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Walking Back the System Trope: Reimagining Incarceration and the State Through a Spatial Theory Approach

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WALKING BACK THE SYSTEM TROPE:
REIMAGINING INCARCERATION AND THE STATE THROUGH
A SPATIAL THEORY APPROACH

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ABSTRACT

This dissertation critiques the systems theory approach to incarceration policy,

practice, and research and proposes a rhetorically informed spatial theory approach as an

alternative. Offering a non-hierarchical complexity theory as a bridge between systems

and space, I then integrate rhetorical listening as a strategy for navigating and

operationalizing our proposed spatial theory approach. I then apply our proposed

methodology to archival research, focusing on the South Carolina Penitentiary as a case

study, and offer two heuretic experiments to explore the range of this methodology for

archival research. I also explore potential applications of this rhetorically informed

spatial theory approach in terms of civic engagement among incarcerated populations

through deliberative democracy theory. Finally, I conclude that this methodology offers

an avenue for elaborating the ambiguity in myriad social organizational practices that are

conceived in terms of systems, crucial insights into uses of complexity in contemporary

rhetorical studies, and a valuable approach for argument analysis and civic engagement in

composition classrooms.

DEDICATION

This dissertation is dedicated to my mother and father. To my mother for teaching me to love reading and for helping me revise everything I'd ever wrote, and to my father for keeping me sane(-ish) and always helping me to be kinder.

ACKNOWLEDGMENTS

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INTRODUCTION

> As someone who, unfortunately, has devoted their life to studying the history of political science in some sense… [Political scientists are] trying to quantify and they're trying to model a social reality that is ultimately unmodelable. That search for perfect knowledge, which is so characteristic of the post-WWII American state and American society and American universities, I think is just fundamentally misguided. You're not going to be able to abstract social reality into numbers in a way that will either give you accurate predictions or an understanding of what's going on the ground, because the ultimate normative… thing that all these things are being measured against is the United States. And it's not only the United States, it's this particular class of American elites and what they understand the United States to be.
>
> Daniel Bessner, "542," *Chapo Trap House*[1]

On April 29th, 2021, Joe Biden made his first address to congress as president and the GOP response was delivered by Senator Tim Scott of South Carolina. The overwhelming media response to both speakers' discussions of criminal justice centers on the concept of "systemic racism." Against the backdrop of the conviction of former Minneapolis police officer, Derek Chauvin, for the murder of George Floyd just over a week before, Biden addressed the American public writ large: "My fellow Americans, we have to come together to rebuild trust between law enforcement and the people they serve, to root out systemic racism in our criminal justice system, and to enact police reform in George Floyd's name that passed the House already" ("Remarks by President Biden"). In his response, Scott appears to rebuff the notion of systemic racism: "From colleges to corporations to our culture, people are making money and gaining power by pretending we haven't made any progress at all, by doubling down on the divisions we've worked so hard to heal. You know this stuff is wrong. Hear me clearly: America is not a racist country" (ibid). The phrase, "America is not a racist country," inspired an onslaught of media publications in heated debate over the claim and a response by Vice President Kamala

1

Harris during which she agreed that she doesn't believe that "America is a racist country," though adding, in the midst of reports that white supremacist terrorism is on the rise, "we also do have to speak the truth about the history of racism in our country and its existence today" (M. Brown). Here we have three claims with points of overlap and contradiction that warrant further attention.

The conflicts in this political debate on America's racism can be elaborated further by unpacking the concept of systemic racism. Biden addresses systemic racism directly, though noticeably without defining the phrase, in the context of rebuilding relationships between law enforcement and communities and reforming police practices. While Scott makes an opposing assertion, that "America is not a racist country," he also couches his claim in terms of policing. Scott develops this context by alluding to his development of police reform legislation, the JUSTICE Act, which, in addition to proposed federal reforms for policing practices and transparency, outlines the development of the Commission on the Social Status of Black Men and Boys Act.[2]

The proposal for the commission includes the specification that membership will include a Department of Justice appointee "who is an expert in racial disparities within the criminal justice system," and that the general duties of the commission are to "conduct a systematic study of the conditions affecting Black men and boys," with focal points including experiences with criminal justice, education, familial relations, poverty, healthcare, etc., and to track and report any measurable trends (Scott). While Scott's proposed bill addresses disparities in terms of race in the criminal justice *system*, the phrase "systemic racism" is absent. Further, the commission's reports on the conditions affecting Black men and boys were set to begin the year of their first meeting and to track trends throughout the existence of the commission with no explicit

reference to historical trends in these conditions. By contrast, Harris centralizes this history, and

its influence on current events, in her response to Scott.

So, where do these three claims leave us, and how are they related to the concept of

"systemic racism" in criminal justice that has infused policy, scholarly, and public discourses in

this country and abroad?

Discussions of racism in the twenty-first century are increasingly trending toward

contextualization with the term "system." Take, for example, recent projects to recover the

largely absent history of systemic racism against indigenous peoples in Canada. *Return to*

Thunder Bay is a Canadian podcast that focuses on racism against indigenous populations in

Thunder Bay, Ontario, attributing this racism to the region's colonial past and the systems of

human organization that emerged from this foundation, including criminal justice, education,

politics, etc. An investigation into the Thunder Bay Police Department's handling of the deaths

of indigenous people began in 2016 and resulted in an investigation of the board governing the

police department. The purpose of the investigation was to determine whether the institutions

were systemically racist.

The investigation was led by Senator Murray Sinclair, independent senator from

Manitoba and former chair of the Truth and Reconciliation Commission of Canada. In an

interview about the investigation, Sen. Sinclair notes the lack of a clear definition in discussions

of systemic racism in Canada: "People are all over the map when it comes to utilizing the phrase.

They throw it out too easily, or they don't throw it out at all despite the evidence of its existence

because they don't understand it, they don't know what it means, they don't know how it works,

they don't know how it manifests itself" (McMahon). He attributes this general lack of

understanding to the concept being relatively unstudied, explaining, "the public generally thinks

that systemic racism can only be established if you can prove that everyone within the system is a racist, so people within the system that don't have racist tendencies, or don't believe they have individual racist tendencies will decline to accept that label" (ibid).

Conservative Party Leader Erin O'Toole echoes this idea: "When you use a term like 'systemic,' some of those people feel that you're calling them racist… I'd invite you," directly speaking to the journalist conducting the interview, "what is the definition of systemic racism?" and without waiting for an answer: "There is no definition, it's tossed around" (ibid). Speaking to policing specifically, O'Toole also echoes the policy reforms that have regained political momentum in the United States in the wake of the murder of George Floyd: "So, can we improve community-based policing, can we improve training, can we make sure that communities that are losing faith in public services or the [Royal Canadian Mounted Police] can have that faith restored?" This rhetorical question renders "systemic racism" as a political buzzword, through the all-or-nothing perspective described by Sen. Sinclair, and instead focuses attention on improving/reforming specific aspects of policing.

However, at this point, podcast host and comedian Ryan McMahon breaks in to feature a definition of "systemic racism" as a means of clarification and depoliticization. Senator Sinclair explains, "Systemic racism is not about individual racism. It's not about intended racism. It's not about acting in a racist way," McMahon interrupts: "Again, remember, we are talking systems here. It's the way they're built. It's what assumptions they make with their rules, how that sets the course, and whom they privilege in their outcomes" (ibid). The senator continues: "Systemic racism is about acting in a way which benefits one part of society in a positive way and negatively impacts another part of society because of their race. And so, when people begin to look at it that way, then they can begin to see in fact, that there are many institutions in our

society that are systemically racist, systemically biased" (ibid). It is through Sen. Sinclair's

definition that we can begin to gather the threads of Biden, Scott, and Harris's argument into a

single conversation on systemic racism, whether explicitly stated or not.

The discussions of racism in criminal justice policies and practices by Biden, Scott, and

Harris converge and diverge in terms of elements of systemic racism: reform, totalities, and

history. Biden advocates for rooting out systemic racism in criminal justice practices through

reforms in training and through rebuilding public trust in the institution, as we see with

O'Toole's statement and with Scott's JUSTICE Act. However, Scott avoids the term "systemic"

when discussing racism in the United States, apparently sharing O'Toole's all-or-nothing

perspective through his declaration that "America is not a racist country." While Harris responds

in like terms to the totalizing perspective, she adds the significant caveat of the need to reckon

with the history and present persistence of racism in the U.S. It is this historical avenue that

Return to Thunder Bay highlights in terms of systems.

Raoul Peck, in a discussion of his 2021 documentary series *Exterminate All the Brutes* on

Democracy Now!, recognizes that this long-view of history is difficult: "Well, the thing is that

we are accustomed to not see history as a continuity… And we came from a very specific

history… For the U.S., it seems like it's the beginning of a new world, but it's not. It's a

continuity of a lot of action that have [sic] been the source of European civilization, basically"

("'Exterminate All the Brutes'"). From this view of history, interviewer Nermeen Shaikh claims,

"the entire argument of this truly magnificent work is that the past is not really past. It is, as you

say, the past has a future that we can't anticipate" (ibid). This "continuity of a lot of action," that

is vague in Biden's calls for reform, and which appears to be absent in Scott's Commission on

the Social Status of Black Men and Boys Act, that Harris addresses in her call for a reckoning.

Claims of systemic racism attempt to address this "past that is not really past." The "system" in systemic racism appears to invoke the settler colonial, genocidal history of the United States from which laws were enacted and reformed and through which systems and institutions were conceived and built. However, the inherent ambiguity in the term *system* has been exploited for political purposes, leading to contemporary tensions that deflect attention from a long view of history. In this chapter, I work to elaborate this terminological ambiguity by examining how the historical continuity of *system* can clarify the conceptual links between reform, totality, and systems. Focusing specifically on criminal justice and incarceration practices, I find the contests over the meaning of *system* less interesting, and less productive, than questions regarding the use of *system* as an explanatory tool for human organizational practices.

I contend that *system* offers a poor, and often harmful, explanatory framework for human organizational practices and that a rhetorically informed spatial theory approach offers a useful terminological alternative. As I illustrate in the following pages, systems dehumanize, which is all the more present in the context of incarceration and criminal justice. By contrast, a rhetorically informed spatial theory approach, developed in Chapter 2, resists dehumanization through an emphasis on stories from all possible perspectives as essential to knowledge production. To understand why a rhetorically informed spatial theory approach offers a preferable explanatory framework, I need to first trace the historical continuity of early systems thinking through systems theory as a social framework.

Systems: A Brief History

The term system gained influence throughout the Enlightenment period and evolved and spread through a wide range of disciplines throughout the twentieth century. Arguing that a

driving conviction of the Enlightenment was "that the world can be known by making systems," Clifford Siskin outlines the influence of this epistemological premise on the development of the modern disciplines, through which knowledge production was specialized and scaled (3).[3] This scalability of systems within systems (e.g., the specialization of disciplines as systems within the broader educational system) is a key characteristic of Siskin's analysis, to which he adds adaptability to better understand prevalence of "systems" since the term's proliferation in the late-eighteenth century (ibid).[4]

Adaptability clarifies how systems thinking has shifted since the term's inception. As Hunter Heyck observes, early systems thinking was grounded in imaginings of Newtonian mechanics and the technologies of the balance and the steam engine. Adapting to "modern" conditions, systems thinking at the turn of the twentieth century was influenced by the development of vast bureaucratic human organizational practices in concert with innovations in science and technology (12–13). Walter Ong focuses specifically on the images through which systems have been visualized throughout history, focusing on the period between Aristotle and the Renaissance and demonstrating its democratizing effects: "Anyone could now envision a system… Such pictures could cover intellectual situations of which one knew really very little. The very looseness and inadequacy of the system metaphor was and is one of its greatest recommendations" (237).[5] In other words, early systems thinkers did not necessarily need to understand the minutiae of planetary orbits or the inner workings of the steam engine or the laws of Newtonian mechanics to conjure a mental image and construct a theory on a foundation of its

likeness (e.g., bodily processes, language practices, etc.), as illustrated in Figure 1.1. However, the shift toward increasingly bureaucratic visions of systems complicates the imagistic renderings: "Bureaucracies are intangible things, after all, despite the myriad monuments of glass and steel that have been built to house them" (Heyck 13). In other words, systems thinking continuously adapts to the current context, often alongside innovations in science and technology, and relies on the imagination to explain how these tangible referents operate "systematically."
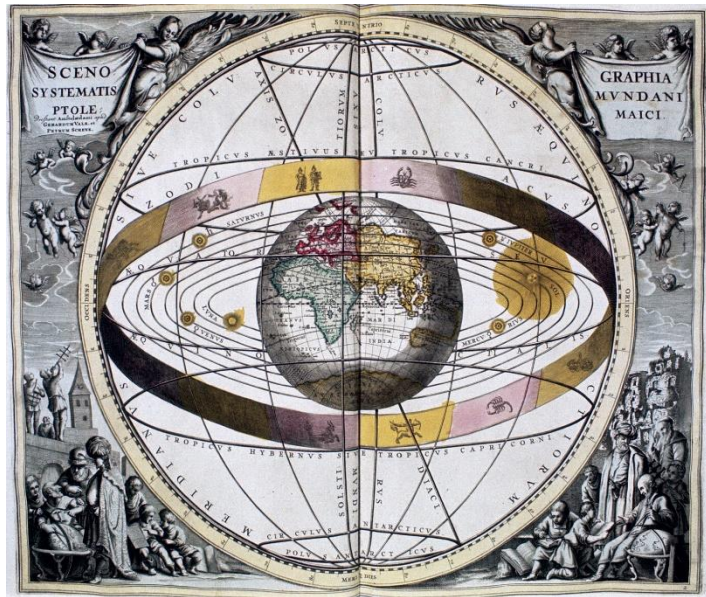
Figure 1.1. An imagistic rendering of the Ptolemaic system of geocentric celestial motion depicted in Andreas Cellarius, *Harmonia Macrocosmica* (Johannes Janssonius, 1660).

