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Introduction

Notes on Becoming a Penal Spectator

Tipping Points

When I began graduate school, the first course I took was a proseminar on the administration of justice. The curriculum was an unprecedented experience and challenge for me, a former humanities student, in its deep survey of organizational theory through the central institutions of the criminal justice system. The last few weeks of the course were spent on classic and contemporary works in correctional research—leading me to work by pioneers in the sociology of imprisonment. I studied the first wave of social scientists who entered prisons and observed their daily life, including the work of sociologists Donald Clemmer, Gresham Sykes, and Erving Goffman. Encounters with historical documents such as The President’s Commission on Law Enforcement and the Administration of Justice, the American Friends Service Committee’s Struggle for Justice, as well as revisionist social control histories authored by David Rothman and Nicole Rafter, led me to reconsider the entire purpose of punishment and how visions of social control have such unforeseeable consequences and often go so badly awry. Contemporary work of the period, ranging from John Dilulio’s high-profile prediction of a wave of youthful super-predators, Norval Morris and Michael Tonry’s argument for the necessity of an interchangeability of punishment, to Nils Christie’s indictment of crime control gulags, opened up issues with little resolution against the backdrop of a deepening sense of futility. My final project in the proseminar examined a key debate about the role of rehabilitation in U.S. punishment, relying heavily upon the controversial work of Robert Martinson, widely recognized as having come to the infamous conclusion that “nothing works” in the field of corrections. During that time, Marc Mauer’s groundbreaking Sentencing Project report was issued, which found that
one out of three black men between the ages of 20 and 29 were in prison, jail, or on probation or parole.4

I left the course and my first semester of graduate school feeling as if these researchers were discordant voices in a strange wilderness as the United States continued to build the most massive penal system on the planet. All of this culminated in a deepening commitment to the study of punishment. It seemed clear that the U.S. penal system remained the most invisible and overlooked of justice institutions and that the reasons for this strange inattention were remarkably thin and undertheorized. It also seemed clear that a generation of criminologists and sociologists were taking on a deep sense of urgency in mapping these penal transformations and arguing their meanings. I remember thinking that, as a citizen and potential criminologist, I bore some responsibility and accountability in this new understanding, as it was developing against the relatively quiet backdrop of unprecedented prison expansion and mass, racialized incarceration in the United States.

I launched energetically into the project of visiting prisons at every security level and across the United States as part of my plan to study them. I eventually obtained a teaching position at the largest women’s correctional facility in my home state of Indiana, all in order to lay the groundwork for gaining access and conducting doctoral research in the statewide correctional system. In these pursuits, I found myself immersed for the first time in the physical world I proposed to study and hoped to change. It was a claustrophobic space whose structural tensions, ironies, inertia, and contradictions were immediately apparent. All of my visions of reform and transformation quickly dissipated into a chronic kind of worry and exhaustion, alongside of an overwhelming sense of being up against something impossible to transform. The anxious awareness of the impossibility of change, after all, is in many ways the story of the prison and reform—and certainly marks its history and its sociology. The physical world of incarceration was also, in a mundane, horrific way, a space, in the late 1990s, overflowing with people—prisoners, correctional officers, case workers, mental health staff, attorneys, administrators, and brief but routine appearances by families and community members. During those long drives home from class and facility tours, through beautiful, desolate rural counties, where the roads were largely empty and the economy long gone, I continuously pondered what it meant to be a prison culture—a society committed to the construction of prisons and the warehousing of mass numbers of people with little regard for the complexities of their lives, the
lives of those hired to confine them, and the communities that surrounded them. I returned home to conversations with friends, family, colleagues, and students that seemed deeply disconnected from these stark environments and their consideration, with debates and dialogues developing in which authority could be tried on freely and assertively, where declarations about punishment and the appropriateness of pain were playfully tossed about. Those same playful discourses became apparent in the programs I watched on television, the films that I screened, the video games that I played, and the commentary that pervaded the news. Everywhere I looked, the architecture and vocabulary of punishment suddenly appeared.

In the days since, I have conducted multiple research and teaching projects in prisons with the people who work and live there. Many have been gracious enough to lead me through these complex worlds. Former prisoners have permitted me to follow them through reentry, back to cities, into their homes and the lives of their parents, children, brothers and sisters, partners, employers, and spiritual communities. Others remain in the same halls, cells, and dormitories where I met them ten years ago, fighting against the effects of prolonged institutionalization and worrying about the day they have to enter a world now virtually unrecognizable, with few resources and family to support them. Some will never leave. Some have died. In that process, I have witnessed the devastating, fruitless impact of stigma, isolation, and confinement—of dead time and holding patterns that are chronically dysfunctional for people who will one day return to society, to us—the long-standing and most basic findings of prison sociology. Along the way, people who spend their lives working in this environment have discussed the stress they encounter in performing the work of incarceration on the job and off. They have spoken candidly and passionately about how they and those around them change in doing a work whose positive effects are hard to find, on how they withdraw into communities of workers who understand the day-to-day life of prisons . . . because broader society does not. It is out of this experience that I decided to write this book.

