then the postmodern turn would seem to be away from the interior life of the convict. Containment, an industry in itself, has less and less interest in producing repentant souls, and mandatory sentencing rules appear to signal a shift away from "individualized and individuating" corrections. This characterization may well fit the majority of our prisons—but the solitary lockdowns, I submit, are an exception, a special circumstance.

On the continuities and mutations in the history of American solitary confinement, see Dayan's compelling and haunting essay, "Held in the Body of the State." On contemporary prison trends and the new solitary facilities, see Parenti's major study, *Lockdown America*, and Herivel and Wright's new edited collection, *Prison Nation*. Franzen's essay, "Control Units" in *How to Be Alone*, is an elegant introduction. Studies of the new Guantanamo Bay prison are harder to find, the circulation around it monitored and controlled, but its mechanics and economics are interrogated in Ted Conover's "In the Land of Guantanamo."

Works Cited

de Beaumont, Gustave, and Alexis de Tocqueville. *On the Penitentiary System in the United States and Its Application in France*. (1833). Trans. Francis Lieber. Carbondale, IL: Southern Illinois UP, 1964.

Clarke, Bruce. *Dora Marsden and Early Modernism: Gender, Individualism, Science*. Ann Arbor, MI: U of Michigan P, 1996.

Conover, Ted. "In the Land of Guantanamo." *New York Times Sunday Magazine* 29 Jun. 2003: 40-45.

In a recent essay on "Stirner and Foucault," Saul Newman brings these "two thinkers not often examined together" into a conversation about freedom, coercion, and individual subjectivity. Newman uses Stirner and Foucault to explore a discourse of freedom formulated by Kant and dominant since the Enlightenment, a discourse based on universal moral abstractions that subtly coerce the mind even as they promise to liberate it. The aim of Newman's interrogation, as I understand it, is finally to dismantle these abstractions, and to imagine an individual freedom that would not have an "authoritarian obverse," an oppressive shadow—a new freedom not chained to universal norms, but grounded in the world of power and practice, in "concrete and contingent strategies of the self." My own research into the modern prison and its cultural consequences has also approached Stirner and Foucault, also on the themes of freedom, coercion, and the shape of the mind, and I'm glad to discover Newman's work. This essay is my effort to answer its provocations.

Max Stirner's major text, *The Ego and His Own*, is long, strange, and fitful—and the same can be said of its afterlife.¹

¹ Conceived in a revolutionary moment, in the European 1840s, the book attacks, by turns sneering and raging, the authorities of religion and government and, as Newman shows, a version of Enlightenment humanism. A few years later, Stirner himself becomes an authority under attack in Marx's *The German Ideology*, where Marx's emergent materialism in philosophy and revolutionary politics defines itself against the idealism of "Saint Max" and his generation. In the late nineteenth century, Stirner enters and helps to form Nietzsche's writing, but he remains fairly obscure outside Germany until about 1907. In the decade just before the Great War, a group of Anglo-American anarchists takes a new interest in Stirner as a source of insight and energy. The American radicals Steven Byington and Benjamin Tucker produce a translation, and Stirner's work moves to the center of the early modernism developing in Dora Marsden's London journal, *The Egoist*. A Stirnerite anarcho-individualist cultural politics has been traced through Marsden's journal to the works of its contributors, among them Ezra Pound, T.S. Eliot, James Joyce, Rebecca West, Richard Aldington, H.D., Ford Madox Ford, Marianne Moore, D.H. Lawrence, and other experimental writers. With