In the early-twentieth century, imaginings of systems adapted to shifting human organizational practices and technology caused by the rise of bureaucracies and bureaucratic thinking. As Heyck explains, "the bureaucratic worldview was based on the prefiguration of the world as a set of complex, hierarchic systems (a treelike structure), with the most interesting systems having the additional characteristic of being adaptive—that is, of being environmentally responsive" (11). The technological advancement that "provided a set of tangible models of the intangible structures of the world," through this bureaucratic worldview, came in the form of control technologies (15). "[T]he goal of a control technology," Heyck explains, "is to enable dispersed, heterogeneous components to function as a single system… made to facilitate 'continuous management'" (Heyck; Wiebe qtd in Heyck 14). Control technologies manifest in

everything from telephones to assembly lines and are generally conceived as closed systems, encouraging bureaucratic thought to engage in closed system terms (Heyck 14). Heyck highlights electricity as the most salient control technology for imagining bureaucratic systems as it can "carry both information and power" to "connect multiple devices," and "move so fast that continuous management can become continuous, *real-time* management" (ibid). While, as Siskin, Ong, and Heyck point out, systems had been conventionally conceived as metaphors for engaging with the world, in terms of imagining structures and operations to describe phenomena, practices, objects, etc., the intertwining of human organizational practices and control technologies through the bureaucratic worldview began to blur the distinction between systems as metaphor and systems as reality.[6]

The shift from systems as metaphor to systems as reality, known as systems theory, took hold and rapidly expanded across disciplinary boundaries in the mid-twentieth century. In the Foreword to his 1968 *General Systems Theory*, Ludwig von Bertalanffy describes the rise of systems theory as "predominately a development in engineering science in the broad sense, necessitated by the complexity of 'systems' in modern technology, man-machine relations, programming and similar considerations which were not felt in yesteryear's technology but which have become imperative in the complex technological and social structures of the modern world" (*General Systems Theory* vii). He explains that at the time of his writing, "'Systems Science,' or one of its many synonyms, is rapidly becoming part of the established university curriculum," though his contribution of *general* systems theory broadens its applications beyond "technological problems and demands" (ibid). He describes his motivation in terms of a shared experience across disciplines: "[W]e are forced to deal with complexities, with 'wholes' or

9

'systems,' in all fields of knowledge" (*General Systems Theory* 5). Developing this idea further, von Bertalanffy explains:

> '[S]ystems' of various orders are not understandable by investigation of their respective parts in isolation. Conceptions and problems of this nature have appeared in all branches of science, irrespective of whether inanimate things, living organisms, or social phenomena are the object of study. This correspondence is the more striking because the developments in the individual sciences were mutually independent, largely unaware of each other, and based upon different facts and contradicting philosophies. (*General Systems Theory* 37)

Because of these simultaneous developments in theories of systems across disciplines, von Bertalanffy develops his general systems theory as the "formulation of principles that are valid for 'systems' in general, whatever the nature of their component elements and the relations or 'forces' between them" (ibid), and which he hopes will better facilitate transdisciplinary communications and research.

According to his friend and colleague, Ervin Laszlo, von Bertalanffy did achieve his goal by "[giving] us a new paradigm for transdisciplinary synthesis" (von Bertalanffy, *Perspectives* 12), explaining that beyond developing a single theory of systems, von Bertalanffy, "created a *new paradigm for the development of theories*. These theories are and will be system-theories, for they deal with systemic phenomena—organisms, populations, ecologies, groups, societies, and the like" (ibid). Interestingly, Laszlo takes "paradigm" and "perspective" to be synonymous (*Perspectives* 10), though perspective is the guiding term of the collection as indicated by the title. The flexibility of these terms requires some unpacking to better understand how the shift

from systems as metaphor to systems as reality materialized over the course of the twentieth century.

A close examination of the relationship between perspective, metaphor, and materiality in terms of general systems theory as a transdisciplinary perspective demonstrates the rhetorical transition to systems as reality. Kenneth Burke identifies metaphor as one of the four master tropes, which he analyzes in terms of both their figurative uses as well as "their rôle in the discovery and description of 'the truth,' explaining that in this "'literal' or 'realistic'" use, metaphor may be substituted for perspective (503). He develops this observation further: "Metaphor is a device for seeing something *in terms* of something else. It brings out the thisness of a that, or the thatness of a this… And to consider A from the point of view of B is, of course, to use B as a *perspective* upon A" (503–04). In other words, using metaphors figuratively maintains a division between description and the thing described, whereas metaphors as literal perspectives take the description as the thing itself. General systems theory operates figuratively as a metaphor for describing all phenomena in terms of "wholes" and "systems," but can easily be "carr[ied]-over" (506) as a perspective on the literal truth of the phenomena being observed. For example, von Bertalanffy develops his metaphor of systems using the materiality of modern technology to describe, through metaphorical extension, intangible social relationships. The shift from a figurative metaphor to a literal perspective takes another metaphorical extension, though this time reversed, rendering these intangible relationships tangible in terms of "elements" and "forces," and thus providing the foundation for general systems theory as a literal perspective for the way all phenomena actually act and can be interpreted.[7]

The rapidity with which von Bertalanffy transitions through these metaphorical extensions can be better understood historical and contemporary uses of the term "system."

Tangible referents for systems are fluid as the term is constantly adapted to innovations in science and technology. Further, system was increasingly used to describe intangible phenomena during the twentieth century, which motivated von Bertalanffy's efforts to establish "system" as a foundational perspective for developing theories about both material and immaterial phenomena across disciplines. However, Burke explains that any "science of human relations" developed from "the analogy of the natural sciences" is doomed to fail as all attempts reduce the complexities of human behavior (505–06). In spite of the reductive perspective offered by systems, to the point of dehumanization through von Bertalanffy's terminology, systems theory has made significant impacts on the epistemological practices of human "sciences," including political science and criminology.

The formalization of systems thinking and systems theory in both political science and criminology can be traced through moments occurring in the 1960s. The shift toward systems thinking in political science was enabled by the disciplinary break from political theory which was accompanied by a growth in political science departments and participation. In his presidential address to the APSA in 1966, Gabriel Almond situates this growth in "the age of the scientific revolution," with political science as "an integral part of this revolution," explaining:

> There is hardly a major center of graduate training in the United States where scientific methods have not been accepted, or are in process of being accepted, and where the components of the scientific approach are not acknowledged to be important parts of graduate training… An increasing proportion of the newer generation of political scientists has this kind of training, and this proportion will continue to grow. Indeed, we might argue the case that while political philosophy and political analysis are ancient fields of inquiry… political science as a profession, with specialization of interests,

substantial research support, emphasis on systematic field research, and rigorous logical

methods, is relatively new. (870)

Almond further situates this shift in terms of an historical continuity that manifests most

strikingly through paradigmatic shifts (e.g., from classical political theory to that of the

Enlightenment), arguing that the concept of the system marks the current paradigm, or

"emerging analytical framework in contemporary political theory," for which the scientific

method is best equipped to navigate (Almond 876). Situating political theory as a philosophical

pursuit that characterized the previous paradigm, Almond describes the new paradigm of

political science in terms of the hard sciences. Political scientists, according to Almond, are to

take "the modest approach of the coder, rather than that of the philosopher," working to

constantly revise "the code as it is used to organize data" (ibid). In other words, instead of the

grand theories of the previous generations of political philosophers, the work of political

scientists is to develop categories for analyzing the (newly) readily available data, with the

expansion of data collecting technologies and practices, to develop better approaches for

understanding "the functioning of political systems" (ibid). While Almond only makes one

mention of systems theorists, he discusses integrating the concept of "system" in political science

in terms of "wholes" and "systems," which parallels the direct application of systems theory in

criminology during the same period.[8]

   The Challenge of Crime in a Free Society Report, published in 1967, formalized the

systems theory approach to criminology and criminal justice practices. The report is the

published the findings of the Commission on Law Enforcement and the Administration of

Justice. President Lyndon B. Johnson established the Commission through Executive Order in

1965 in "[recognition of] the urgency of the Nation's crime problem and the depth of ignorance

about it" ("Foreword" *The Challenge of Crime in a Free Society*).[9] Kicking off Johnson's War

on Crime, the report's application of systems theory throughout the "whole" of the criminal

justice "system" was influenced by Alfred Blumstein in his role as Director of Science and

Technology. As legal historian Sara Mayeux explains:

> Whether because of their elite educations or military experience, the… commissioners
>
> were almost certainly familiar with variants of 'systems' thinking… However, it was the
>
> young engineer hired to oversee technical work and data analysis for the Commission—
>
> Al Blumstein—who formed the decisive link, bringing to the Commission not merely a
>
> loose zeitgeisty systems mindset but formal training in the systems science of operations
>
> research. (77)

Informed by his training as an operations researcher, Blumstein's approach to systems theory

renders all phenomena *as* systems. These systems are comprised of scalable subsystems that are

functionally and formally hierarchized. Further, all systems and subsystems are governed by the

universal laws of systems, which generalizes systemic tendencies and features across all systems.

These traits include functionalism, which describes each behavior within the system in terms of

its systemic function and its effects on other components of the system, and self-regulation,

which accounts for internal mechanisms that maintain dynamic equilibrium for the purpose of

maintaining the system itself. These universal structures and laws foster the idea that all systems

and subsystems can be predictively modeled through comprehensive data collection and complex

analysis techniques and technologies.

Blumstein's contribution of systems theory to criminology not only landed him a long

career as a celebrated criminologist but significantly influenced the field. Systems theory shaped

criminal justice research and practice and it's development as a distinct discipline: "[B]y

defining 'criminal justice' as a distinct systemic phenomenon that could be studied as such, the report helped foster the proliferation of bachelor's, associate's, and graduate degree programs in 'criminal justice' or law enforcement'" (Mayeux 76). Just as systems guided the development of disciplines during the Enlightenment, systems theory resulted in the proliferation of specialized departments and areas of study, including both political science and criminology. However, the conversations between political science and criminology lead to questions of conflicting definitions in terms of "wholes" and "systems."

In 1973, Blumstein and fellow operations researcher Jacqueline Cohen co-authored a well-known paper entitled, "A Theory of the Stability of Punishment," to explain the relatively static rates of incarceration from the 1930s through the 1970s. The authors' theory is a modification of Émile Durkheim's theory on the stability of crime and its emergence from and necessity for social cohesion, through punishment, which the authors argue is modernized by Kai Erikson's definition of these processes as social group boundary maintenance (198). As accurate levels of crime, in terms of any criminal statute violation, is "difficult if not impossible to determine," the authors propose a theory of the stability of punishment along similar lines as those offered by Durkheim and Erikson: "The level of crime they speak of, then, includes only those acts which are publicly recognized as crimes and punished accordingly. Hence, it is not the level of actual criminal behavior which is stable, but rather the level of punished criminal acts" (199). The remainder of the paper uses data collected from the 1930s to the 1970s to work through an empirical proof of their theory with the shift to a measure of punishment behavior, instead of *crime*, which they examine through rates of imprisonment: "[P]unishment takes many forms in a society, and each form has its characteristic severity… Nevertheless, we believe that

the severity of punishment in prison sufficiently dominates these other forms to warrant principal attention initially" (201).

The authors conclude a homeostatic relationship between incidents of reported deviance and the severity of punishment resulting in stable incarceration rates. In other words, as reported crimes increase, the severity of punishment will decrease (e.g., decreasing the penalty for victimless crimes) and as reported crimes decrease, the severity of punishment will increase, thus maintaining a stable prison population. While the emphasis of the theoretical foundation of their theory relies on Erikson's social boundary-making/maintenance, the authors maintain a relatively homogenous definition of "society," apart from the deviants marked by publicly acknowledged deviance/crimes, only implicitly references the state through the federal funding made available by the Law Enforcement Assistance Administration (207). In other words, the homeostatic relationship of reported deviance to punishment via incarceration is contingent on the self-regulation of the criminal justice system with the only involvement of the state being through funding, which may impact the material capacity to punish through imprisonment, but not the rates. However, with the rise of mass incarceration shortly after the publication of Blumstein and Cohen's landmark study, Blumstein was unable to ignore the involvement of the state in incarceration rates.[10]

While it appears that Blumstein began to consider the role of the state in incarceration rates in the late-1970s, by the late-1980s he identified the politicization of crime as a driving factor of mass incarceration. In a 1979, Blumstein maintained the theory of the stability of punishment with co-author Soumyo Moitra and their timing "could not have been worse," according to law scholar John Pfaff (1–2). However, beyond refining the measurements Blumstein et al. developed since the release of the 1973 article, Blumstein and Moitra make a

significant call for further research into "the adaptive mechanisms by which the homeostatic level [of imprisonment] is maintained," with attention to the "decision stage or stages" related to imprisonment rates, which "differ in different jurisdictions, depending on the particular officials who exercise the primary discretion" (390). While the authors reference jurisdictional differences in their state-based analyses, their conclusions maintain a criminal justice system that is comprised of decision-makers who are distinct from state policymakers. However, they note individual state incarceration rates that were not trending toward a national average as phenomena that "would have been brought about… by growing communication among the states, by general influence of national mass media, and by greater federal involvement in state criminal justice policies, especially in the period of the 1960's and 1970's" (380). However, by the late-1980s, mass incarceration was indisputable, and Blumstein focused his attention directly on the roles of state policymakers, the public, and news media and the issue of "discretion."

Prior to the establishment of sentencing and release guidelines in the 1970s, Blumstein explains that "[p]unishment systems looked much the same through the United States. In pursuit of 'individualized punishment,' judges had broad discretion to decide who went to prison" usually setting maximum and minimum sentences, "but everywhere it was the parole board that determined when prisoners were released. In most jurisdictions, at most times, parole release decision making was ad hoc and discretionary and, in theory, premised on rehabilitative considerations" (237). He argues that these stages of discretionary decision making had previously maintained homeostatic prison populations. In other words, the prosecutor's discretion in determining the charge was balanced by judicial discretion at sentencing and parole boards and prison commissioners exercised discretion over things like good time and rehabilitative potential. This discretionary balance, according to Blumstein, was guided by

prison populations, or the availability of space for new offenders in prisons, to keep occupancy stable. However, this stability was threatened and eventually overcome by the confluence of media reports on sentencing practices and public attitudes toward crime and punishment and the impact this had on state policymakers.

With the elimination of parole boards in many states, "a scramble developed among legislatures, judges, and sentencing commissions over the exercise of that authority" and were replaced by determinate sentencing, marked by "a convergence of the interests of liberals and conservatives," though with different motivating factors (Blumstein 238–39). Blumstein cites concerns over sentencing disparities pushed by liberals, with concerns about racially/ethnically motivated sentencing and release practices, and "soft on crime" accusations by conservatives, though both settled on determinate sentencing to alleviate these concerns. Media reports, which generally favored reporting maximum sentences, distorted public perceptions of sentencing and release practices and resulted, according to Blumstein, in increased public pressure, "in a political environment that punished severely politicians accused of being 'soft on crime'" (241). Blumstein argues that this period of shifting authority and the diminishing discretion of decision makers within the criminal justice system collapsed the internal mechanisms that maintained homeostatic levels of incarceration. In terms of fluid definitions of crime, he explains: "The move to determinate sentences—especially when they were set by the legislature—led to increased pressure for raising those sentences," as legislators' discretion is influenced by voters, who are in turn influenced by media reports, and, "[c]onsequently, prison populations grew and parole boards' safety-valve function in many states was disabled" (241). In other words, the adaptive mechanisms, or stages of decision making, within the criminal justice system that

maintained stable incarceration populations were corrupted by the "external" factors of media

reports, an ill-informed public, and politicians seeking job security.

Blumstein's critiques the politicization of sentencing and release practices as a cause of

mass incarceration and as the result of external influences the criminal justice system. A

significant irony with Blumstein's critique is the story of his own entry into criminology and

criminal justice policy making, and that of many members of the task force responsible for the

Challenge report, as an operations researcher and outsider. He highlights this outsider

perspective in descriptions of himself and fellow task force members as "'missionaries' into the

world of criminal justice," with Blumstein dedicating much of his career to "systemizing

criminal justice" (Mayeux 84) as, at least originally, an external actor. The challenge with

applying systems theory to criminal justice as a closed system is that systems inescapably blur

into one another and evade any definitionally sound whole.