Historically, prisoners and prison workers are necessarily divided by power and by function. The prison then epitomizes what it is to position people in fundamentally unequal structures. However, what prisoners, prison workers, and those who care about them share is an extreme sense of difference and isolation from society—a sense that they are ultimately disposable and most socially valuable when invisibly fulfilling the warehousing mandate of a society that has come to view incapacitation
as the first and most logical political and social choice in dealing with a vast array of issues, some crime-related and many not. They are aware of broader societal attitudes, assumptions, and understandings of punishment and have, with all of us, experienced the rise of a popular punitive-ness over the last four decades. Sometimes they support and internalize this turn. But even in that context, they know the work that they do and the experience of being in prison are social realities that few outside of their worlds care or wish to know about—except in connection with a certain voyeuristic sensationalism.

In this book, I argue that many American citizens access punishment through cultural practices removed from formal institutions like prisons in a manner which, although largely unacknowledged, massively extends throughout our social foundations. Across families, communities, schools, religion, the military, politics, the economy, and beyond, punishment is practiced and played with in daily life. In part, this manner of cultural engagement perhaps occurs because it is simply easier, convenient, and more accessible, but it also marks a choice. Americans choose when and under what conditions they would prefer to see prisons and, in the particularity of that engagement, invoke and reproduce specific kinds of logics and explanatory frameworks. I look to the places where this engagement is occurring, places that lie outside of the prison-industrial complex, where punishment arises popularly and culturally. Like a detective, I glimpse a lead—a film about prison that attracts a cult following or a hit television show that playfully engages penal judgment; an advertisement for a prison ghost hunt whose popularity is growing locally, regionally, and nationally; a news story whose penal images are so graphic and so immediately global as to defy previous representations of prisons, evoking international outrage; and finally, a popularized scientific publication on rehabilitation that maintains its hold across time in textbooks, popular discourse, and the common history of a discipline—and I follow it where it goes. Why? Because other people are doing this also, citizens with—and, more significantly, without—direct connections to prisons. In all of these cases, cultural fragments emerge whose hold on people is deeply bound up with the nature of their connections to punishment—but from a distance.

It is in these spaces that much of the popular knowledge about punishment is constructed—in spaces far from the social realities and the social facts that define mass incarceration. Consequently, the turn away from imprisonment, if and when it occurs, will only be meaningful if we know something beyond the political, economic, and structural forces
which led to its downfall. We will need to know something about the ways in which people who are removed from punishment imagine it—and why certain kinds of political rhetorics and cultural meanings are given so much privilege. We will need to know how ordinary citizens use imprisonment, what they find fascinating about it, why it emerges at key moments in particular kinds of representational frameworks and public discourse, and finally, and perhaps most significant, what kinds of penal subjectivities develop out of these interactions. By penal subjectivity, I mean that these performances of punishment, when distant from actual punishment, nonetheless provide frameworks for ordinary citizens to step into or out of self-conscious modes of awareness as moral spectators and deliberative citizens. In those positions, Americans make decisions about the proper place and meanings of punishment and the role of pain and exclusion in society. Such a framework insists that there are specific conditions in which Americans engage the complex work of punishment. When do they recognize and act upon their own complicity in the practice of punishment? Of equal importance, when do they fail to recognize this role—or intentionally evade it—and under what conditions? In contexts where individuals only know incarceration at a distance, the dynamics of penal participation are slippery and can quickly devolve into complex, often voyeuristic frameworks which privilege various kinds of punitive, individualistic judgment. Citizens may participate vicariously in mediated worlds where pain is inflicted across television, films, recreation, and news. They may be disturbed by these images. They may find such engagement titillating. In any case, they are enthralled in a manner that is not easily conducive to analysis or self-reflection. Thus, a shadow world of moral judgment and penal logics exists beyond prison walls as a constant and perpetually growing cultural resource for people to make sense of punishment. Few other institutions encounter such a radical and momentous divide between their physical realities and cultural imagining. And without some awareness of how this separation occurs, we not only risk reproducing the worst aspects of penal history, but developing new and more awful trajectories as well.