Why revive Stirner now? The answer must be, at least partly, strategic. The "egoist," Stirner writes, "never takes trouble about a thing for the sake of the thing, but for his sake: the thing must serve him" (221). Similarly, *The Ego and His Own* is awakened when it becomes useful, when it helps critics to oppose some oppressive structure in their own time. Newman writes with this urgency; Kant is a bogey-man in his critique because Kant's theory of freedom seems to Newman to be shaping contemporary discourse, dispensing an "illusory" freedom, a disguised oppression, in our own present tense. But where Newman wishes to reveal the hidden constraints in a theory of freedom—a theory that, he intimates, has endured the modernist and postmodernist ruptures and affects the present—I would measure Stirner's worth against a form of coercion that is partly hidden but not simply theoretical: the modern prison built for solitary confinement. The Stirner-Foucault connection becomes strongest and most material here, in relation to an oppressive form developed in Stirner's time and given its definitive theoretical treatment by Foucault, a form that is being reborn and expanded right now in the United States, in "super-max" prisons and in the cells for suspected "enemy combatants" on Guantanamo Bay. If Stirner is going to be roused and put to use again, it might be against these very "concrete and contingent" institutions of solitude and unfreedom.

Concreteness, contingency, "this world"—material institutions and practices suggest themselves everywhere in Newman's essay, but he gestures toward them as if toward something half-real. The opposite of abstract universals never quite takes a shape of its own. How might a contingent liberation be achieved by real people? How might concrete freedom

the genesis of English modernism, Stirner is invoked as the spokesman of a radical politics against the liberal state and against socialism, whose forms seemed, to Marsden, sentimental and ineffectual. See Levenson and Clarke.

answer here, but these seem to me the crucial questions for the contemporary value of Stirner and Foucault, writers who engage and resist the solitary cell at its modern genesis. The point is not to reveal some supposedly hidden mechanism, or to speak with pious outrage, the usual tone of prison reform itself, which produced the cell in the first place. But neither will these troubling questions be quieted by Newman's "affirmation of the possibilities of individual autonomy within power" (my emphasis). What kind of insurgent collectivity might develop inside a super-max unit? How do its technologies of deprivation and computerized video-surveillance connect to the old barren reflective surfaces and panoptic supervision? Finally, can theory shift from the bound figure of the cellular soul, as Stirner and Foucault do, to a vision of practical communion and collaborative resistance? My sense, only half-formed, is that we might move toward a collective critical practice whose proper adversary is not so much Immanuel Kant as the modern prison and its postmodern reincarnations.

A curious reversal: solitary confinement falls from dominance during a period of exploding convict populations; now, in another period of exploding numbers, it comes back. The trick, the difference, may lie in the new economic structure of postmodern discipline. Many of the new solitary prisons are built and operated by private contractors, paid by states and by the federal government but working for profit. These businesses—the two largest are the Corrections Corporation of America (CCA) and Wackenhut—in turn, contribute to the campaigns of "tough on crime" candidates, fund research into their own effectiveness, and lobby for longer, more standardized sentencing rules like California's "three strikes" law. Solitary confinement may be coming under private contracting for the same reason it faded from its golden age: because it is expensive. (A note to my Australian correspondent: Wackenhut runs prisons there, too.)

Guantanamo represent the largest experiment in solitude since the nineteenth century. Long discredited as a form of torture that actually ravages the minds it pretends to correct, displaced for a century and a half by less expensive practices, solitude is suddenly a major part of corrections again. And the criminal soul that lay dormant for so long is reappearing with the cell, though both have been transformed by technology and new power structures.

Built by Halliburton and operated by the U.S. military, the Guantanamo Bay prison takes an acute interest in the psychic lives of its inmates. The prisoner's mind is to be carefully managed in an effort to extract its secrets. Lt. Col. Barry Johnson describes the balance: "This is not a coercive effort," he says, "because as you coerce people, they will tell you exactly what they want you to hear—and that does us no good. We have to have accuracy and facts, and people need to be willing to give you that. It takes motivation, not coercion." On the difference between motivation and coercion, Johnson is evasive, except to offer the cryptic remark that "fear is very different than pain" (Conover 45). The high-tech solitary chambers in super-max prisons also hold inmates for a complicated range of reasons, some of them clearly political—Ray Luc Levasseur, convicted of bombing a Union Carbide facility, was transferred to a solitary cell in Colorado's ADX super-max when he refused to work in a prison factory because the coaxial cable produced there was for U.S. military use. According to official policy, Levasseur had refused to perform labor necessary to his "rehabilitation" (Franzen 219-20). The old criminal soul may not have expired as a disciplinary tactic, after all.