It appears that the systems theory approach had run its course—as overlaps between

"systems" make discrete "wholes" conceptually untenable—and many disciplines did in fact

diverge. However, systems theory and its variations continue to guide criminal justice policies,

practices, and perceptions. As Mayeux remarks from the perspective of the twenty-first century,

"[i]n retrospect, what is most striking about *The Challenge of Crime in a Free Society* is how

quickly the premises underlying its systemic perspective became obsolete, and how influential it

nevertheless remained—as reflected in the near-immediate uptake of the term 'the criminal

justice system,'" even as:

> Across every field of human inquiry, the 'age of the system' began to fissure and
>
> crumble… In the thought-worlds of every field, societies, structures, systems, and
>
> macroeconomies melted away, revealing only so many disconnected individual agents,

rational actors, performative identities, and freely made choices. The connective tissue of

all those midcentury flowcharts had, perhaps, been nothing but lines on a page. (86)

Mayeux observes this transformation not in criminal justice policies and practices, but in

scholarship on criminal justice in the age of mass incarceration.

Alternatives to Systems Theory Explanations

Focusing on historical analyses of criminal justice that attempt to explain the causes of

mass incarceration, Mayeux argues, "[t]o explain American crime and punishment this literature

emphasizes individual agency, contingency and indeterminacy, transformative changes over

time, local specificity, and the distinctive regional legacies of slavery, conquest, and racial

segregation, rather than abstract flows of inputs and outputs or repetitive law-like processes"

(89). From these observations, she raises the question of "whether it remains useful to talk of

'the criminal justice system' in a world where neither contemporary data nor historical

scholarship supports the assumption that law enforcement institutions together constitute an

abstract structure performing a clearly defined set of social functions in dynamic equilibrium"

(ibid). However, with the terministic screen of "system" so ingrained in a broad range of

disciplinary imaginings of how things actually operate by the mid-twentieth century, which

continues to influence criminal justice policies and practices, another question must also be

posed: How does the continued use of the term "system" manifest in contemporary scholarship

on mass incarceration and what do these instances tell us in the context of the historical

continuity of systems thinking and theory?

Mass incarceration is an exigency to which many scholars from a variety of disciplines

have responded and much of this contemporary scholarship works to expand the definition and to

unpack the causes of this phenomenon. Mass incarceration is considered a phenomenon

precisely because of the stability of prison populations that Blumstein and Cohen had observed from the 1920s through the early-1970s (Blumstein 232). During that period, the authors observed an average rate of incarceration of 110 persons incarcerated per 100,000 persons in the US population. However, after 1972, "[f]ederal and state prison populations in the United States ha[d] grown steadily," (ibid 231) and by the time Blumstein published his 1988 article, the incarceration rate had risen to 227 per 100,000 (232). Currently, according to the most recent "Prisoners" report published by the Bureau of Justice Statistics (BJS), the 2019 incarceration rate is in decline, at 419 per 100,000 or 1,430,800 people incarcerated in US federal and state prisons, "mark[ing] the fifth consecutive annual decrease of at least 1%" of total prison population, and a decline of "11% from its all-time peak of 1,615,500 prisoners in 2009" (Carson 1–2). While prison populations appear to be in a relatively steady, though slow, decline, the incarceration rate continues to qualify as mass incarceration in contrast to the stable rate that was reported for nearly half of the twentieth century. However, several scholars are expanding the definition of mass incarceration beyond terms of comparative rates of incarceration.

While mass incarceration has been conventionally conceived in literal terms—as the explosion of the population of people serving time in jails and prisons—scholars are expanding that definition to include various mechanisms of state supervision. In *The New Jim Crow*, civil rights lawyer and legal scholar Michelle Alexander argues, "[t]hose who define 'mass incarceration' narrowly, to include only individuals currently locked in prisons or jails, erase from public view the overwhelming majority of people ensnared by the system" (xxviii) and argues instead that "[t]he term *mass incarceration* refers not only to the criminal justice system but also to the web of laws, rules, policies, and customs that control those labeled criminals both in and outside of prison" (xxvii). Activist journalists Maya Schenwar and Victoria Law, along

similar lines as Alexander, question the definition of prison: "Is it bars and steel? Bland khaki uniforms? A door that locks from the outside only? Is it the eyes of authority probing you at all times? Is it the hands of authority, manipulating you, hurting you, rendering you 'criminal'? Or is it more amorphous: a combination of the ways that the state acts on people—in particular, marginalized people—without their consent?" (8). The authors maintain the severity of "the violence of locking a human being in a cage," while arguing that the criminal justice system "is broader than the buildings called 'prisons.' Manipulation, confinement, punishment, and deprivation can take other forms—forms that may be less easily recognized as the violence they are" (ibid). While the focus of this dissertation is on incarceration in state prisons specifically, it is crucial to understand the influence of the complexity and vast reach of criminal justice operations on mass incarceration scholarship and on how these scholars analyze the causes of mass incarceration.[11]

In the era of mass incarceration, most scholars agree that incarceration rates are no longer attributable to crime rates and continue to seek out alternative explanations. Loïc Wacquant clearly states the lack of relationship between crime and incarceration rates in *Punishing the Poor*, remarking that the "seemingly unstoppable takeoff" of rising prison populations, "is all the more remarkable for having occurred during a period in which *crime was stagnant and then declining*. Indeed, contrary to the assertions of the prevailing political and media discourse, the incidence of the main categories of criminal offenses did not change fundamentally in the two decades following the mid-1970s," and he states unequivocally: "The quadrupling of the US carceral population in two decades cannot be explained by the rise of violent crime" (125). Wacquant highlights the paradox of these statistics against Max Weber's attribution of "security," as 'among the 'basic functions of the state'" (Weber qtd. in Wacquant xiii).

Schenwar and Law argue that the emphasis on the state's security function through the 1980s and 1990s, "justif[ied] pouring money into wars abroad, but also… justif[ied] the financial prioritization of policing and incarceration at home," in concert with cutting funding for social welfare programs (15).[12] The disconnect between crime rates and state security, proffered as a rationale for incarceration, operates as a foundational paradox for much contemporary research into the causes of mass incarceration.

While a substantial majority of mass incarceration scholars take the lack of correspondence between crime and incarceration rates as a verifiable fact, their approaches to this fact and to the causes of mass incarceration vary. Rachel Barkow, in *Prisoners of Politics*, notes the discrepancy between crime and incarceration rates while maintaining Weber's argument: "One of government's primary functions is keeping us safe, and we should make sure we are getting results and not rhetoric from our leaders" (16). The "rhetoric" identified by Barkow aligns with Blumstein's "politicization" argument from 1988. She argues that incarceration rates have become divorced from issues of public safety, through crime control, by fear-driven popular reforms fostered by media coverage and enacted by "[p]oliticians eager for votes [who] therefore pursue ever-tougher policies" (2). "Despite the rhetoric of bipartisan agreement to roll back mass incarceration," Barkow decries, "the proposal and passage of new criminal laws and the extension of criminal sentences to address whatever the latest public panic happens to be" (13). As members of the public are not criminal justice experts, Barkow argues that these reforms do little in terms of public safety. Thus, Barkow's argument demands that definitions of crime and crime control be linked to public safety, which veers from sociological arguments for definitions of crime.

Sociological approaches to definitions of crime are often offered in terms of social boundary making. Blumstein and Moitra highlight the arbitrary nature of definitions of crime: "[T]here will always be individuals engaging in unacceptable behavior, and if there should happen to be too few of them, then definitions of unacceptability can be revised. Thus if the amount of criminal activity drops off, what were formerly considered annoying but non-criminal activities could then begin to be considered criminal" and, if people engaging in definitionally criminal activity become too substantial in number, "a society could find itself unable or unwilling either economically or politically to cope with that volume" (376). While Blumstein and Moitra (and Blumstein and Cohen), use "society" relatively uncritically—though Blumstein works to unpack the concept further in 1988 through his delineation of public, media, and politicians—Wacquant works from a similar sociological premise while maintaining a distinction between the state and the public and developing an understanding of definitions of crime in more active terms than those available with the theory of the stability of punishment.

Materialist Explanations for Mass Incarceration

Writing from the perspective of the twenty-first century, Wacquant uses a materialist and symbolic approach to discuss the state's weaponization of incarceration against particular members of the public. Using the materialist theories of Marx and Engels in conversation with the symbolic approach of Durkheim and Pierre Bourdieu's sociological theories, Wacquant analyzes the connection between incarceration rates and economic conditions as well as the state's use of incarceration to maintain symbolic social hierarchies. "The materialist perspective, elaborated by various strands of radical criminology," Wacquant explains, "is attuned to the changing relations that obtain in each epoch (and particularly during phases of socioeconomic upheaval) between the penal system and the system of production, while the symbolic outlook is

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attentive to the capacity that the state has to trace salient social demarcations and produce social reality through its work of inculcation of efficient categories and classifications" (xvi). In other words, Wacquant uses Durkheim's theory of social boundary-making in a less passive way than the theory of the stability of punishment, instead arguing that the state uses incarceration to establish boundaries between itself and the public and to maintain hierarchical boundaries between members of the public.

Further, in contrast to the closed (or semi-closed) system perspective of criminal justice promoted by Blumstein and several co-authors, Wacquant argues that incarceration is an inherent function of state control. According to Wacquant, as the entity with the capacity to enact incarceration policies and practices, the state leverages incarceration against those who are materially "lower" in the neoliberal economic hierarchy—especially during times when economic conditions are radically shifting, like deindustrialization in the US—and symbolically "lower" in the white supremacist social hierarchy. Or, put more eloquently: "The prison symbolizes material divisions and materializes relations of symbolic power; its operation ties together inequality and identity, fuses domination and signification, and welds the passions and the interests that traverse and roil society" (ibid). While the divergence between Blumstein, et al.'s uses of sociological theory and Wacquant's could potentially be attributed to differences in temporal perspectives, Wacquant's argument complicates the link between public safety and crime as advocated by Barkow.[13]

Though Barkow and Wacquant both attribute interactions between media, politicians, and the public as causes of mass incarceration, the authors diverge on conceptualizations of public safety. Barkow appears to take public safety and crime control as relatively stable objectives that are currently deformed through populist criminal agenda setting that is manipulated by media

and politicians. A remedy that she emphasizes throughout the book is the prioritization of

experts who can achieve these objectives through data-driven policies and who are free from

political or self-preferentially biased motives. In other words, she calls for the integration of

third-party, independent experts to generate new mechanisms to return systems of incarceration

to homeostasis. Her arguments focus on internal mechanisms that frequently dovetail with

Blumstein's 1988 arguments (e.g., "front-door approach" of diversion programs and "back-door

approaches" like parole) and maintain a relatively straightforward systems theory approach to

understanding mass incarceration. In other words, like Blumstein, she observed an overlap

between the political and criminal justice systems and advocates for the divorce of these two

systems, arguing, "[w]e need to establish expert agencies charged with instituting and evaluating

criminal justice policies so that we get better outcomes, and those agencies need to be designed

smartly so they do not fall victim to populist impulses" (Barkow 165). By contrast Wacquant

argues that the integration of experts reinforces and expands notions of social insecurity, terms

that can be read alongside Barkow's public safety, and that this emphasis also reinforces and

expands the penal capacities of the state.

Barkow and Wacquant divergent perspectives on public safety/(in)security leads each to

a different conclusion on the role of experts. Barkow contends that populist panic results from

media and political rhetoric on crime, arguing that this phenomenon can be remedied through the

inclusion of expert opinions. By contrast, Wacquant highlights the anxieties of

deindustrialization as central to the trend toward punitive policies and public sentiments, which,

he argues, experts may exaggerate when the focus is on security. In addition to citing the

impacts of globalization on flows of capital and post-colonial migrants, Wacquant emphasizes

"the normalization of desocialized labor," which, "feeds a powerful current of anxiety in all the

societies of the" European continent, a phenomenon that he sees as a parallel to the conditions in the United States. He continues:

> This current mixes the fear of the future, the dread of social decline and degradation, and the anguish of not being able to transmit one's status to one's offspring in a competition for credentials and positions that is ever more intense and uncertain. It is this diffuse and multifaceted social and mental insecurity, which (objectively) strikes working-class families shorn of the cultural capital required to accede to the protected sectors of the labor market and (subjectively) haunts large sectors of the middle class, that the new martial discourse of politicians and the media on delinquency has captured, fixating it onto the sole issue of physical or criminal insecurity. (Wacquant 4)

In other words, Wacquant situates the public, predominately middle and working class people's, anxiety regarding crime in the context of the shifting material conditions of neoliberalism through which the state has continuously enacted policies that deregulate the economy, cut social programs, and increase prison populations, thereby "wedding the amputation of its economic arm, the retraction of its social bosom, and the massive expansion of its penal fist" (ibid). Further, in contrast to Barkow's advocacy for objective, independent experts, Wacquant highlights the myth-driven undercurrents of many criminological theories which may pass as ideologically neutral.

Evidence and data are not collected in a vacuum, but instead are designed according to assumptions about crime and criminal justice practices. Wacquant figures these assumptions, via Bourdieu, in terms of myth, which assume scholarly and objective import through "two principles of coherence: a proclaimed coherence, of scientific appearance, which asserts itself by proliferating outward signs of scientificity, and a hidden coherence, mythic in its principle"

(Bourdieu qtd. in Wacquant 247). The hidden assumptions undergirding the "rational"

expressions of evidence and data lend "a pseudo-academic warrant to" for example, "sweeping

police activism," and, as Wacquant explains, "these scholarly myths contribute powerfully to

legitimating the shift toward the penal management of the social insecurity that is everywhere

being generated by the social and economic disengagement by the state" (Wacquant 269).

Historian Elizabeth Hinton argues along the same lines that "statistical discourse" reinforces

racial assumptions in policy and public discussions about what counts as "crime" through biased

definitions and faulty data collection and analysis methods, and that these assumptions trend

toward socioeconomic coding (19).[14] Thus, according to Wacquant and Hinton, more experts

won't inherently address mass incarceration in meaningful ways without first addressing the

social and material anxiety caused by shifting economic conditions that shape perceptions of

crime, are inherent in crime control myths, and foster the increased reliance on the criminal

justice system.

Social and material insecurity, according to Wacquant, has led to expanded definitions of

criminality and a general recourse to the criminal justice system and incarceration. Shifting

economic conditions have resulted in shifts, not in criminal behavior, but in definitions of

criminals: "These castaway categories—unemployed youth left adrift, the beggars and the

homeless, aimless nomads and drug addicts, postcolonial immigrants without documents or

support—have become salient in public space, their presence undesirable and their doings

intolerable because they are the *living and threatening incarnation of the generalized social*

insecurity" (Wacquant 4). Behaviors that would have been previously considered social

"annoyances," in Blumstein's terms or "nuisances" in Wacquant's, are now defined as criminal

through anxiety-driven social boundary making through which middle- and working-class people

view street crime as a constant and visible reminder of their social and economic precarity. The

logic follows that these "criminals" must be removed from public view. This fear of one's own

conditions is made manifest through casting these categories of people away through an

overreliance on criminal justice operations, including incarceration: "The systematic recourse to

the police and judicial institutions to contain the disorders of everyday life in poor

neighborhoods and households explains why American prisons today are overfull, not with

'violent predators,' as the partisans of all-out incarceration drone, but by nonviolent criminals

and petty delinquents, most of whom… are drawn from the most vulnerable fractions of the

working class" (Wacquant 131). The socioeconomic precarity, the accompanying concept of

disposable people, and the diminishing resources available for handling conflict outside of

criminal justice processes are essential to understanding Ruth Wilson Gilmore and Schenwar and

Law's arguments regarding the causes of mass incarceration.