Of course, it is also true that the scale of incarceration in the United States has brought unprecedented numbers of people into the penal system and created social networks of incarceration that exceed any in previous history. The world leader in incarceration, the United States now imprisons just under two and a quarter million people, with over 7 million under some form of criminal justice supervision. Ninety-five percent or
more of those incarcerated will be released from prison at some point in the future. The nature of this pattern of imprisonment occurs in a manner fueled by the war on drugs and the disproportionate imprisonment of African American men, who are seven times as likely to be incarcerated as white men. Beyond the bare demographics of the U.S. penal system are the extensive, largely hidden collateral consequences of mass incarceration. Although these costs vary across jurisdictions and states, they include lifetime bans for those with felonies of the receipt of welfare and food stamp benefits, restricted rights to housing and higher education, limits in emergency public aid and social service access, occupational licensure restrictions, and voter disenfranchisement, all of which can add up to insurmountable barriers for individuals returning to poor, working-class communities. The costs of incarceration extend far beyond the individuals who are housed in the U.S. penal system. The future for the estimated 2 million children who have a parent in prison is stark. Among the most vulnerable of demographic groups, these children are more likely to grow up in poverty and encounter the criminal justice system far earlier and more consistently than their middle-class peers. Families of prisoners, consequently, are informed by a unique set of economic, social, emotional, and existential stressors. As well, the people and corporations who serve as the rising labor force for the prison-industrial complex point to new ways in which American towns and cities can be organized around the project of punishment with no economic motive or social investment plan beyond mass incarceration. These kinds of cumulative effects add up to structural shifts for entire communities and ultimately all of American society, exacerbating fundamental race, class, and gender divisions and providing scarce resources or impetus to think through alternative approaches to crime and its contingent social problems. Significantly, these discussions are largely absent from political discourse. Senator James Webb, who coordinated hearings on mass incarceration in 2007, addressed this omission, arguing that “the United States has embarked on one of the largest public policy experiments in our history, yet this experiment remains shockingly absent from public debate.” Although mass imprisonment figures largely as the country’s most critical civil rights concern, not one recent presidential candidate has identified it as a key issue.

Such developments frustrate the project of democracy in a number of ways. Social dynamics and interrelations in penal contexts are built fundamentally upon exclusionary practices and ideas of difference which divide rather than unite, turning citizens against citizens. Contemporary federal,
state, and local initiatives build up last-resort institutions like prisons in a manner that renders communities economically and politically depen-
dent upon them, while pulling resources from education, health care, the economy, and other social institutions and services. Communities then take as their most basic good a potentially limitless drive toward an im-
possible sense of security, founded upon governance through crime and fear. Such contexts are most disturbing in their normalization of crime and punishment, where both risk becoming pretexts or simply accepted, well-intentioned ways of accomplishing other kinds of social and politi-
cal goals. How we think about privacy, personal responsibility, and the needs of others, deserving or not, may be radically reshaped. This book takes seriously the possibility of a convergence of concerns like these in a manner that changes who we are as individuals and a society. Thinking about punishment as something beyond sheer normalcy or the safety of the self-evident is a necessity given the institution’s uniqueness, a social practice that has been theorized since the birth of democracy as a force to be carefully deliberated upon and limited in its application in any society that values freedom, equality, and self-governance.

We “mass” imprison in this country in a manner that is defined by sheer scale (massive, incomparable numbers of bodies and beings) and by a concentration of the social effects of incarceration upon particular groups. Because the axis of incarceration extends along distinct race and class lines, it is only a privileged group of citizens who do not know this experience. As a result, the U.S. penal system is defined specifically by a classed, racialized minority presence from which white middle-class citi-
zens are comfortably distanced—distanced enough to support and sustain the largest punitive political turn in U.S. history, a phenomenon that most prisoners and prison workers do not view as beneficial to larger society or the operations of prisons. Although public works, prisons are not fre-
quented like libraries, highways, memorials, parks, or state houses. Their access is carefully regulated, and consequently many citizens never en-
counter the overpowering tangibility of imprisonment. Ironically, perhaps, these are the very individuals who are politically positioned to facilitate the existing system through democratic processes that result in policies which exacerbate social divisions and inequalities.

This volume then is predicated upon the fact that we must examine the ways in which those who have no need to address the problem of punishment develop cultural meanings about it if we are to understand—
and change—the penal route we have taken. Even those who directly
experience incarceration and its impacts—prisoners, prison workers, and their families and communities—do not do so in a social vacuum without being shaped by culture more broadly. Consequently, the material reality of incarceration requires careful examination. It is, however, also an argument of this volume that culture is shaped by punishment in ways that we are only beginning to map. Performances, engagements, and representations of punishment proliferate and diversify daily, accumulating into complex logics and mentalities that will be very difficult to leave behind—as difficult as it will be to move beyond prison walls. And these logics already extend well beyond our borders. In late modernity, as citizens across the planet struggle through the contradictions of globalization and deeply riven economic and social inequalities, decisions are being made about how to deal with the potential threat of mass, unending violence and insecurity, of how and whether to engage in processes of democratization, of how to govern ourselves and others. These decisions are informed directly by imprisonment and the technologies and strategies that the United States, as both a global security force and a prison culture, has invoked and propagated. U.S. military prisons can be found the world over, with a detention facility located at nearly a thousand military bases—and this does not include secret prisons and black sites. These prisons rely heavily upon U.S. civilian prisons in design, staffing, and implementation. Moreover, they are advertised as “state of the art” facilities, planned and publicized as models for the rest of the world. These emergent ways of being risk an unprecedented diversification, extension, and permanence of penal systems across social life, in ways entirely capable of reshaping what it means to live meaningfully and to count as a social and political subject, not just at home but abroad. In the era of mass incarceration, this global subject is increasingly defined in penal terms—refugees, detainees, deportees, enemy combatants, persons under custody, illegal aliens—whose status depends upon values and frameworks for judgment which tend toward exclusion over inclusion and isolation over social commitment. This penal subject, of course, runs up against another—the distanced citizen, a penal spectator, secure in his or her place within sovereignty and the opportunity to exercise exclusionary judgment from afar.