The sophisticated architecture and functioning of the new solitary prisons raises more questions than I can hope to

worst." In the last quarter century, the days of the War on Drugs and the War on Terror, American prison populations have doubled and then doubled again, yet solitary confinement has made a surprising return.

feel? The trouble may be that escape from an abstract prison can only be, itself, abstract. A metaphoric jailbreak—where can we hide from such guards, except in another metaphor? But the prison is not only an idea. It is first of all a concrete coercive institution. It is an architecture, a practice and a policy with a specific history, and its history is not over. Today the United States is involved in the reconstruction of solitary confinement on a massive scale, the largest experiment in coercive isolation since the middle nineteenth century. The modern institution whose genesis was witnessed by Stirner and carefully traced by Foucault is coming back in a post-modern form. It is this return that gives the Stirner-Foucault connection its urgency now.

I don't wish to quarrel with Saul Newman. I'll grasp and develop some of his ideas and depart from others, but this is a correspondence, not an attempt at correction. My thoughts are offered in a spirit of collaboration.

I

The modern prison takes shape in the American northeast between 1815 and 1840. Two rival "systems," "Auburn" and "Philadelphia," emerge, but their competition masks an underlying unity: both accept the crucial idea of solitary confinement (Beaumont and Tocqueville 54-55; Foucault 237-39). The main line of cultural criticism since Foucault has developed his formulations around the processes of surveillance and social control, but just as important to the modern prison and to the Stirner-Foucault connection is the architecture of solitude and, with it, the architectural figure of the criminal soul conceived by reformers.

Prison reform, the discursive and political movement that transforms institutions, is itself transformed by them. To break up conspiracies and riots, to quarantine disease and contain

sex, the architecture of solitude is designed. Once established, the new architecture, in turn, changes the meaning of solitude.² From the engagement of reform discourse and cellular architecture a new image of the criminal is conceived—a cellular soul. This soul has its own internal architecture; it is divided and binds itself, struggling to correct itself through “reflection” into a redeemed and reunified entity. The spiritual “cell” is the convict’s guilt, the flaw that corrupts him; working to repair this flaw is his repentance, a corrective agency within that masters guilt and reshapes the soul.

A crucial fiction of reform in the golden age of solitude is that the prisoner’s suffering is mainly spiritual. The real struggle of inmates against the forces that hold them is sublimated, obscured, into the image of a divided and self-binding soul struggling toward redemption. According to reformers, it is not the granite walls, the guards and wardens, but the convict’s private guilt that, in solitude, “will come to assail him.” Self-correction, in the discourse of reform, happens through a process of “reflection”: “thrown into solitude [the convict] reflects. Placed alone, in view of his crime, he learns to hate it” (Beaumont and Tocqueville 55). Again, a tactical reform is ennobled with spiritual imagery. Prisoners prove resourceful and inventive in the use of objects as weapons, so any potential weapon is removed from their reach. Cells are stripped of furniture, accessories, any adornment not biologically necessary and that cannot be bolted to the floor. In the imagination of prison reform, this necessary redesign becomes an aid to redemption: the bare walls become a “reflective” surface where the convict sees not a wall but the image of his guilt—what the English reformer Jonas Hanway calls “the true resemblance of [the prisoner’s] mind” (65). The convict burns to repair this re-

² On the architecture of solitary confinement in modern prisons, see Evans and Johnston.

United States gives the example of the most extended liberty,” wrote Beaumont and Tocqueville in 1833, “the prisons of the same country offer the spectacle of the most complete despotism” (79). Today, as the United States declares itself the worldwide defender of freedom, it incarcerates a higher percentage of its own subjects than any other country, over two million in all (Shane).⁴ I make these connections not for the satisfaction of “exposing” some hypocrisy, but as a point of departure, a way of establishing what is at stake in the relation between freedom and incarceration today. At the entrance to the prison camp on Guantanamo Bay is a posted slogan: “Honor Bound to Defend Freedom” (Conover 42).