Economic Explanations for Mass Incarceration

Gilmore examines the political and economic conditions in California to explain the rapid

expansion of prisons and argues. Along with Schenwar and Law, Gilmore argues that the

centralization of crime as a central social problem, in spite of declining crime rates, reinforces

the notion that crime must be addressed by displacing disposable people through the criminal

justice system. Gilmore cites the economic conditions of deindustrialization in California in the

context of the political rallying cry of "tough on crime," the decline of social programs, and

outcries against the poor quality of existing prison facilities as conditions that facilitated the

constant construction of new prisons. She argues that this development was not inevitable, but

resulted from the state capacity to act both technically, in terms of accessibility of resources, and

politically, in terms of legitimacy among the public, capitalists, interest groups, etc. (113). "The

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successful political promotion of fear of crime as *the* key problem, and the ideological legitimacy of the US state as the institution responsible for defense at all levels, allowed California to act," Gilmore explains, noting that this action required balancing policies in terms of "enabling and constraining" political and economic conditions: "The state could build prisons, but not just anywhere. The state could borrow money, but not always openly. The state could round up persons who correspond demographically to those squeezed out of restructured labor markets, but not at the same rate everywhere" (114). According to Gilmore, "the dialectics of politics and economic… shaped the prison expansion program from the start" (115), and this expansion required an increase in criminalized populations. This mass criminalization was facilitated by the shifting economic conditions that left large populations of workers un- and under-employed.

As Gilmore explains, deindustrialization in California in the 1970s resulted in "the reorganization, or the termination, of many capital-labor relationships that had been secured through struggle during" the previously stable economic period. This shift resulted in "[a]ll kinds of workers experienc[ing] profound insecurity, as millions were displaced from jobs and entire sectors" (70). She explains that this exclusion from the state's labor markets resulted in many people seeking alternative, sometimes illegal, markets for financial support (74). When coupled with the political legitimacy of crime as a central social concern, with the state as the sole arbiter of security in terms of crime control rather than social programs, this resulted in an entire class of disposable people and an increased reliance on the state's criminal justice systems.

Explanations for Mass Incarceration through Dehumanization

The popularity of policies conceptualized through the lens of removing people from populations as the primary state response to crime resulted in an over-reliance on incarceration as a solution for social problems. Focusing on the shift in prison rationalization from rehabilitation,

which largely fell out of favor among experts, policy makers, and practitioners during the 1970s, to incapacitation, Gilmore explains: "Incapacitation doesn't pretend to change anything about people except where they are. It is in a simple-minded way, then, a geographical solution that purports to solve social problems by extensively and repeatedly removing people from disordered, deindustrialized milieus and depositing them somewhere else" (14). Focusing on contemporary reforms that offer alternatives to prisons (e.g., drug treatment programs, mental health institutions, etc.), Schenwar and Law use the language of "Somewhere Else" to describe these alternatives as "places and systems designed to cut off marginalized people from society," following the same logic as prisons (21). Further, political legitimacy of state intervention for the purpose of incapacitation led to a reliance on these practices, as "research shows that increased use of policing and state intervention in everyday problems hasten the demise of the informal customary relationships that social calm depends on. People stop looking out for each other and stop talking about anything that matters in terms of neighborly well-being," which, according to Gilmore, results in an inhospitable environment that leads to social isolation: "[W]hen something disruptive, confusing, or undesirable happens, people dial 911. As a result, crime goes up, along with unhappiness, and those who are able to do so move away in search of a better environment, concentrating unhappiness in their wake. In other words, prisons wear out places by wearing out people, irrespective of whether they have done time" (16–17).[15] The collapse of community relationships in and across predominately urban deindustrialized areas, in combination with socioeconomic anxieties which support the political legitimacy of criminalizing and displacing un- and under-employed populations, is inextricably linked to the races and ethnicities of people in these populations.

Contemporary mass incarceration scholarship, regardless of the specific disciplinary approach and attributions of causes, discusses the racial and ethnic disparities among populations who are most likely to be incarcerated. Wacquant and Gilmore focus on disenfranchised and deindustrialized communities of the working and workless poor who are predominately comprised of people of color. As both authors explain, the socioeconomic insecurity caused by changing labor conditions targets the public's attention toward these populations and motivates their removal as a means to alleviate this insecurity. Gilmore explains that during this shift in the 1970s, "[p]overty more than doubled. Racist and nationalist confrontations heightened, driven by the widely held—if incorrect—perception that the state's public and private resources were too scarce to support the growing population, and that some people therefore had to go" (70). This systematic and racialized recourse to removing people through incarceration, highlighted by both Wacquant and Gilmore, is confronted by Blumstein who, while recognizing the increasing influence of the public on criminal justice practices, maintains a conventional, semi-closed systems theory approach and focuses on racial disparities in terms of system operators and instances and varieties of crime. Blumstein's trained incapacity as a systems theorist leads him to privilege crime inputs, incarceration outputs, and system glitches for explaining racial disparities in incarceration rates, and marginalize non-systematic explanations like the historical continuity of racialized definitions of "crime."

Pathologizing Black Crime

Focusing on African American's specifically, Blumstein argues that their overrepresentation in prisons beginning in the 1970s was not an issue of racism facilitated by the system, but instead reflected this demographic's involvement in more serious criminal activity. While he argues that racist discrimination exists among practitioners of criminal justice (249), he

argues that flaws in the statistical tools used to analyze policies and practices prevent a

reasonable conclusion of racism as inherent in or as facilitated by the system itself (248–49).

While he does acknowledge that non-violent crime allows for greater discretion at each point in

the criminal justice process, explaining "[t]he offense itself becomes less determinative of

whether a prison sentence is imposed and other factors, such as the extent of prior record,

employment, seriousness of the offense within the class—and also possibly race—become more

salient" (Blumstein 250), his discussions of racial discrimination center on individual discretion

and behavior as opposed to systemic issues.

Blumstein concludes that the overrepresentation of African Americans in prison is the

result of this populations' disproportionate involvement in violent crimes, like murder and

robbery, as rates of arrest to incarceration for people charged with these crimes are consistent

across racial demographics. In other words, Blumstein argues that African Americans arrested

and charged with murder or robbery are just as likely to be incarcerated as white people who

have the same charge upon arrest, and as these charges account for nearly 40% of the prison

population, racial disparities result from greater involvement in violence crime by African

Americans. "[T]his difference accounts for 80 percent of the disproportionality in prisons,"

Blumstein explains, though he adds, "[s]ome of the remaining 20 percent could be attributable to

factors other than the type of crime at arrest (such as differences in prior record or in probation or

in employment status) that are at least arguably appropriate for consideration within the

sentencing decision" (Blumstein 251). By contrast, in the preface to the 2020 edition of *The New*

Jim Crow, Michelle Alexander argues against Blumstein's statistical argument regarding violent

crimes and dedicates much of the rest of her text to undermining the assumed racial neutrality of

considering prior involvement in the criminal justice system and lack of employment for criminal justice decisions.

Alexander argues that focusing on mass incarceration in terms of violent crime, particularly in racial terms, is fallacious and dangerous. She emphasizes the danger posed to black communities through media focus on "violence in ghettoized communities," the development of myths like that of the super-predator, and the often default response to arguments against incarceration in terms of "black-on-black crime," which she argues are "stunningly effective" at "refocusing attention on a relatively small number of individuals who cause harm, thus shielding from critique an entire system that inflicts incalculable harm on millions" (xxii-xxiii). While Alexander does address the "much higher rates of violent crime" among black men and in "ghetto communities," she explains this in terms of social insecurity: "When researchers have controlled for joblessness, differences in violent crime rates between young black and white men disappear" (261).

Further, Alexander accounts for sentence lengths to demonstrate the relatively small number of people incarcerated for violent offences in contrast to non-violent offenders. "[T]he fact that half of a state's prison population is comprised of people labeled violent offenders does *not* mean that half of the people sentenced to prison in that state have been convicted of violent crimes," because, "[p]eople who are convicted of violent crimes tend to get longer prison sentences than those who commit nonviolent offenses" (xxv). In other words, if at any given time approximately half of a prison population is incarcerated for violent crimes, that population remains relatively stable because it is largely the same people incarcerated for long sentences. By contrast, non-violent offenders generally receive much shorter sentences and, therefore, the non-violent half of the prison population represents a larger number of unique individuals. Thus,

while Blumstein asserts that roughly twenty percent of sentencing decisions may be influenced

by racial discrimination, or other more "appropriate" considerations, in terms percentages of

people incarcerated at any given time, this percentage would necessarily increase when

examining the raw numbers of police encounters that result in incarceration when accounting for

sentence length.[16] This is crucial to understanding Alexander's expanded definition of mass

incarceration which includes the stigmatization that comes from any encounter with the criminal

justice system, the likelihood of which increased with the War on Drugs, which

disproportionately impacts people of color.

Alexander locates the cause of mass incarceration in the War on Drugs and the rhetoric of

"colorblindness" which has shielded actively white supremacist policies from credible

accusations of racism. Emphasizing that "[a]n arrest (even without a conviction) can have

serious consequences, and a criminal conviction of any kind—even if probation rather than

imprisonment is imposed—can relegate someone to a permanent second-class status," she

argues, "that entire communities defined by race and class have been criminalized" through,

most significantly in recent history, the War on Drugs (xxviii).

Following the "tough on crime" and "law and order" rhetoric that centralized crime at the

primary social problem throughout the second half of the twentieth century, Alexander argues

that this shift in terminology has always been racially motivated and used to mobilize white

voters, particularly in the South, against the rise of the Civil Rights Movement and the passage of

Civil Rights legislation including *Brown v. Board of Education* (50). The association of crime

and crime policies with people of color gradually became less explicit, though the racial coding

held sway and was weaponized against communities of color during the War on Drugs: "It is

unnecessary to speak directly of race [today] because speaking about crime is talking about race"

(Barlow qtd. in Alexander 133), to which Alexander adds, "Indeed, not long after the drug war was ramped up in the media and political discourse, almost no one imagined that 'drug criminals' could be anything other than black" (133). Alexander argues that this explicit-to-implicit rhetorical shift propelled the continuation of Jim Crow through the vast reach of mass incarceration and maintained communities of color as a socioeconomic and political undercaste. Further, Alexander describes the War on Drugs's "success" at maintaining a racial caste system in distinctly systems theoretical terms.

Consolidating (White) Power

Akin to arguments like Gilmore, Wacquant, and Barkow's, who position the state at the hierarchic top of the political and criminal justice systems with the primary role of defense/security/and public safety, Alexander addresses the origins and consequences of the War on Drugs in explicitly systems theoretical terms. "Drug use and abuse is nothing new; in fact, it was on the decline, not on the rise," during the early years of the War on Drugs: "So why make drug-law enforcement a priority now?" To answer this question, Alexander points to "the system's design": "Every system of control depends for its survival on the tangible and intangible benefits that are provided to those who are responsible for the system's maintenance and administration" (92). In other words, Alexander argues that the War on Drugs presented the opportunity for the "federalization" of crimes that were primarily considered state and local jurisdiction's issues, thereby consolidating the criminal justice system, once viewed as distinct from the political system, into a single hierarchy with the federal government as the top operator in terms of definitions of and solutions to crime.

This consolidation effort was met with state and local resistance which was overcome through federal funding. Alexander argues that "consensus among state and local law

enforcement agencies" was purchased by the federal government through "huge cash grants…

made to those law enforcement agencies that were willing to make drug-law enforcement a top

priority" (ibid). Thus, the drug war presented the opportunity for the federal government to

receive the intangible benefits of consolidating the system of criminal justice under federal

maintenance and administration, while the state and local officials received tangible funding to

adhere to this systemic rearrangement which, Alexander argues, propelled mass incarceration.

While Hinton also links mass incarceration to this influx of funding to state and local agencies,

she argues that the motivations were more complex than maintaining a racial caste and that its

momentum began years before the War on Drugs.

Hinton argues that the cause of mass incarceration was not the racially motivated War on

Drugs, but instead a series of policy decisions as early as the 1960s that not only made mass

incarceration possible, but also the drug war itself. Explicitly contradicting Alexander, Hinton

argues that the current crisis of mass incarceration should not be seen as the continuation of the

Jim Crow era, but instead as an entirely distinct phenomena that culminated from a variety of

decisions that weren't wholly geared toward racial suppression. Hinton uses President Johnson's

formation of the LEAA as an example which, while intended to provide financial support to all

criminal justice institutions in exchange for the systematization of practices and of data

collection and reporting, funneled enormous funds into local and state police departments which

led to massive increases in surveillance technologies and military equipment. While President

Carter dismantled the LEAA, the administration had already cemented "strategies, institutions,

and bureaucracy" that centralized crime as a national policy priority (4). Thus, Hinton argues,

"the policies of the Regan administration" and the War on Drugs, "marked merely the fulfillment

of federal crime control priorities that stemmed initially from one of the most idealistic

enterprises in American history during the civil rights era," the War on Poverty (ibid). During this transition, from the War on Poverty to the War on Crime in the late-1960s, "[n]ational priorities increasingly shifted from fighting black youth poverty to fighting black youth crime… as policymakers introduced new patrol and surveillance measures in targeted urban communities" (333). The centralization of crime versus poverty control in national policy, not initiated during but maintained through the War on Drugs, also recentered the pathologizing of black crime, masked as objective facts through statistical discourses, that rationalized the hyperpolicing and hyperincarceration of black low-income people.

Hinton argues that the impact of decisions like the establishment of the LEAA further criminalized beneficiaries of social programs in predominately urban areas which also led to rising incarceration rates. The social programs established during President Johnson's War on Poverty were substantially cut during the shift to Nixon's War on Crime and integrated into "bureaucracies, institutions, and industries at the heart of the carceral state" (16) under its rapidly expanding surveillance techniques. Many of the aforementioned scholars observe the relationship between the rise of mass incarceration and the decline of social welfare programs and some use this relationship in their expanded definitions of mass incarceration. Further, Hinton's argument reinforces the commonly held premise that mass incarceration is linked to the absorption of the criminal justice system, in the name of security, into the state system, which, as Gabriel Almond lauded, the new generation of political scientists in the mid-twentieth century helped formalize. From this grounding, it is time to return to Mayeux's question regarding the tension between uses of the term "system" and observations of how the "system" operates in contemporary mass incarceration scholarship, while contextualizing this tension in the continuity of systems theory and thinking that shaped disciplinary endeavors from the outset.

When prison populations exploded into the phenomenon known as mass incarceration, a core characteristic of the systems theory approach to incarceration, the dynamic equilibrium of incarcerated populations, no longer applied. In spite of this, many scholars in the age of mass incarceration not only continue to use the term system to describe criminal justice practices, processes, and institutions, but also adhere to some central tenants of systems theory. One possible explanation for this could be a shifting conceptualization of the "whole." If the criminal justice system is viewed as the whole, where the prisons are the primary subsystem by which the operations of other subsystems (e.g., courts, police, etc.) are measured in terms of dynamic equilibrium, then the application of systems theory must be reconsidered. However, if instead the political system is seen as the whole with criminal justice as one of many subsystems, the question emerges as to whether incarceration rates are the appropriate measure of dynamic equilibrium.