Penal Spectatorship and the Cultural Work of Punishment

To conceive of ourselves as penal spectators asks us to consider a different set of aspects about the practice of punishment. First, it foregrounds
the fact that for those of us without direct connections to formal institutions of punishment, a kind of experiential distance defines our relationship to its practice. Such distance shields us first from the most fundamental feature of punishment—its infliction of pain. This is a strangely difficult concept. Because punishment is assumed to follow a crime, an act of violence or harm against another, the infliction of pain is perceived as deserved or necessary. Consequently, the question of pain's authority and its effects rarely materializes and instead these are seen as natural and indisputable consequences of individual actions. To understand the spectacle upon which punishment depends, we must temporarily consider the act of punishment alone. Legal theorist Robert Cover famously explores why it is that any man walks into prison of his own volition. How is it that thousands, now millions, of people in the United States are funneled uniformly, bureaucratically, into institutions designed to deprive them of liberty, autonomy, material possessions, family, friends, sex, and security? The answer of course is found in the sheer force and potential violence of the state, embodied in law, the kind of power that can carry the individual to the prison cell, the interrogation room, and the execution chamber. The legitimacy of this claim depends upon the idea of punishment as the only just and effective way to organize human accountability. And yet, to someone with no knowledge of such claims and justifications, punishment would always appear as violence coordinated by one human or group upon another. To talk of pain inflicted in such a context is seen as denying a preexisting pain—the pain of victims and past criminal acts. However, punishment is always a narrative about a chain of pain, one whose origin is not easily traced. The fact that contemporary imprisonment occurs against the backdrop of structural conditions of poverty and vast race and class inequalities, containing within it an immense number of narratives of pain and abuse, where perpetrators and victims bleed together, does little to challenge this fundamental logic of retribution. The remoteness of the penal spectator instead guarantees that his imagining of punishment is haunted by abstract potentialities of danger and insecurity. And this spectator as cultural agent is a formidable force in the construction of pain. In gossip and conversational chat, as well as media and political commentary, the exploration of inflicted pain as nothing other than an appropriate and desirable response to other people's pain and violence is a contemporary cultural requisite.

Legal scholars have argued for some time that the interpretation of the law, in the declarative decisions of judges and political leaders, the legal
strategy and interpretation of attorneys, and the daily work of people who manage prisons, always carries a mundane and ordinary pain and violence with it. Few, however, have mapped how the routine popular interpretations and applications of punishment among citizens far removed from the justice system carry with them a similar structure and threatening potentiality. In this way declarations of punishment, those moments when we interpret the law and enact penal judgments both formally and casually, are divorced from the pain that is daily inscribed on the bodies of the punished. In fact, everything about the proper administration of punishment works to conceal this violence of the law through the façade of rational bureaucratic structures that are removed from everyday encounters with punishment’s pain. And even those with closest proximity, such as judges, prosecutors, and prison guards, experience a defining distance from any sense of personal responsibility or accountability in the implementation of punishment, rather rationalizing and locating that burden with the individual who committed the crime (where certainly, but not totally, it is due). The citizen experiences an even more remote framework from which to deny this complicity. In this respect, violence is rarely rendered accountable in the deployment of punishment and consequently, a context defined by pain is one in which pain is primarily ignored or invoked figuratively and from a distance. And, as sociolegal scholars Austin Sarat and Thomas Kearns argue, at that distance, the invocation of the law and its violence depends upon “our worst fears and nightmarish beliefs about ourselves and one another—they hold us before the law and induce compliance by making us captive to our own most cynical and despairing images of human nature.”

Sarat and Kearns continue that in order to live within the framework of law, in order to deed to a sovereign power a monopoly on force and violence, human capacity must be imagined in a peculiar way. In such a world, the possibility of living without law appears as “the specter of human nature turned cruelly against itself, ceaselessly employed in a struggle for more and more power and poised at every turn to do deadly battle,” “a world of scarcity and insecurity,” only domesticated through law’s violence. It is this fantasy of justification that undergirds how we punish, and it is in such an imagined space that penal judgment is born.