We have in the United States a whole new generation of prisons built for solitary confinement. The line connecting them to the penitentiaries of the early-middle nineteenth century is not at all continuous—the last thirty years have seen not so much an evolution as a rebirth and redefinition of the modern prison.⁵ The super-max prisons and the isolation facility at

⁴ On these themes in general, and on the particular relation between Tocqueville’s study of the American penitentiary and his study of Democracy in America, see Dumm.

⁵ The modern solitary prison had its golden age in the U.S. between 1820 and the Civil War. Even during these years, solitude was never an established fact of life for most American prisoners; rather, 1820-1860 marks the period when a faith in the corrective function of solitude and reflection dominated the discourse of prison reform. This is the golden age of an institutional fantasy, the desire to rebuild American discipline around solitude, the expressed belief that such a rebuilding was socially practical and that it would, if achieved, produce a better society. With the Civil War, the dream of a solitary confinement regime encountered vast new problems—in particular, vast new populations to incarnate. Captives taken in battle, emancipated slaves, new waves of immigrants: these criminalized populations were far too large for the existing reformed prisons, and authorities could not afford to build enough cells for them all. See Rotman, especially pages 169-176. Still, isolation persisted in prisons, no longer as the standard confinement for all convicts but as a special punishment for the unruly—or, more recently, as a technique of “segregation” to protect vulnerable inmates from the general population, or the vulnerable general population from the “worst of the

Stirner, when he considers the prison explicitly, becomes unusually conscious of the material processes of coercion. The material "space," the concrete "building" of the prison, he writes, is what "gives a common stamp to those who are gathered in it" and "determines the manner of life of the prison society" (286). Similarly, Stirner and Foucault, faced with the material prison, suggest that liberation might be achieved not by a solitary turn inward, which the prison is built to enforce, but by communion and riot. Edward Said, interrogating Foucault's theory of power, insists that "in human history there is always something beyond the reach of dominating systems, no matter how deeply they saturate society, and this is obviously what makes change possible, limits power in Foucault's sense, and hobbles the theory of that power" (216). Apparently against Foucault, Said holds to "some modest [...] belief in noncoercive human community" (217). But what Said misses is that the idea of insurgent collectivity, prisoners and the dominated communing and moving against their confinement, is in Foucault's own vision of the prison, just as it is in Stirner's. "In this central and centralized humanity," Foucault writes, "the effect and instrument of complex power relations, bodies and forces subjected by multiple mechanisms of 'incarceration,' [...] we must hear the distant roar of battle" (308).

II

Newman's essay announces itself as more than an exercise in intellectual history or a theoretical comparison; its Stirner-Foucault connections work against oppressive, illusory models of freedom that "continue to dominate" in the present. Stirner and Foucault matter because they are useful to us now in our efforts to imagine and realize freedom. I would follow Newman here, and submit that the history of solitary confinement has a new urgency in this postmodern moment. "While society in the

flection, as if his spiritual correction would liberate him from the torments of confinement.

Foucault traces the subtle consequences of reform's alchemy:

solitude assures a sort of self-regulation of the penalty and makes possible a spontaneous individualization of the punishment: the more a convict is capable of reflecting, the more capable he was of committing his crime; but, also, the more lively his remorse, the more painful his solitude; on the other hand, when he has profoundly repented and made amends without the least dissimulation, solitude will no longer weigh upon him. (237)

The startling last turn is central to the mythology of reform. The corrected criminal, though still confined to his cell and awaiting the end of his sentence like any other, waits without suffering, without experiencing his confinement as a punishment. He sits in the tranquility of his redemption, liberated from guilt. His soul is of a piece, no longer its own cell. Despite his shackles, his forced labor, his bodily exposure to the various tortures wielded by guards, the prisoner is already "free."