Alexander and Hinton's descriptions of the federal government's absorption of state and local law enforcement operations, through provisions of massive grants, follow a straightforward systems theory approach. The image conjured by both scholars is the consolidation of political and legal systems into a single hierarchic organization with the federal government in the pinnacle position, which Hinton significantly links to the period during Blumstein's tenure on the *Challenge* report commission. In other words, a persuasive systems theory argument can be made in terms of the expanding reach of federal government policies into the sprawling bureaucracies of law enforcement and social services through increasing control technologies that maintain the federal/State political system as the primary arbiter of security. However, while many other scholars use the term system, their explanations for mass incarceration break

from a traditional (closed) systems theory and can be better understood through the continuity of systems thinking.

Many scholars' attributions of the causes of mass incarceration use the term system, though these uses often operate in tension with the traditional systems theory approach envisioned by Blumstein. For example, while Wacquant and Gilmore maintain the state in a key decision-making position, state divestment from controlling the economy through deregulation leads to conceptualizations of economic and political systems as related, semi-closed systems. Further, during the period of socioeconomic insecurity, socioeconomic classes also appear more fluid with once stable job sectors downsizing or being eliminated entirely. Thus, the political system adapts to changes in the economic system through adjustments to the social system through the criminal justice system. These relational adjustments have staved off collapse in each system, for the time being, and can be viewed in terms of processes of co-evolution. This observation is central to complexity theory, which emerged from systems theory in the continuity of systems thinking, which I will address in greater detail in Chapter 2. It is my contention that this evolution in systems thinking explains the persistent utility of the term system in mass incarceration scholarship.

Where Are we Heading?

In the following chapter, I discuss the development of complexity theory from systems theory to demonstrate how the continued use of the term system in mass incarceration scholarship functions in analyses like Wacquant and Gilmore's. These scholars' uses of the term system fit into the development of complexity theory that, like systems theory, has spread across disciplinary boundaries as a new imagining of systems and has taken on the systems theoretical tendency of offering an explanation for how things actually work. However, rather than further

cementing systems thinking in the epistemological continuity of social organization research, policy, and practice, I argue that this drive to perfect the terminology of systems, according to the entelechial principle, negates the need for systems thinking. In other words, complexity theory irrevocably undercuts the terminology of systems for understanding social organizational practices and presents an alternative within its own conceptualization.

This alternative is a spatial theory approach, which as I address, has long held itself as an alternative to systems thinking. It is my contention that, as a result of shifts toward complexity theory, the terminologies of systems and space are meeting with "enough 'symmetrical perfection'" (Burke, *Language as Symbolic Action* 20) to set in motion a shift in mass incarceration research while providing an alternative terminology that may in fact establish the conditions for the end of mass incarceration. Chapter 2 works through manifestations of this shift in incarceration research, policies, and practices and concludes with a methodological proposal that brings a postmodern human geography approach to spatial theory into conversation with contemporary rhetorical theory, particularly rhetorical listening, as a tool for incarceration researchers, practitioners, and policymakers to navigate past the systems theories and thinking that helped to not only facilitate but to rationalize mass incarceration.

In Chapter 3, I apply this rhetorically informed spatial theory approach to archival research using the South Carolina Penitentiary (SCP) as a case study. For this case study, I focus on two key transformative moments in the history of incarceration in South Carolina: The decision to establish the SCP and the first two years of its development and operations. These transformational moments present excellent opportunities to explore, as Hinton recommends, the ambiguity in policy decisions related to crime and incarceration. My rhetorically informed spatial theory approach helps to elaborate, rather than exploit, this ambiguity by resisting

recourse to holistic theoretical explanations, or grand narratives. Using this methodology, I first

analyze public arguments on the establishment of the SCP through archival holdings of the

Journal of the Senate for the State of South Carolina and a variety of South Carolina

newspapers. In terms of spiritual and material alienation, I argue that the decision to establish

the SCP resulted from the bureaucratization of the imaginative possibility of racial equality in

terms of punishment. This bureaucratization offered an opportunity to steal symbols of authority

from the North, by whom the Utopian ideal of equality was felt to have been imposed, and to

reinforce a sense of local, State authority following the Civil War.

In the second section of Chapter 3, I examine arguments made during the first two years

of the development and operations of the SCP. Using the *Journal of the House of*

Representatives of South Carolina, the governor's message to the House of Representatives, the

Proceedings of the Constitutional Convention of South Carolina, and the superintendent's files

housed in the South Carolina Department of Archives and History (SCDAH), I contend that

these arguments, initiated by members of the Constitutional Convention, culminated in the

centralization of the superintendent and a relativistic approach to questions of punishment and

racial discrimination at the penitentiary. Further, because the superintendent was being driven

into a corner, he steals symbols of Northern authority (i.e., federal regulations) to identify

himself with his accusers and thereby forecloses discussions of punishment and racial

discrimination at the SCP in general terms, as this would threaten further destabilization of local,

State authority. While I make clear arguments in each of these sections, the practice of a

rhetorically informed spatial theory approach and the method of archival research necessarily

complicate these findings. For this reason, each section also includes an experiment that works

to further elaborate the ambiguity of these moments.

In Chapter 4, I focus on democratic deliberation forums in American prisons as another option for applying my proposed rhetorically informed spatial theory methodology for incarceration research, policy, and practice. Centering on the question of incarcerated people's participation in democratic governance as a means of accessing their stories-so-far, this chapter opens with a discussion of civic engagement and voter enfranchisement among incarcerated people in the context of Joel Castón's historic election as a D.C. neighborhood representative while incarcerated. This unique case offers an opportunity to discuss deliberation as a means of civic engagement and what follows is a brief overview of several prominent threads in deliberative democracy theory. I argue that deliberative democracy is a rhetorical project by tracking the conceptual articulations of several key terms: Storytelling, listening, and rhetoric. Focusing on rhetorical approaches to deliberative democracy, we arrive at the core concepts of publics, social capital, and trust, as well as a delineation in terms of practice: Deliberative democracy, in terms of a deliberative mass public, and democratic deliberation, or micro-publics forums.

These rhetorical perspectives raise questions about incarcerated people's inclusion in and access to public deliberations and the impacts that their stories-so-far can have on themselves, each other, and incarceration policies, practices, and research. To elaborate these questions, Chapter 4 includes two interviews with moderators of democratic deliberation forums in U.S. prisons, Bill DiMascio and Barbara Brown. This section offers wandering accounts of Bill and Barbara's stories-so-far of working with incarcerated populations on deliberative approaches to civic engagement and the impacts they have witnessed.

This dissertation concludes with a return to our opening question of systemic racism in terms of our critique of systems and my proposed rhetorically informed spatial theory approach.

I then situate my proposed approach in contemporary rhetorics and in the composition classroom. As public discussions of systemic racism have turned attention toward Critical Race Theory (CRT), we dive briefly into how the perspective (metaphor) of "systems" in this debate offers a terministic screen that leads to an intractable conflict. However, I contend that this conflict may be navigated through the path outlined in the previous chapters from complexity to a rhetorically informed spatial theory approach. Further, contemporary rhetorical theories on ecologies and posthumanism offer a similar path, through which the emphasis on rhetoric offers a remedy to the dehumanizing uses of the term system, general and complex, in terms of the action-motion dialectic and practices of epistemological co-production. The final section outlines my story-so-far of integrating my proposed rhetorically informed spatial theory approach in my composition classroom through deliberative democracy-oriented coursework.

CHAPTER TWO

"YES, AND…"

Complications set in. Yes, complications. How many times have we heard, 'it's simple?' Nothing is simple. We live in a world where nothing is simple. Each day just when we think we have a handle on things, suddenly some new element is introduced, and everything is complicated once again. What is the secret? What is the secret to simplicity? To the pure and simple life? Are our appetites, our desires undermining us? Is the cart in front of the horse?

> The Log Lady, "Dispute Between Brothers,"
> *Twin Peaks*[17]

If the system can survive only by imprisoning innocent people, then it deserves to be destroyed. My personal safety is important because I'm a human being.

> Anderton, "The Minority Report,"
> *Selected Stories of Philip K. Dick*[18]

Introducing Complexity

As I demonstrate in Chapter 1, the age of mass incarceration operated as a complication to the linear systems theory approach that reigned in the mid-twentieth century. However, rather than envisioning an entirely new epistemological approach to criminal justice, the historical continuity of systems thinking motivated efforts to perfect the systems theory approach to account for this unpredicted complication. As praise for and applications of systems theory waned across a variety of disciplines, shortly after von Bertalanffy's publication of *General Systems Theory*, a scientific breakthrough was on the horizon that provided the means to save the "system" from systems theory, while adapting it to new epistemological conditions. This chapter begins by following the trajectory of systems through complexity theory which, I argue, provides an avenue for transitioning from a vocabulary of systems to a vocabulary of space. The second

half of this chapter explores this vocabulary for space through developments in spatial theory and I conclude by articulating my proposed rhetorically informed spatial theory approach.

Scientific theories of non-equilibrium thermodynamics broke from the hegemony of mechanistic explanations for natural phenomena in the latter quarter of the twentieth century. In their 1984 book, *Order Out of Chaos*, Ilya Prigogine and Isabella Stengers raise the question: "What are the assumptions of classical science from which we believe science has freed itself today?" to which they respond:

> Generally those centering around the basic conviction that at some level *the world is simple* and is governed by time-reversible fundamental laws. Today this appears as an excessive simplification. We may compare it to reducing buildings to a pile of bricks. Yet out of the same bricks we may construct a factory, a palace, or a cathedral. It is on the level of the building as a whole that we apprehend it as a creature of time, as a product of culture, a society, a style. (7)

In this analogy, by virtue of the reversibility of classical scientific thinking, there is little to distinguish between a building and a pile of bricks as each are contained in the state of the other. In other words, through this deterministic lens, this pile of bricks will always become this building independent of time and context and if returned to a pile of bricks the same building could be rebuilt. A perpetual building machine. There is a balancing here between states of order and disorder through predictable patterns in closed systems that characterizes equilibrium-based theories. However, in work that earned him the Nobel Prize in Chemistry in 1977, Prigogine centralized considerations of time and context in his theories of non-equilibrium thermodynamics and dissipative structures.

While the emphasis on equilibrium systems allowed for simple and universal explanations of natural phenomena, non-equilibrium and far-from-equilibrium thermodynamics provided a radical view of complex systems and uncertainty. As Prigogine and Stengers explain, "[i]n far-from-equilibrium conditions we may have transformation from disorder, from thermal chaos, into order: New dynamic states of matter may originate, states that reflect the interaction of a given system with its surrounding" (12). They use the term "structures" to identify these new states, specifically, "*dissipative structures* to emphasize the constructive role of dissipative processes in their formation" (ibid). Thus, in this new formulation, once reduced to a pile of bricks, the same building will never exist again. It has moved far-from-equilibrium in accordance with a unidirectional arrow of time and exists as a dissipative structure for the formation of a new dynamic state of matter, be the bricks used as doorstops, vehicle blocks, Section 8 housing, a new chic restaurant, or remain piled to be covered by dirt and grass. New order is possible because time and context disallow the possibility of returning to the identical previous order. From this added complication to a systems theory foundation, complexity theory emerged.

Complexity theory is a clear manifestation of the historical continuity of systems thinking through its correlations with contemporary technologies, its development in terms of "wholes" and "systems," and its universal applications to natural and social phenomena. In *The Moment of Complexity*, Mark C. Taylor observes the shift toward complexity through shifts in technologies, particularly information technologies, that highlight interconnections of difference and reciprocal relationships: "While parts are constituted through their mutual relations as well as their relation to the whole, the whole emerges from the interplay of parts. This mutual implication of parts with parts and parts with whole generates the condition of complexity. The relational structure

that forms the differences constituting complexity transforms parts and whole into an open system" (140). Further, explicitly situating complexity theory in the historical continuity of systems theory through von Bertalanffy's work with general systems theory, Taylor identifies shared "guiding ambitions" between the two theoretical approaches: "Like general system theory, complexity theory attempts to identify common characteristics of diverse complex systems and to determine the principles and laws by which they operate. Moreover, students of complexity share the conviction that the systems they investigate are not limited to natural phenomena but can also be discerned in social, economic, political, and cultural life" (141). The culmination of Taylor's work to adapt complexity theory laws and principles to sociocultural organizational practices comes in the form of emerging network culture.

While Taylor writes in terms of wholes, parts, and systems, he makes clear at many points that his conception of "whole" does not operate in terms of totalizing structures, but in terms of open and complex adaptive systems. In contrast to the closed, totalizing system of criminal justice imagined by Blumstein prior to the rise of mass incarceration, complex adaptive systems are contingent upon a dialectical relationship with the environment, also comprised of complex adaptive systems. A major division between the two theories lies in this distinction. Where systems theory posits a fully formed system which the component parts—people, institutions, material configurations—work to maintain at dynamic equilibrium through internal adjustments, complexity theory's systemic wholes are constantly in flux. "Though the whole is more than the sum of its parts," in complex systems thinking, "it remains undecidable whether or not the principles and operations of a complex whole can be reduced to the parts from which they emerge. It is, nevertheless, clear that the interactions of the parts that comprise the whole are 'nonsimple'" (Taylor 142). It appears that what complicates the functionalist reduction of

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the whole to its component parts is the openness of complex adaptive systems and the collapsing

of the boundaries of influence and interference from "external" systems. Further, relating the

self-organizing behaviors of insects (allelomimesis) to networking logics, Taylor explains,

"[w]hile no member or component of the group has any knowledge of [sic] access to the

principles of operation for the system as a whole, each individual is responsive to the action of

surrounding individuals" (153–54). In other words, network cultures emerge through the

unpredictable interactions of differences across connections, increasingly available through the

rapid expansion of information technologies, which shift sociocultural systems far-from-

equilibrium. In this far-from-equilibrium state, old sociocultural structures are called into

question and dissipate if unable to adapt to the influx of systemic pressures and, at the edge of

chaos, may form new structures, or wholes, of which the part(icipant)s are not wholly aware.

These observations help to elaborate the crisis of mass incarceration in scholarship, policy, and

practice.

Reckoning with Complexity in Criminal Justice: A "Preventative" Strategy

The system of criminal justice is far-from-equilibrium in the age of mass incarceration. While

Blumstein and Barkow, for example, lament public and political interference with the system of

criminal justice and advocate for actions to re-close the system, many scholars discussed in

Chapter 1, and as noted by Mayeux, seek "environmental" explanations that collapse the tidy

boundaries separating criminal justice from economic, sociocultural, historical, geographical, etc.

systems and lead to more and more complex systems. Further and notably, the widespread

critique of incarceration as crime control or public safety measure has seemingly clarified the

allelomimetic networking behaviors of actors both within and outside of the criminal justice

system whose interactions influence its operations and who lack an understanding of the

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governing logic of the whole (e.g., rogue prosecutors, politicians, private companies, lobbyists, and members of the public). While complexity is clearly useful as an explanatory model for this shift from the edge of chaos for theories about incarceration in the age of mass incarceration, some serious issues must be addressed in terms of policy and practice.