Part of my argument in this respect is that this imagining has taken on dangerous propensities in recent times. The scale of punishment in the United States has been marked of late by a parallel rise of executive power, one in which an official and powerful form of spectatorial judgment
emerges in the offices of the president, attorney general, governor, and prosecutor and seeps broadly into a spectrum of agencies that have built-in susceptibilities to the seduction of punishment, including law enforcement and a wide range of military, intelligence, immigration, and justice institutions. In such moments, the terms of debate about the meanings of punishment are increasingly difficult to alter. Rather, we see a case in which the very need to conceal law’s violence and the pain of punishment erodes, where accountability in authority and legitimacy is presented as without need of democratic check, and where the pain of punishment is foregrounded as a new and acceptable currency for public exchange. In this transaction, it is the pain of punishment that speaks most powerfully and effectively for citizens, spanning in its authority as the voice for victims of crime and a new global platform from which to define human worth through torture and exclusion. The hope is that such practices will one day soon appear as anomalous, but even as the notorious post–9/11 U.S. war prisons recede from public practice, their disappearance will always only be an illusion. Rather, such processes and propensities point fundamentally to what occurs in societies where frameworks of punishment are foundationally privileged—at a distance.

Such distance then also shields us from the democratic burden of punishment as a kind of cultural work: something we do, which requires intention, deliberation, and human check, which has effects both intended and unintended—and can and should be interrogated relentlessly. In their call for a jurisprudence of violence, Sarat and Kearns insist that we develop a framework from which to better talk about, represent, and understand the ordinary worlds and experiences of law’s violence and the conditions under which ordinary actors step past basic inhibitions that most of us ought to have against the infliction of pain. Such boundaries are crossed routinely in settings that span everyday conversations about punishment in the workplace, schools, political and media commentary, television and film, to the experimental settings of the Stanford prison project, the execution chambers across the United States, and the interrogation wings of Abu Ghraib and other new war prisons. Punishment constitutes one of the most precarious spaces of the human condition in its seductive invitation to rely upon the acts of others, both real and imagined, to justify our own infliction of pain rather than see our place in its problematic pursuit. Classical theorists have long argued that one of the ways in which we become human—and humane—is through intervention, through the ability to engage in social action and assume a collective responsibility. In such
spaces, a cultural work is required—one that does not simply set obligatory safeguards and precautionary reminders of the problem of pain in punishment but one that challenges us more fundamentally and insists that we rethink our relationship to punishment altogether.

The Cases

Each of the chapters that follow represents a case in which we see punishment at work from the vantage point of penal spectators. In that discussion, I argue, like most contemporary penal scholars, that punishment is increasingly prolific in everyday practice, well beyond formal institutions, but in a manner that is naturalized and largely invisible. Patterns of exclusion and technologies of confinement are extensive in late modern social life but appear as common features of everyday experience, conveniently and quickly naturalized and only rarely opposed, challenged, or interrogated. Each case in this volume points to sites and instances in which this extensionality and normalcy of social control is mapped into a shift in subjectivities surrounding punishment. This shift is embodied in the worldview that the penal spectator implies, a citizen who sanctions, in her approval and witnessing, the infliction of pain. At each site I address in this volume, I explore a tension between the potentiality of a fully engaged democratic citizen against the privileging of a distanced mode of penal spectatorship. The penal spectator thus makes decisions about punishment based on a framework that depends, in many ways, on a denial of any real democratic engagement in interrogating the project of punishment. Rather, in her positioning, she is so disconnected from the practice of punishment as to be simply a voyeur, yet in a context where her experience carries profound privilege, authority, and moral justification. In each case, I explore what it might mean to move away from this position and to rethink punishment as a practice that is intentional, deliberative, and a special aspect of human agency, always fundamentally chained in its assertion to the production of human pain and its restraint.

For instance, one practice I examine, prison tourism, does bring citizens into a direct physical engagement with prisons, but these encounters occur most popularly in empty, defunct prisons. Even in functioning prisons where the incarcerated are present, these tours are carefully constructed in ways that prohibit active engagement with and interrogation of punishment. These encounters are also characterized by a casual passiveness. Removed from formal institutions of punishment and the
individuals they house, the subject is afforded the convenience of the highly mediated, fleeting gaze, looking in on the world of punishment in a manner that does not force or ask observers to speak back or engage in a dialogue. This kind of looking is fundamentally voyeuristic, distracting, and yet authoritative, inhibiting a deeper interrogation of punishment. This structure of address creates a troubling framework for penal engagement which crosses popular and public spaces, developing into convention and recognizable iconography in a variety of cultural settings.

Much of this volume marks an effort to explore the spaces that are dominated by penal inflection, where non-incarcerated citizens “go” to prison, but are often perceived as not, the precise sites at which punishment is missed, overlooked, or misunderstood. In that analysis, the question that persists is, what would it take to make our relationship to punishment more explicit, more reflective, and more critically engaged? At each site, we witness how the acknowledgment of punishment as cultural work is impeded and what the effects of that prohibition are. If punishment is to be understood and conceived of, as most sociologists and criminologists argue, as the infliction of pain and a last resort among social institutions, then how must our interpretations and imaginings of its use and function change and be challenged? In the event that this engagement fails, political protections, civil liberties, and democracy itself are at stake. But, as laid out at the beginning of this chapter, other changes that are more natural and insidious in the structures of everyday life will foreshadow and run parallel beside this larger transformation, in the mundane ways in which we gradually alter our interactions, judgment, and regard of one another, ways that profoundly reshape the nature of social life—and our most common, basic responses to distant and not-so-distant others.