The modern prison, then, depends upon a cellular figure of the soul. Stirner's *The Ego and His Own* grasps precisely this figure, and subverts it. Stirner's contention is that the deviant, criminalized dimension of the soul is really its better half, its true calling, while the spirit of "repentance" is an oppressive social force, conformity and obedience internalized. Stirner protests solitary confinement, in other words, by a reversal, by turning its figure of the cellular soul inside-out: "turn to yourselves," he preaches, "rather than to your gods or idols. Bring out from yourselves what is in you, bring it to the light, bring yourselves to revelation" (211).

But Stirner's protest, because it accepts a cellular architecture of the soul, remains deeply bound to the fantasy of

corrective solitude. Despite a certain structural rearrangement, an inversion of values like a switching of magnetic poles, the soul stays cellular, provoked to correct itself by an authority (Stirner) promising a new redemption ("ownness"). Freedom is a spiritual matter; as a consequence, the institutions that coerce people in the material world disappear. Like the jailers he attacks, Stirner obscures the violent struggle between inmates and their keepers.

Stirner's critique of modern confinement would appear, in this light, locked in an irresolvable conflict with the prison's cellular figure of the soul. The terms of redemption are reversed, but the soul remains its own cell, still isolated and charged with the task of correcting itself: imprisonment remains an individual matter, and freedom a state of mind. What saves *The Ego and His Own* from this stalemate is nothing but the work's fitfulness, the shifty self-disruption of Stirner's prose and of his line of thought. Just as the circle seems ready to close, as the prison is about to complete its horizon around Stirner's protest, there is an interruption, a heave, and another possibility breaks open. Explicitly considering the modern prison and the "saintly" reformers who wish to introduce solitary confinement, Stirner perceives an insurgent collectivity, a collaborative uprising by inmates as the menace that these architects are trying to exterminate. With this insight into origins, Stirner intimates that the same possibility continues to hold a liberating promise. Not individual redemption but riotous, collective "intercourse" now appears as the opposite of solitary confinement:

That we jointly execute a job, run a machine, effectuate anything in general,—for this a prison will indeed provide; but that I forget that I am a prisoner, and engage in intercourse with you who likewise disregard it, brings danger to the prison, and not only cannot be caused by it, but must not even be

permitted. For this reason the saintly and moral-minded French chamber decides to introduce solitary confinement, and other saints will do the like in order to cut off "demoralizing intercourse." Imprisonment is the established and—sacred condition, to injure which no attempt must be made. The slightest push of that kind is punishable, as is every uprising against a sacred thing by which man is to be charmed and chained. (287)

Stirner's brief but important treatment of insurgent collectivity suggests an absence in his own design, and in Newman's. Between the isolated, oppressed individual and the oppressive "society" or "authority" lies a contested middle ground, where individuals might commune and move together toward resistance: "every union in the prison bears within it the dangerous seed of a 'plot,' which under favorable circumstances might spring up and bear fruit" (287). I would develop Newman's account by restoring not just the material institutions of oppression, but also the possibility of collective uprising. Toward the material world, toward insurgent collectivity—critics of Stirner and Foucault have not generally seen these two movements in their work³; Newman tries to make do without them, but his undertaking will be incomplete, I believe, until they are restored.

³ I refer specifically to Marx's treatment of Stirner as a deluded idealist in *The German Ideology* and to a series of responses to Foucault's *Discipline and Punish* that includes Frederic Jameson and Edward Said. Jameson, introducing his own periodizing thesis in *Postmodernism*, describes a "winner loses" paradox in Foucault: <quote>the more powerful the vision of some increasingly total system or logic—the Foucault of the prisons book is the obvious example—the more powerless the reader comes to feel. Insofar as the theorist wins, therefore, by constructing an increasingly closed and terrifying machine, to that very degree he loses, since the critical capacity of his work is thereby paralyzed, and the impulses of negation and revolt, not to speak of those of social transformation, are increasingly perceived as vain and trivial in the face of the model itself. (5-6)</quote>