The emergence of mass incarceration through a confluence of influences that blur the boundaries between criminal justice, the state, the economy, etc. may be mistaken as an inevitable or even desirable outcome in complexity theory terms if left unchecked. While the emergence of mass incarceration is seen by many scholars as a result of the collapse or dissolution of previous social, economic, and political structures, reading complexity theory through Taylor's lens risks categorizing this shift, by virtue of its novelty, as good. The old systems, according to Taylor's orientation, failed or dissolved into chaos as a result of an inability to adapt to environmental conditions. By contrast, in this dissipative state far-from-equilibrium, mass incarceration and its associated structures emerged by successfully adapting to these conditions as the result of and resulting in, as many scholars attest, greater connectivity between criminal justice and state actors and members of the public who would have potentially never had formal association with these systems.

In contemporary applications of complexity theory to criminal justice operations, the work is, resolutely, to increase these connections. For example in Aaron Pycroft and Clemens Bartollas' *Applying Complexity Theory: Whole Systems Approaches to Criminal Justice and Social Work*, the authors argue that the input/output modeling of general systems theory fails to account for the unpredictability of criminal behavior and advocate instead for "a 'whole-systems' approach to addressing complex problems" (Pycroft and Bartollas 2). This approach is contingent upon expanded data sets and more complicated modeling to account for previously

unattended to variables. Broken Windows theory and COMSTAT represent early iterations of

this whole systems approach, working to target "high-crime" areas with increasing surveillance

and complicated data modelling schemes. However, as these approaches to criminal justice

continue to develop, attempts to model whole systems are giving way to predictions of individual

variable behavior in the context of environmental systems. [19] While "high-crime areas" and

"crime-hotspots" continue to be further imbricated in increasingly dense networks, the moves

toward risk-assessment measures, as well as predictive and precision policing, are proposed as

individually targeted tools for decreasing crime in whole systems (e.g., housing units,

neighborhoods, cities, etc.).

 The promises of big data for preventing crime and for reducing incarceration rates has

had widespread appeal among criminology scholars, criminal justice practitioners, and

politicians. In their 2017 article, "The Challenges of Doing Criminology in the Big Data Era:

Towards a Digital and Data-Driven Approach," Gavin J. D. Smith, et al. explain:

> The criminal justice system … and wider relations of criminality and victimization that
>
> occupy its focus are key contexts where … processes of datafication are being introduced
>
> and operationalized. The routine use of digital devices/data in these ecologies is radically
>
> altering traditional modes of operational practice and organization, from the way in
>
> which law enforcement is administered on the streets through to how offenders are
>
> managed inside and outside correctional settings. (260)[20]

Focusing on incarceration practices, both Presidents Obama and Trump heralded risk assessment

tools for reducing both incarceration and recidivism rates. In 2016, Obama introduced the Data-

Driven Justice Initiative (DDJI) which marks a key moment in the development of the systems

theory approach to criminal justice broadly and to incarceration specifically. The DDJI proposes

data-driven strategies for reducing incarceration rates and developing risk assessment models to decrease recidivism rates ("FACT SHEET"). Trump's 2018 ratification of the First Step Act follows the same data-driven logic for "making America safer" ("President Donald J. Trump"), mandating the development of "a risk and needs assessment system to be used by [Bureau of Prisons (BOP)] to assess the recidivism risk and criminogenic needs of all federal prisoners" while incarcerated and for program placement post-release (*BOP: First Step*).

According to a report prepared for Congress by Nathan James on risks and needs assessment tools in federal prisons, these tools account for both static and dynamic risks. Static risks include previous encounters with the criminal justice system, including (and reinforcing scholars' claims of institutional integration) encounters with social services programs that keep records on substance abuse and mental health issues (James 3). Dynamic risk factors, or "'criminogenic needs,' change and/or can be addressed through interventions… [and] include age, education level, marital status, employment status, current substance use, and residential stability" (ibid). As these models follow a straightforward systems theory approach of simplifying behavioral complexity to generalizable criminogenic measures, James acknowledges "a 'natural limit' to the predictive utility of instruments" (4). However, he maintains the potential for refining these tools: "Simply stated, there is a limit to how accurately recidivism can be predicted given the *current* level of knowledge about the causes and correlates of criminal behavior" (ibid; emphasis added). Counter to a core tenet of complexity theory, namely unpredictability, these moves toward complexity in criminal justice appear to conflate the complicated with the complex in an effort to develop more "precise" prediction methodologies that are inextricable from past practices, as the static risk factors make evident, and whose logical relationships are clear and simple. However, the focus on individuals as situated within

networks and use of information technologies are substantial innovations for developing greater connections in whole systems.

In their chapter, "Communities as Open-Air Prisons," Schenwar and Law track the uses of data in predictive and precision policing practices that not only rationalize the hyperconnectivity between law, state, and citizen (e.g., policing, surveillance, etc.) in predominately low-income communities of color, but also to reify presumed criminal networks using information technologies.[21] Predictive policing proports to use data and complicated computer software to predict the locations and times that crime is most likely to occur and which individuals will most likely be responsible. Precision policing marks an evolution of these techniques by blending "predictive policing with community policing, ensuring that low-income communities of color are targeted with multiple kinds of enhanced surveillance: the data-based kind and the neighbors-policing-neighbors kind" (Schenwar and Law 163). Discussing the most commonly targeted neighborhoods, Schenwar and Law argue that these networking practices are not neutral, but instead rely on biased crime data that's "based on who has been arrested in the past," or who has sought help from social service programs (i.e., static risk assessment measures). The result is "data that relies on previous patterns" and, in turn, "retargets and recriminalizes the same people, largely people of color" (162). Current data collection practices are inextricable from the historical continuity of criminal justice practices that, as observed by scholars like Alexander and Hinton, are inextricable from racialized statistical discourses of criminal pathologies. These moves perpetuate increasingly dense networks of connections between criminal justice practitioners/institutions and communities of color, and these practices are being applied to social media as well.

Criminal justice practitioners are using social media to predict who will engage in criminal activity through the tracking of "criminal" networks. "Hanging out with someone (or even hanging out with someone who hangs out with someone)," both in person and online through friends lists, photos, posts, etc., "whom police have deemed suspicious can sweep you into a surveillance trap that is incredibly hard to escape" (ibid 169; cf. *The Minority Report*).[22] Using the example of the suspected gang member sweep by the NYPD, Operation Tidal Wave, Schenwar and Law explain, "forty-three youth were indicted… on gang-related charges," several of whom were incarcerated for "bragging and threatening on Facebook" with no physical evidence needed to support the charges (166). In short, criminal justice practitioners and policymakers are attempting to predict the unpredictability of criminal behavior through preventive measures that radically expand the connections between these institutions and citizens. These practices lead to predictably, in terms of historically targeted communities, unpredictable encounters with citizens perpetually uncertain of when, how, or why a police encounter will occur.

Contrary to the mission of predictive and precision policing—and, to an extent, risk assessment tools that continue to rely on static risk measures—of preventing crime and decreasing incarceration rates, "prediction tools haven't prompted police to develop new strategies for avoiding arrests. Instead, police are just using these tools in the services of the same old practices—making arrests and issuing citations" (Schenwar and Law 168). The major innovation of these evolving approaches appears instead as an adaptation to emerging digital technologies for tracking criminal(-ized) networks in digital and physical places. While the hyperconnectivity and preventative pre-crime arrest measures may indicate that the order of the far-from equilibrium *system* of mass incarceration is reaching a moment of complexity—

facilitating the emergence of a radical ideological shift, for better or worse—a whole-systems perspective raises crucial issues about whose perspective defines the whole.

Whole systems are theoretically rendered from objective reality in terms of observable patterns of phenomena. However, the inherent ambiguity in selecting and interpretating these patterns is susceptible to exploitation. For instance, Taylor offers an example of this exploitation in an interview for *JAC* with David Blakesley and Thomas Rickert: "Like it or not, global capitalism is the hand that we have been dealt for the foreseeable future. If we are to be politically effective, we must find ways to turn this system to humane and humanistic ends," arguing that this can be accomplished through further collaboration with business communities (812). While offered as an unambiguous statement of fact, Taylor's observation is an interpretation of his selected data. As David Tietge argues in his analysis of evolutionary discourse in terms of complexity theory, the interpretation of empirical data into narrative form functions as a "moment of complexity," during which "scientific data meets the human ability to give it meaning" (Tietge 973). The inherent ambiguity in the selection of patterns from data and in narrative interpretations offers an invitation to rhetoric in the moment of complexity.

Taylor exploits this ambiguity through his assertion of a global capitalist order, which deflects alternative interpretations of the data. Following the logic of his assertion through Gilmore and Wacquant's critiques of neoliberalism in terms of incarceration, it appears that the increasing hyperconnectivity of the system of incarceration in predominately low-income communities and communities of color is a necessary adaptation to the surplus of unskilled labor in the wake of deindustrialization and to feelings of insecurity among those who *successfully* adapted to the order of the whole (capitalist) system. Whether an emergent moment in the *system* of incarceration can shift the whole of global capital is, as complexity theory outlines,

unpredictable. However, it is imperative to balance a vocabulary of wholes with a vocabulary of part(icipant)s so as not to lose the trees for the forest, particularly in the context of the evolutionary framework that Taylor uses to ground his assertion.

Complex (Social) Systems and the Spirit of Hierarchy

The current neoliberal system is naturalized and easily extended as a positive global system when read through the hybrid neo-/social Darwinism that undergirds the conceptual articulations of success and failure in Taylor's rendering of complexity theory. Using Douglas Hofstadter's "Ant Fugue," as an example of coevolution, Taylor describes a mutually beneficial, adaptive relationship between two characters, Anteater and an ant colony named Aunt Hillary. Aunt Hillary is a complex system, a higher order than the individual ants of which she is comprised, who are described in Hofstadter's work as "dumb as can be" (Taylor 163). Anteater, external to the whole system of Aunt Hillary, establishes the adaptive relationship by "insist[ing] he is a surgeon who corrects 'nervous disorders of the colony by the technique of surgical removal.' Over the course of time, the colony evolves a delicate distribution of responsibilities with the complexity necessary for the ability to converse internally and with the surrounding world" (ibid). Taylor refines the point: "When this language," or chemical signals for self-organization among the ants, "becomes impaired, surgery is usually the only cure. Anteater consumes the 'defective' ants, thereby upsetting the faulty order and providing the occasion for a therapeutic reorganization" (ibid). In other words, when the ants are ordered, the invisible hand of self-organization is at work, but when ants become disordered, the tongue of the Anteater devours the "defective" individuals. This overt pathologizing is incredibly significant when read in the context of incarceration practices.

The "Ant Fugue" analogy opens Taylor's discussion of (co-)evolution and "natural" selection and provides insights into the potential for positive readings of mass incarceration from a neoliberal whole system perspective. Recall the politico-economic arguments made by Wacquant and Gilmore, where the neoliberal economy and wealthy populations are met with the impotence of political systems, as these same systems forcibly remove people with mental/physical disabilities, histories of substance ab/use and disordered members of poor and low-income communities and communities of color using the criminal justice system. According to the allegory of Anteater and Aunt Hillary, this contemporary phenomenon appears to be a net positive in terms of complex systems (i.e., political and socioeconomic) mutually adapting for survival. As Taylor explains, "[i]ndividuals pursuing their own self-interests unwittingly act together in ways that benefit the socioeconomic whole" (179). However, it appears that, in line with Wacquant's critique, it is neoliberal (in)security that is maintained and represents the "socioeconomic whole." In turn, following the zero-sum game logic of Malthusian population crises and Hobbes's war of all against all in the historical continuity of settler colonialism that equates progress with profit, it is the actively and situationally disenfranchised who are unable to *adapt* and who must be sacrificed for the neoliberal/capitalist/settler colonial cause. Thus, in spite of the decentralization and chance at the core of the law of emergence, social Darwinian renderings of complexity theory are goaded by the spirit of hierarchy and are rotten with perfection.

Central to the principle of emergence in far-from-equilibrium systems is the concept of order. It is self-organization at the edge of chaos into ordered whole systems that makes this scientific epistemological innovation so groundbreaking. Taylor makes clear that complex systems do not adapt according to teleological principles, or to static, predesigned

configurations, and instead articulates these systems as teleonomic, or "[a]s end-directed but not purposeful" (168–69). The end that is present throughout Taylor's text is a whole system of global capital, which operates as the ultimate order to which all systems must adapt or risk failure. He makes this teleonomic logic abundantly clear in the "Coda" of his book, titled the "Business of Education," which includes the epigraph: "You guys are in trouble and we are going to eat your lunch," attributed to Michael Milken.[23] This quote exemplifies a social Darwinian global whole that is ultimately ordered by capitalism, which stratifies all other systems through their capacity to adapt. In this framing, against the rigid hierarchical and grid-like predictability of, for example, the university system, capital represents progress through "the increase of diversity and, correlatively, the growth in complexity" (Taylor 169). It is through this ultimate order that the unpredictability of individual part(icipant)s within systems like universities is negated through analyses of generalized properties of the whole. Further, through the terministic screen of neoliberal global capitalist systems, the acquisition of capital is considered the ultimate form of progress and is naturalized as the hierarchic end to which all systems must strive.[24]

The dialectic pairings that form the basis of complexity theory invite an ultimate order of capitalism. For example, along the Upward Way, or the hierarchy of dialectic parings that leads to an explanatory principle that can encompass each iteration, we have simple-complex, static-adaptive, failure-success, dissolution-progress, which, through the historical continuity of settler colonialism, reinforces the logic of capital acquisition as the ultimate order and can be validated using the physical sciences. Like the recurring analogy of the "single ant" with all of its life-sustaining complexity, described as "purposeless, futile, and brief," and leading a meaningless life without the colony (Tietge 981), persons susceptible to the increasing hyperconnectivity of

an increasingly complicated, if not complex network of criminal justice and incarceration

become meaningful as necessary sacrifices to neoliberal security and the whole of global capital.

While the "complex and imaginative rearrangement of" the classifications of particip(ants) to

"give" meaning to the whole (982) is obviously symbolic action, the particip(ants) themselves

are "purposeless," detached from this process of meaning making, and reduced to sheer motion

to be manipulated into meaning by the meaning makers. This is, in part, due to the reliance on

empirical science for representative anecdotes for this social theory.

Demonstrating this move, Taylor includes a quote from Karl Marx in an 1862 letter to

Friedrich Engels: "It is remarkable how Darwin recognizes among beast and plants his English

society, with its division of labor, competition, opening up of new markets, 'inventions,' and the

Malthusian struggle for existence. It is Hobbes' *bellum omnium contra omnes*" (qtd. in Taylor

179–80). In this parallel, Darwinian evolution is presented as an informative anecdote to

describe human behaviors and motives and operates in accordance with "scientific reduction" of

action "to sheer *motion*" (Burke, *A Grammar of Motives* 61). The anecdote is informative rather

than representative because "animals," and plants, "lack that property of linguistic rationalization

which is so typical of human motives," whereas, "[a] representative case of human motivation

must have a strongly linguistic bias" (ibid 59). To account for communication, Taylor

transforms Darwinian evolution into a representative anecdote through evolutionary theories that

extend toward language, social relations, and culture. However, this account maintains the

reduction to sheer motion with reproduction as the primary motive driving evolution in each of

the phenomena. The ultimate, or prototypical, term for this sheer motion is System, from which

the motion of evolution can be derived and to which all motives can be attributed in this line of

thought. It is through this motive of reproduction under the umbrella of the ultimate term of

system that capitalism can assume the ultimate order.