I believe avoiding this kind of dangerous configuration explicitly involves a move to bring discussions about the relationships between punishment lived and punishment imagined to the fore. Consequently, in this study, I look to sites that have high levels of cultural salience either through popularity (media, for instance) or authority (science, for instance) and have historically evaded analysis. The sites I have chosen are all exemplary of how meaning is made culturally, mediating knowledge about prisons often through a powerful, global visual culture. They are by no means totalizing—many other cultural sites could be included with appropriate qualification—but they do reflect a certain contemporary quality as sites that are central to popular meaning making and thus are strategic in understanding punishment at work. Each engages the cultural
labor directed at working through the meanings and scripts of punishment, empirical accounts of exemplary cases which might be otherwise overlooked due to their position within the mundane routines, taken-for-granted contexts of cultural life. Here, penal subjects and regimes of truth are produced, commonly, casually. Each case reflects a site from which punishment, in its imagining, assumes a certain amount of authority and legitimacy through the judgment and interpretations of a penal spectator. Each seeks to persuade its subjects of particular truths, working to reconcile contradictions, uncertainties, and contested meanings into unified frameworks, dominant discourses, and, ultimately, narratives of truth. Such efforts may illuminate the ways in which persuasion, including proclivities toward punitiveness and retribution or compassion and forgiveness, is constructed at a distance.

In the next chapter, I explore more fully the complex relationship between penal spectatorship and the idea of punishment as a distinct form of cultural work or labor. I do this specifically through an engagement with contemporary penal and cultural theory. In juxtaposing the meanings of work in relationship to culture and punishment, I argue that a central intersection emerges from which not only to examine the fundamental properties of punishment as an institution but to push us beyond its confines. Such a theoretical pursuit opens up alternative ways in which to think through our most distant relationships to punishment, exploring its double-edged quality in the production and destruction of social life. I begin with a deep look at the way in which contemporary social life is fundamentally melded to penal concerns, thereby creating a framework for analyzing punishment at work in culture. Then, relying heavily upon a broad and interdisciplinary set of perspectives, I attempt to establish a dialogue between otherwise disconnected scholars who are speaking in a contemporary framework across disciplines to the urgency of social commitment in times of exclusion. Out of this dialogue, I point to the ways in which the practice of penal spectatorship—and the sheer extensionality of the penal gaze—implies a present moment in which dangerous social forces collide with distinctly penal and exclusionary underpinnings. I also point to how this dystopian vision opens up the potential for alternative practices and a more optimistic future through the cultural work of a critically engaged democratic citizen, an argument revisited and strengthened in the volume’s conclusion.

Chapter 3 begins a survey of cultural sites where we see punishment at work. I begin with the site where punishment is most likely to be accessed
popularly, the media. In American culture, the majority of citizens are much more likely to screen the prison rather than visit it. This chapter explores the meanings that circulate in this densely visual arena while simultaneously interrogating the place of the penal image in late modernity—a site where the separation of the image from reality is no longer possible. In this analysis, I surveyed over 400 prison films, defined as narratives which examine or rely upon institutional environments centered upon confinement, from 1970 to the present, while selectively reviewing exemplary classical films from the past. I also sampled a range of contemporary television programs based on their invocation and reliance upon key penal correlates: exclusion, isolation, blame, and the infliction of pain. I also attempted to move beyond classical prison texts whose settings are primarily built around prisons and instead question how penality and its meanings circulate more broadly in performances and representations generally perceived as removed from punishment. Based on this careful review, I argue that the contemporary experience of punishment is far more dominating (but not without ambivalence), wide-ranging, and deeply embedded in social life than previous studies of penal imagery or practice have permitted. Such a pursuit insists upon a much larger theoretical framework for understanding the interaction between the image and the vast variety of everyday discourses and practices that penal representations are caught within. This inquiry also forces a set of questions directed at how one interrogates the nature of this relationship and, by extension, how one approaches the image, particularly the penal image, with analytical integrity. In this regard, the penal image functions theoretically to reveal important things about the study of punishment but perhaps even more significantly the study of representation broadly. My contribution to this developing legacy, however, seeks to demonstrate not simply how crime and punishment are irrevocably and intrinsically bound up with the image but also insists that certain kinds of images, specific penal icons (images of Abu Ghraib for instance), carry with them their own unique sets of representational concerns, problems, and questions, implying a distinct ethical positionality and work in penal spectatorship.

In chapter 4, the volume moves literally into the space of the prison by way of the prison tour. Tours of the penitentiary are historically significant and present at its birth, emphasizing the manner in which both technologies of confinement and processes of looking are central to the blueprint and organization of modern social life. This chapter addresses the manner in which these early functions of spectacle are currently being
revisited and revised with the increased popularity of prison tourism. Prisons may now be visited virtually through cyberspace, visually through television and filmic tours, and in person on trendy day and overnight tours of now defunct prisons with both popular and historical appeal. In these commercial tours, the politics of the gaze is primarily grounded in a key tension defined by sheer spectacle and thrill-seeking against efforts of historical education and preservation. Within this context, contradictions in penal discourse emerge which are difficult to sustain or suture. Rather, the penal spectator participates in a series of scripts and roles in which both voyeurism and civic-mindedness construct the proper place of the prison in American history and contemporary public life. I follow this pattern of contradiction into the classroom educational tour, whose politics are grounded in a similar kind of live viewing exhibition yet one which carries an even greater and more precarious source of authenticity and legitimacy in the claims of penal spectators. Here the politics of the gaze intersect with the production of punishment in ways that proliferate with little acknowledgment or consideration of what punishment may mean, but with an additional sense of veracity and moral authority, of “having been there.” This chapter, based on interviews with prison preservationists and administrative staff, observations, and extensive participation in prison tours across the United States, contextualized by the analysis of public relations and tour marketing materials, interrogates the tensions embedded in the production of commercial tours of prisons and speculates as to how inherent problems in this kind of engagement might be framed more critically.

In chapter 5, issues of penal spectatorship are revisited in an international prison context defined by its secrecy and invisibility—yet one in which the visual rips into daily life. In the aftermath of the Abu Ghraib scandal, issues of penal representation reappear but in an intensely volatile and complex transnational environment defined as both a prison and a war zone. This analysis extends to an examination of punishment in post–9/11 offshore, off-limits institutional contexts, with a specific emphasis on cultural images of these new war prisons. In this analysis, I relied heavily upon news media coverage, social documentary, photography, and an extensive body of legal cases and commentary, debating the role of torture and detention. This case is particularly critical as it marks the extreme ends of distance and penal spectatorship. In a related theme, what happens in these kinds of prison spaces and the manner in which such spaces are visualized are important harbingers of the shifting meanings
and possibilities of punishment in increasingly global, commercial, and postnational contexts—spaces in which what it means to punish are radically bound up with and yet outside of the force of law and sovereignty. In these border zones, troubled penal performances again reveal how the problems of penal spectatorship at a distance force us to revisit the question of what punishment means and may come to mean in postnational contexts. Here too, we are reminded of why an understanding of punishment as cultural work always depends, in its starting point, upon an awareness of its practice as a social limit and never as a source for the regeneration of commitments to social life. Consequently, this chapter, with its emphasis upon the globalization of American punishment and the problem of penal possibility—in the form of new and unregulated modes of punishment worldwide—raises questions about the necessity of a penal politics and the work of punishment in that near future.

In the final case study, I examine the role of science and the scientist in this formation. I look at criminology at a specific historical juncture, one that is routinely identified as the departure point for the failure of rehabilitation in the latter part of the twentieth century. I find that the conjugation of science across this period is fundamentally melded to a social vision of science, which when traced over the three previous decades reveals how the very distinct discourse of penal thought of this time converges with a language of futility and a politics of necessity. I trace these concerns through what I consider to be an emblematic case study of the role of scientist as both a privileged and critical penal spectator. Here, I map how the death of rehabilitation is conjoined to the life and death of Robert Martinson, the sociologist largely credited with the idea that “nothing works” in rehabilitative thinking. In analyzing the place of science culturally, I trace the genealogy of Martinson’s publication and key responses to his work, and contextualize the place of this research against broader biographical information gleaned from popular media and personal archives. Such research enabled me to map the manner in which Martinson’s research and biography are presented and engaged scientifically and popularly, and how this retrospective continues to construct the work of punishment, redirecting scholarly attention toward punishment through a stark realism. I argue that this shift in intellectual inquiry toward a deeply empirical, evidence-based mode of study indicates something profound about the ways in which we study punishment, the reasons why, and why science itself constitutes a key site in which we see the cultural work of punishment being performed. In this pursuit, science
relies upon distinct tropes and metaphors through which to construct the cultural meanings of science rhetorically. In this process, the science of punishment is specifically invoked, analyzed, and engaged as a site for the enactment of a new politics of penalty—and a new language that more directly argues for the necessity of deep theory, new questions, and a call by experts for an engaged and circumspect citizenry when it comes to punishment.

The conclusion of the volume attempts to do three things. First, I revisit the key concerns and emergent relations in the cases of the volume. Second, in our pursuit of alternative discourse and practices, I discuss some key exemplars of change, and why such exemplars may be difficult to find. Third, I specifically take on some of the implications of penal spectatorship in relation to the development of a more informed and critical engagement with the work of punishment. The chapter, in this respect, is very much directed at encouraging the pursuit of a new and more radical set of questions, methods, and imaginaries in future research on punishment.