In accordance with the reversibility of hierarchy, the Downward Way is characterized by

"a principle of transcendent unity which was reached at the culmination of the way up" and the

terms associated with the ultimate order come to characterize interpretations of the diversity of

observed phenomena (Burke, *A Rhetoric of Motives* 311). "[F]rom the standpoint of rhetoric,"

Kenneth Burke explains, "the implanting of an ultimate hierarchy upon social forms is the

important thing. Here the hierarchic ordering of the subsocial realms could be considered as an

'ideological reflex' or extension of the persuasive principle experienced in the social realm. That

is, rhetorically considered, the Marxist hierarchy may go not from a science of nature to a

science of society, but from an ultimate dialectic of social development to a corresponding

dialectic of natural development" (ibid 191). The capitalist system, being an order developed

from the ultimate term of system, once situated in the interpretive anecdote of Darwinian

evolution can be easily transformed into a natural phenomenon through which capital

acquisition, or the reproduction of profitable behaviors, systems, etc., can be viewed as an

inherently (co-)evolutionary trait. Through this lens, it is the process of natural selection that

readily delineates and culls the unsuccessful from the successful, though this naturalization is

countered clearly in Wacquant and Gilmore socio-economic arguments. Further, while a central

tenet of complexity theory is decentralization, efforts to perfect the terminology of systems will

inevitably lead to hierarchic thinking.

In its current iteration, complexity theory appears to be an effort to perfect the

terminology of systems thinking and is inextricable from the hierarchic motive. According to the

principle of perfection, or the entelechial principle, Burke explains:

A given terminology contains various *implications*, and there is a corresponding

'perfectionist' tendency for [people] to attempt carrying out those implications. Thus,

each of our scientific nomenclatures suggests its own special range of possible

developments, with specialists vowed to carry out these terministic possibilities to the

extent of their personal ability and technical resources. (*Language as Symbolic Action*

19)

In the case of systems, Hunter Heyck traces the rise of complexity theory from the mid-1970s as

a "reaction against the narrower forms of the bureaucratic worldview, a reaction concurrent with

broader disenchantment with bureaucratic rigidities" (Heyck 17). Thus, information

technologies emerged out of disillusion with the bureaucratic worldview as a means for

perfecting systems terminologies and thinking. Heyck notes this terminological turn while

highlighting the continuity in thinking: "The adherents of the bureaucratic worldview marched

under the sign of the tree; today the net seems a more congenial symbol. Yet those who embrace

the net would do well to remember that today's Web was woven amid the branches of the tree of

organization" (ibid). In other words, rather than complexity theory marking a break from

systems thinking, it represents a continuity in terminological perfection as a means of carrying

out the possibilities implicit in the terminology of systems alongside technological

advancements.

It is through the perfection of systems that we see the purification of the hierarchic

motive as non-motive through the decentralization of decision making and part(icipant)s

ignorance of the whole. "The hierarchic principle itself is inevitable in systematic thought,"

Burke explains, "It is embodied in the mere process of growth, which is synonymous with the

class divisions of youth and age, stronger and weaker, male and female, or the stages of learning,

from apprentice to journeyman to master. But this last hierarchy is as good an indication as any

of the way in which the 'naturalness' of grades rhetorically reënforces the protection of

privilege" (Burke, *A Rhetoric of Motives* 141). The reduction of action to motion is reinforced

by the Darwinian anecdote and maintained through efforts to perfect the terminology of systems

by complexity theorists. Combined, these anecdotes and vocabularies purify the hierarchic

motive by naturalizing the "emergence" of hierarchies in terms of, for example, flows of order

from disorder. The result is a vocabulary for naturalizing the reproduction of generational

capital and rationalizing hierarchies of socio-economic privilege that are maintained through

control technologies, which have been further enhanced by information technologies. In the

historical continuity of systems, this move operates similarly to naturalizing black crime through

pathological arguments in the mid-twentieth century and the maintenance of the resulting socio-

economic hierarchies through contemporary control technologies that held sway through the

systematization of criminal justice.

At this point, it is difficult to imagine a release valve within the rigid, albeit increasingly

complex, terminology of systems for upsetting the naturalization of the political and socio-

economic hierarchies that rationalize contemporary practices of mass incarceration. However,

while Heyck identifies the terminological continuity that marks efforts to perfect systems

thinking through complexity, alternatives to the Darwinian representative anecdote offer

productive challenges to the naturalization of dominant hierarchies and hierarchic thinking.

Resisting Hierarchy in Complex Systems Thinking

Steven Johnson's approach to complexity theory in *Emergence* directly confronts the application

of hierarchical interpretations on emergent, self-organizing complex systems. Using examples

from behavioral analyses of slime mold, "which spends much of its life as thousands of distinct

single-celled units, each moving separately from its other comrades," until environmental conditions make resources scarcer, at which time, "those myriad cells will coalesce… into a single, larger organism" (13), Johnson identifies hierarchic thinking as a barrier that had previously prevented the recognition of complexity theory as a unified epistemology. The prevailing theory for the organization of slime mold cells had previously held that certain "pacemaker" cells had access to privileged information and communication skills which they used to organize the remaining cells. Johnson explains that this "natural predisposition," or terminological goading, to hierarchic thinking led slime mold analysts to attribute the lack of empirically demonstrable pacemakers within slime mold swarms to "insufficient data, or poorly designed experiments" (ibid 15). The eventual discovery that "all slime mold cells were created equal," revealed that imperfect data wasn't the issue, the issue was the application of social hierarchic thinking to natural phenomena. This realization "unearthed a secret history of decentralized thinking, a history that had been submerged for many years beneath the weight of the pacemaker hypothesis and the traditional boundaries of scientific research" (ibid 17). It is from the perspective of this "secret history" that Johnson inverts the top-down hierarchic logic of command and replaces it with the bottom-up explanation for sophisticated systems.

Tracking developments in complex systems thinking from a variety of perspectives (e.g., city planning, biology, mathematics, etc.), Johnson argues that the unifying thread is the bottom-up explanation for emerging complexity in self-organizing systems. "In the simplest terms," self-organizing systems, "solve problems by drawing on masses of relatively stupid elements, rather than a single, intelligent 'executive branch.' They are bottom-up systems, not top-down. They get their smarts from below" (ibid 18). Returning to the allegory of Anteater and Aunt Hillary in the context of criminal justice and the state, Johnson's emphatic dismissal of dominant

hierarchic thinking reveals the hierarchic logic of this allegory that undercuts the decentralization necessary to break from the characteristic hierarchies and control technologies of general systems thinking as advocated for by Heyck.

The consolidation and personification of the complex systems of Aunt Hillary, specifically, mystifies the relationship between the ants and the colony and implies the matriarchic terminology through which ant colonies are conventionally understood (i.e., ant queen), though which doesn't bear out in the reality of decentralized ant colony organization practices. Aunt Hillary, in other words, comes to synecdochically represent the collective of ants while at the same time metonymically reducing all of the ants to the figure of Aunt Hillary. This ratio of synecdochic-metonymic sliding between representation and reduction occurs frequently in conceptions of the state. In theory, Western democratic systems emerge from the population to form complex politico-legal systems that scale up in complexity and connectivity to a pinnacle of the executive branch that operates as a node connecting vast networks of human beings globally. This branch is represented by the president who represents the whole population while, at the same time, reducing the whole system to the president as a unifying symbol. Examples abound of presidential declarations, for which no official vote was cast, becoming, for example, "America's stance on" this or that issue. The issue, inherent in general systems thinking, arises when hierarchies rigidify and systems maintenance becomes paramount.

Aunt Hillary as representation and reduction of the colony, without recourse to the divergent ants, advocates for their elimination from the system out of the interest of system maintenance. Anteater promises to remove only these defective ants for his, as a complex system, Aunt Hillary's survival. All is well and the systems co-evolve efficiently. However, again, if we view Aunt Hillary in terms of the state and Anteater in terms of the highly complex

criminal justice system, we see the top-down planning critiqued by Johnson. These

representatives, to whom the systems are reduced, are the executives who make the final

decisions that impact the fate of the individual ants and interfere with the potential emergence of

alternative systems from the collective intelligence of the "defective" ants. The established

systems are instead in maintenance mode, which requires a whole system perspective that can

only be imagined from the position of an intelligent "top," with whom the defective ants fail to

communicate (i.e., the reduction of the complexity of language and communication practices to

chemical signals). This temptation toward hierarchy that is fostered through the synecdochic-

metonymic sliding of human systems and the significance of communication is further clarified

in Johnson's investigation of the waterborne theory of cholera.

In *The Ghost Map*, Johnson recounts stories of the cholera epidemic that swept through

London in the nineteenth century. Focusing on this epidemic provides Johnson with a unique

historical moment through which to analyze the top-down and bottom-up dynamics of social

systems along with the crucial role played by stories in the modelling of phenomena. "Most

world-historic events—great military battles, political revolutions—are self-consciously historic

to the participants living through them. They act knowing that their decisions will be chronicled

and dissected for decades or centuries to come" (Johnson, *The Ghost Map* 32) or, in other words,

the terminology of "battle" and "revolution" enable participants to situate themselves within a

dominant, hierarchic order through which they interpret their actions and behaviors, whether in

cooperation or conflict, with an awareness of their meaningfulness that transcends the specificity

of the moment. By contrast:

> [E]pidemics create a kind of history from below: they can be world-changing, but the
>
> participants are almost inevitably ordinary folk, following their established routines, not

thinking for a second about how their actions will be recorded for posterity. And of

course, if they do recognize that they are living through a historical crisis, it's often too

late—because, like it or not, the primary way that ordinary people create this distinct

genre of history is by dying. (ibid)

While the history of epidemics is predominately concerned with the death of "ordinary"

individuals, the stories of these everyday experiences were fundamental to the adoption of the

waterborne theory of cholera which, like the epidemic, developed from the bottom-up and

radically reconfigured city infrastructures and theories of diseases.

The dominance of the miasma theory of disease resulted in the devastating failure of top-

down solutions to the cholera epidemic that were only upended through a bottom-up approach

that relied on quotidian stories of the lives of ordinary people. The miasma theory, or the theory

that disease spread through "poisoned atmosphere," was supported at the time by leading

scientists and members of governing bodies in England and had "far more adherents than any

other explanatory model" for the transmission of cholera (Johnson, *The Ghost Map* 69). This

hegemony led to what Johnson describes as "the dominant irony of the state of British public

health in the late 1840s [sic]," through which, "the first defining act of a modern, centralized

public-health authority was to poison an entire urban population" by excavating human waste

from in-home cesspools and depositing it into the Thames, from which a large population of

residents acquired their drinking water (Johnson, *The Ghost Map* 120–21). This top-down

approach, guided by tradition, status, and unchecked evolutionary responses to the stimuli (i.e.,

smell), failed to account for the local knowledge that contextualized the statistics and

geographies of fatalities and thus resulted in not only failed solutions, but solutions that

exacerbated the crisis.

By contrast, the collaboration between locals, a physician, a Reverend, a demographer, and community members, led to the affirmation of the waterborne theory of cholera. The records of the demographer provided substantial statistical information for tracking the infections, but it was the intimate knowledge of the community and of stories that accounted for the minutiae of everyday life that was required to make sense of the data. The physician, John Snow, walked "the streets of his neighborhood, probing, questioning and listening," situating these conversations into the calculations of the demographer (Johnson, *The Ghost Map* 149), and in his conversations with Reverend Whitehead, who was intimately familiar with the stories of death in the community he served. These conversations enabled Snow to gain perspective on the data and locate the source of the infection and the means of transmission.

This discovery and its dissemination were contingent on a fluidity of perspective. The top-down approach, of executives with a view of the city as a whole, lost the trees for the forest. The eventually successful birds-eye view, in the form of the map created by Snow that demonstrated the path of the outbreak through visual representations of people's movements, was only possible through "true street-level knowledge," provided by "two Soho residents talking to their neighbors, walking the streets together, sharing information about their daily routines, and tracking down the long-departed émigrés" (Johnson, *The Ghost Map* 197). Miasmatists accounted for disparities in deaths (e.g., two out of four in the same household in spite of equal atmospheric exposure) as defects in moral character and constitution. However, actual conversations with residents dispelled the notion that individuals were being removed with surgical precision for the survival of the system. Further, while the map came to represent the individuals who experienced the outbreak, Johnson's recounting of quotidian details of these people's lives actively works to not reduce them to the map. In other words, the people aren't

systematic, the map of movements is used as a tool for understanding one particular aspect of the complexity of the lives it represents. Here, at the intersections of systems, time, space, and stories, the utility of a spatial theory approach becomes clearer.

Complexity theory can operate as a kind of liminal space, in the architectural sense, between general systems theory and spatial theory. It appears as an explanatory model for the origination and collapse of systems, the points of emergent order from chaos and the return to chaos through dissolution. Including chaos, contingency, and chance accounts for the predictive failures of the formerly rigid systems conceptions. The maintenance of systems is expanded beyond the entirely internal logic of closed-systems thinking to incorporate the contingency of particip(ants) behavior and the fluidity of internal/external "feedback" and co-evolution. However, the term system carries the baggage of hierarchy and control, which are difficult to let loose.

Efforts to perfect systems through complexity theory have resulted in efforts to perfect data collection techniques and modeling to account for a seemingly inescapable unpredictability. In criminal justice policy and practice, this effort toward perfection has perfected the "criminal" through the preventative marking, detaining, and incapacitating of predicted criminals before a crime is committed. A perfect victim to the ultimate order of capitalism, or the state, or white supremacy, or, as is often the case, a combination of these perspectives, and sometimes others. As Heyck proclaims, "The Web of Networks is woven among the branches of the Tree of System. Nevertheless, the world built on the logic of structure and system and the world built on the logic of contingency and choice are different worlds. Today we are at home in neither. It is time to build anew" (205). To "build anew," we turn to developments in the field of spatial theory in the 1970s, set in explicit opposition to the thinking and theories of systems.

Systems Necessitate a Paradox of Positionality

The trends in spatial theory that I investigate in this dissertation offer an alternative story

for understanding reality, emerging around the same time as complexity theory, to rival the

dominance of the explanatory power of the story, or perhaps better, grand narrative of systems.

While it is clear, as in the case of Snow's map, that systems have utility for organizing and

disseminating information, a spatial theoretical approach is characterized by awareness that

systematic representations are always already reductions for a purpose, no matter how useful,

and resists sustaining focus on a single perspective, or story, for too long.