A Final Word

This volume focuses specifically on those sites where individuals who have no direct connection to the harsh realities of punishment are more likely to access imprisonment. These individuals are by definition observers, spectators, and, often, voyeurs who are fundamentally detached from penal experience as both targets and orchestrators of punishment. They are, however, also those citizens whose imagining and intentionality feeds recursively into public policy, the politicization of crime, and the nature and quality of democratic checks upon public institutions of punishment. I very much wanted each chapter to stand on its own as a case—and an application—so that readers might try out different ways of exploring these limits, and that would encourage them to think through other sites in which to apply this framework, something like the beginning of a more critical dialogue where punishment is moved more transparently to the fore in cultural practices we often ignore. I also wanted the processes of penal spectatorship that we all engage in and their implications to be the threads that hold this volume together. In that process, this project and its many settings have reshaped my notion not only of what it means to do criminology and cultural study, but of what it means to be an intellectual and a citizen. The contours of this project—its questions, methods, and findings—are shaped according
to this experience, configured through fundamental structures of modern and human thought, which in their instrumental undergirdings perpetually plunge criminologists, prisoners, prison workers, and citizens back toward the “social purposes” of punishment and position the prison as a primary metaphor for the human condition and our search for meaning. In pursuing my research, I have found no one place where my object of study exists. For better or worse, I have found it, like power and freedom, like human agency and social constraint, everywhere. At best, this is a working limit of this study—an attempt to push punishment as far as it will go, to the point where its very frames become unstable. This is importantly an analytical process and not indicative of some fundamental restructuring of the social world around punishment (which may or may not be occurring). And I am aware and cautious of, as British criminologist Lucia Zedner writes, the “danger that writing so apocalyptic . . . will further entrench a culture which penal theorists might properly think they have a duty to resist.” To respond to this imperative, I nonetheless push perhaps sometimes further than I should. But it is a push that I feel is necessary to better understand punishment—and its limits—and to understand what that “duty to resist” might look like.

It also explains how I came to prison in those early days thinking I would tell one story and instead found myself caught in a set of vocabularies and logics largely missing words—at the limits of representation. Punishment, in this sense, always operates at the ends of the social where bonds and commitments are severed—and so too does this volume—ruthlessly examining the moments in practice and discourse which are defined by the presence and perceptions of “human and moral problems of a profound and intractable kind—with the fragility of social relations, the limits of socialization, the persistence of human evil, and the insecurity of social life.” To borrow Austin Sarat’s words concerning capital punishment, imprisonment, like all cultural forms caught along the continuum of punishment, engages “the limits of representation” and the recurring penal problem of not “being able to capture . . . meaning or significance.” For Judith Butler, it is this site to which we must return—in search of the human “where we do not expect to find it, in its frailty and at the limits of its capacity to make sense.” In this way, I have only come to know the darker propensities of penal spectatorship through my own inevitably voyeuristic and problematic undertakings in the study of punishment. Along the way, these places became sites where I had to persistently remind myself of the importance of an intellectual, a civic, and, most importantly, a human voice.
For these reasons (and all the reasons I lay out in this volume), I believe ultimately the practice of punishment and its study demands equally a choice to view and a process to build the world otherwise. In the midst of such penal predicaments, certain voices, essential theorists of pain and oppression, have been my guides: bell hooks reminding me that she “came to theory because [she] was hurting . . . desperate, wanting to comprehend—to grasp what was happening around and within [her],” because she could see in theory “a location for healing”; Patricia Williams struggling to make sense out of a life lived in the painful shadow of ambiguity, “somewhere between the Law and what one feels/intuits as truth”; Stanley Cohen, who also “wrote worried and confused papers about why radical theories of crime and deviance seemed ‘right,’ yet had undesirable, ambiguous or no implications at all for the individual business of helping (social work) or punishing (criminal justice)”; C. Wright Mills insisting that the capacity to imagine beyond the self-evident is never only the “task” of sociology, but more importantly “its promise”; the American Friends Service Committee insisting that “the quest for justice is endless—a struggle not a goal.” Most days, I simply repeated the anonymous words of a female prisoner to myself: “Get up, brush yourself off, and just go on. You gotta walk for the rest of your life.” What follows is the outcome. The writing of this work has not been an easy project, much less so than I might have ever imagined. Powerful images have haunted me and strange voices continue to echo around me as the discourse of punishment is filled with troubled texts, negative theories, blind expertise, good intentions gone bad, and lives, languages, and images embedded in painful contradictions that are sadly routinized habits. Yet, in all of this, there is the vision and hope of an otherwise, an elsewhere that could someday be here. This place and its work would be defined not by penalty—that complex world of punitive signs, symbols, and practices—but by an informed agency and attention to a deliberate and informed structure of empowerment and freedom. Within this framework, an abhorrence at the infliction of pain and an understanding of its tragic qualities in every instance would no longer be ideas toward which we must work and struggle. They would simply be how we live with ourselves and others. This is the gesture to which I wish to remain faithful.