In *The Production of Space*, published in French in 1974, Henri Lefebvre confronts the

notion of innocent systematizing and, by contrast, humanizes the processes of systems

maintenance which are often treated abstractly by systems theorists. Discussing the hegemony

of global capital, or the ultimate order of capitalism, and its absorption into state power

necessitated by its global reach, Lefebvre explains:

> [H]egemony makes use of [space] in the establishment, on the basis of an underlying
>
> logic and with the help of knowledge and technical expertise, of a 'system'… Some
>
> over-systematic thinkers… make society into the 'object' of a systematization which
>
> must be 'closed' to be complete, they thus bestow a cohesiveness it utterly lacks upon a
>
> totality which is in fact decidedly open—so open, indeed, that it must rely on violence to
>
> endure. The position of these systematizers is in any case self-contradictory: even if their
>
> claims had some validity they would be reduced to nonsense by the fact that the terms
>
> and concepts used to define the system must necessarily be mere tools of that system
>
> itself. (Lefebvre 11)

Systems, according to Lefebvre, are an organizational tool used by those in power to maintain the illusion of control and stability, and the maintenance of this illusion requires the recourse to violence. Additionally, Lefebvre's argument draws attention to a paradox of positionality in systems thinking. The systematizer is, by virtue of systems logic, always already a component part of a system. This means that characterizations of wholes must be made from within, as, from the perspective of the systematizer, everyone is contained by and characterized as (from skeletal, to nervous, to organ, etc.) networks of interacting systems. The question becomes, who could be in this privileged outside position, beyond the role of a dumb particip(ant), with a view of the whole and the capacity to characterize it (e.g., as a system of global capital)? Why, the systematizer, naturally!

The systematizer occupies a "space" that is somehow external, necessary to define the contours and characteristics of whole systems, subsystems, etc., and internal, necessary to validate the premise of systems thinking. This maintains a boundary that, while more permeable and interactive in complexity theory and second-order systems theory, enables a distinction between inside and outside and facilitates the imaginary closure observed by Lefebvre. Straddling this line between inside and out, the systematizer's observations are filtered through a terministic screen of systems that deflects alternative interpretations and relegates the un-systematic to system's dialectical partner, "chaos." The resulting imposition of systems on social phenomena necessitates the recourse to violence as a tool to maintain this imposed order. According to Lefebvre, this ultimate organizer/systematizer is the state, which has traditionally been theorized as the only "entity" with the capacity to inflict legitimate violence.

The State and Violence: An Aside

The contemporary, political use of the term "state" has a long history and has been associated with violence for centuries. The earliest renderings of state as a political term are conceptualized through concrete notions of people and places, first in the late-fourteenth century as "[a] (specified) order or class of people regarded as part of the body politic, and as such participating in its government" ("State, n." 20). Here, the term's definition resembles the notion of the polis, a class of people eligible to engage in political life, or a participatory, direct democracy for those in a privileged position in the class hierarchy. This marks a development of the term, through the specific reference to governance, from a mid-century definition of state as, "[a] class, rank, order, sort, or group *of* people; a profession or occupation. Also: the members of a class or profession considered collectively" ("State, n." 19). Reading these two definitions in conversation demonstrates the potential for further hierarchic stratification.

Where, in the later definition, the hierarchical distinction lay across the privileged class as a governing body, the earlier definition sets the stage for a distinction within the privileged class that defines a specific occupation of governance. Over time, this shifting of stratification continued as, by the early-sixteenth century, state came to be defined as "[a] community of people living in a defined territory and organized under its own government; a commonwealth, a nation" ("State, n." 25). This definition establishes a hierarchic relationship between the people, defined in terms of territory as opposed to class, and its government, which is positioned at a higher position in the hierarchy through the term "under." The use of the term under also recalls the legacy of God-as-sovereign ruling *over* the people from an extraterrestrial realm, which came to be extended as a rationale for the structure of the feudal system (i.e., king-as-sovereign). It is this introduction of territory and the distancing of the people from the government, as an

71

increasingly abstract organizing principle, that lays the foundation for the sustained attempts during the following centuries to clarify what exactly is meant by the term "state."

Definitions of the state have fluctuated from characterizations as a unified entity to an abstract concept characterized through fluctuating definitions of parts and wholes. In an 1839 article for the *Quarterly Review*, the author analyzes William Gladstone's conception of the state: "He has contented himself with asserting that a State is a person—that it possesses a will, and agency, and a conscience that it is responsible as a moral being" ("Art. V.--The State, in Its Relations with the Church" 107). The author's characterization echoes through Hermann Kantorowicz 1932 article, "The Concept of the State": "[T]he concept of the State is a powerful means of political propaganda. A physical or moral entity generally strives to become perfect in one sense or the other, unless this tendency is checked by some interest to the contrary. If a body politic is recognised as a State, it will endeavour to become a State of the highest type" (1). Through both of these iterations, we see the state as a unity in the image of a physical and moral entity, or as a body operating in unison under the moniker of state. However, this metaphorical body as the unifying image for territory, the people, and governance has met with critique.

Some critics have rejected both possibility of defining the state using abstract terms or concrete images. Carl Schmitt, in his 1932 book *The Concept of the Political*, offers a clear example:

> According to modern linguistic usage, the state is the political status of an organized
> people in an enclosed territorial unit. This is nothing more than a general paraphrase, not
> a definition of the state… It may be left open what the state is in its essence—a machine
> or an organism, a person or an institution… These definitions and images anticipate too

much meaning, interpretation, illustration, and construction, and therefore cannot

constitute any appropriate point of departure for a simple and elementary statement. (19)

Schmitt argues that the state-as-entity is moot and dedicates no further attention to definitional

work, instead arguing that the state must be understood through a clear conception of politics. In

his 1919 essay, "Politics as a Vocation," Max Weber, a predecessor of Schmitt, focuses on the

connection between the conceptualizations of politics and state, but with a reversal of focus,

"[w]e wish to understand by politics only the leadership, or the influencing of the leadership, of a

political association, hence today, of a *state*" (Weber 2). From Weber's perspective, politics

may only be understood through the unique characteristics of the state: "[O]ne can define the

modern state sociologically only in terms of the specific means peculiar to it, as to every political

association, namely, the use of physical force" (ibid). It is this distinction in terms of violence

that furthers the definitional distance between the people and government while also shifting the

definition of the state from a totalizing conception of the population, binding territory, and

governors and toward the governing body exclusively.

The maintenance of the concept of sovereignty in conceptualizations of the state furthers

the distance between governors and the governed while also validating the state's monopoly on

violence. Jacques Maritain works through the concept of sovereignty in *Man and the State*: "[I]n

the genuine sense of this word… sovereignty implies not only actual possession of and right to

supreme power, but a right which is *natural and inalienable*, to a supreme power which is

supreme *separate from* and *above* its subjects" (15). It is through this rendering of state-as-

sovereign that Giorgio Agamben, in *Homo Sacer: Sovereign Power and Bare Life*, applies

Weber's theory of state violence to develop Schmitt's "state of exception": "Sovereign violence

opens a zone of indistinction between law and nature, outside and inside, violence and law. And

yet the sovereign is precisely the one who maintains the possibility of deciding on the two to the very degree that he renders them indistinguishable from each other" (64). Distinct from the image of a straddling systematizer, conceptions of a sovereign state positions it above the territory and the people and endows it with the inalienable right to commit violence in the name of the law. The issue, for Agamben, is that while sovereign violence may at first be seen as exceptional to the conventional operations of the state, by virtue of its role as sole arbiter of law, these acts of violence can be codified as acceptable tools of the state and as legal state action. However, this state of exception does not only operate situationally, where exceptional behavior becomes the norm, but also spatially. "The 'ordering of space' that is… constitutive of the sovereign *nomos*," according to Agamben, "is therefore not only a 'taking of land'…—the determination of a juridical and territorial ordering…—but above all a 'taking of the outside,' an exception" (19).[25] It's easy to imagine a hard line between the people and the government when reading the term state through the associated concepts of sovereignty, the state of exception, sanctioned violence, and territorial and definitional boundary making.

Some efforts to return the body politic to conceptions of the state resemble complex systems thinking (i.e., complexity theory and second-order systems theory). Maritain dedicates the first section of his book to parsing out and, at times, redefining the terms: Nation, the Body Politic, and the State. He characterizes a Nation as a community united by an awareness of a shared history and an attachment to a territory, whereas the Body Politic and the State are defined in terms of rational associations guided by reason. Working from these distinctions, Maritain argues, "both the *Body Politic* and the *State* pertain to the order of society, even society in its highest or 'perfect' form. In our modern age," from the vantage point of 1951, "the two terms are used synonymously, and the second tends to supersede the first. Yet if we are to avoid

serious misunderstandings, we have to distinguish clearly between the State and the Body Politic" (9). Here, rather than rehashing the distinction in terms of sovereignty, which he resolutely argues against, Maritain maintains that the State and the Body Politic "do not belong to two diverse categories, but they differ from each other as a part differs from the whole. The *Body Politic* or the *Political Society* is the whole. The *State* is a part—the topmost part—of this whole" (9–10).[26] To clarify this further, "[t]he State is a part which *specializes* in the interests of the *whole*," or the Body Politic (12).

Through a lens of normative political theory, Maritain argues that the State, though the "topmost part" of the whole of the Body Politic, is still only a part and that its ultimate authority to maintain "the public order" is secondary to maintaining the "common good," which is established from "the bottom up" (24). There are striking similarities between Johnson's articulation of complexity theory and Maritain's characterizations of the "smart" body politic (with its emergent behaviors and institutions that rise from "the bottom up") and the reactionary state as "inevitably dull and awkward" in all fields beyond "administrative, legal, and political matters" (or the narrow scope of state actors' functional perspective within the whole). The state's monopoly on top-down violence for the purpose of maintaining order can be countered when the primary role of the state is conceived as maintaining the common good in response to the body politic.

John Protevi, in *Edges of the State*, also addresses the top-down and bottom-up dynamics of state violence in terms of economies of violence. Protevi's definition of state violence centers on social and territorial boundary maintenance and is grounded in concepts that Gilles Deleuze and Félix Guattari develop for their work on Marx's analysis of capital. The first concept, "apparatus of capture," describes a comparative abstract measure for a directable surplus (e.g.,

"labor based on regulated human activity" [Protevi 26–27]), and leads to the second concept, "primitive accumulation," "or proletarianization as the removal of access to the means of production for some, thereby forcing wage labor upon them" (ibid 26).[27] According to Protevi, these concepts are foundational to the development of states and operate to legitimize state violence in the name of peace: "[T]he state's peace" is actually "a regime of violence that denies access to the earth to nonstate people, forcing them into peasantry, debt bondage, or outright slavery" (28). This top-down violence, facilitated by the quantifiable and comparable relations between human and material resources, with the former prohibited from unregulated access to the latter, distinguishes state violence from economies of violence in nonstate societies. Nonstate economies of violence, by contrast, are bottom up and are therefore motivated by different material goals. While state violence is essentially top down, the bottom-up dynamic is not absent in state systems according to Protevi's definition of the state in complex systems terms.

Protevi rejects an essentialist definition of the state and instead approaches the term through the lens of emergence. Building from Michel Foucault's antiessentialist and transactional view of state power, Protevi argues for a perspective that views "states as projects of constructing 'bodies politic' where the civic and the somatic intersect" (xi-xii).[28] From this perspective he argues:

> In imbricating the social and the somatic, a bodies-politic framework allows us to see that the reproduction of social systems requires producing (somatic) bodies whose affective-cognitive patterns and triggers fit the functional needs of the system. In turn, such patterning enables social systems that direct material flows. I think this allows both an emergence perspective such that social systems are emergent from constituents but are

immanent to the system they form with them, and a concretion perspective such that individuals are crystallizations of systems—or more prosaically, we grow up in systems that form us. (xiii)[29]

In other words, social systems are formed and reproduced from the bottom up within the contours of the existing system. An established social system is statified through the apparatus of capture that enables primitive accumulation and the delineation of social and territorial boundaries between state and nonstate. Thus, according to Protevi's argument, top-down state systems are emergent and are reproduced from the bottom up by particip(ants) who are responsive to or are rejected by the system (through exile, incarceration, etc.). This observation returns the body politic to the definition of the state, in terms of the actual people who comprise it (i.e., "bodies politic"), while maintaining the top-down conception of the state that corresponds with Schmitt's "state of exception" and Agamben's emphasis on the state's "taking of the outside" in social and spatial terms. Further, the complexity theory approach offered by this definition creates a confusing orientation to space that may facilitate the reproduction of top-down state systems.

The culmination of the definitions outlined above, particularly from the early-sixteenth century on, are inextricable from conceptions of space and spatial metaphors. The introduction of territory into the definition of the state created an image of space as a flat surface that could be partitioned and defined (e.g., as state and nonstate, or other state) by the state itself, as a particular socio-economic class, class of professionals, and/or the body/bodies politic. The arrangement of the social makeup of the state is hierarchical, regardless of the particularities of the various definitions, and imagined in terms of top-down spatial organization (e.g., head-to-toe in a bodily metaphor for the state). Another key characteristic highlighted by Protevi's definition

generates an image of the state as an object on/in space (i.e., bodies politics shaping and shaped by the contours of state/nonstate).

This objectification is characteristic of systems approaches to understanding space. As Lefebvre argues, "we know from precise scientific experiments that" a systematic articulation of space, "is applicable only indirectly to its 'object', and indeed that it really only applies to a *discourse* on that object" (16). Systematic accounts of the spatial organization of the state conjure an image of a pyramid, or some other familiar shape that extends upward from a flat plane, with clear boundaries through which people may move, willingly or unwillingly. This shape can be defined in increasingly complex details, like the observations of molecular flows and atomic particles with increasingly sophisticated microscopes. Additionally, the operations that lead to inclusion and exile may also be approximated through observations of patterns. However, what is gleaned from these descriptions is less a reflection of state operations and more the production of a discourse that describes the production of state-as-object. In other words, these systematic observations express less about the state than about the prevailing discourses used to describe the state-as-object, which trend toward dehumanizing descriptions that rationalize state violence, while also maintaining that pesky positionality paradox of the observer that is somehow simultaneously without and within. But what happens when we confront this paradoxical positionality head-on and return (very) human considerations to conceptions of the state?

In *The Human Condition*, Hannah Arendt uses the key term stories to address dehumanization in conceptualizations of action and social organization and the production of political bodies and territories. Arendt points to a conflation of action and fabrication in conceptions of human interactions through the myth of the "'strong man' who, isolated against

others, owes his strength to his being alone," arguing that the prevalence of this myth is due either to "the delusion that we can 'make' something in the realm of human affairs—'make' institutions or laws, for instance, as we make tables and chairs, or make men 'better' or 'worse,'" or to the "conscious despair of all action, political and non-political, coupled with the utopian hope that it may be possible to treat men as one treats other 'material'" (188). She situates the delusion of the strong man into political hierarchy through the figure of the ruler, who "is alone, isolated against others by his force" and whose success is measured by his claim to "what actually is the achievement of many… Through this claim, the ruler monopolizes, so to speak, the strength of those without whose help he would never be able to achieve anything" (189–90). Here we have a reading that reflects the previously discussed conceptions of the state through which a ruler—or governing body—is isolated by the recourse to—or monopoly on—violence and has the capacity to shape bodies through incorporation and/or rejection enforced through laws, institutions, proletarianization, etc., and territories.[30] In other words, the top-down modelling of human and other materials, or state*craft*. Arendt's description also leans in the direction of Protevi's conceptualization through which the existence of the state, or ruler, is impossible without the actions of bodies politic through which a coherent form may emerge. However, this form is not coherent in an empirical, observational sense, but through the stories that give it its shape (e.g., the myth of the strong man).

According to Arendt, stories give form to action and the polis formed to memorialize those stories. Again using the delineation between action and fabrication, she explains that the meaning of action cannot be fully grasped until it is complete where, by contrast, the meaning of a completed fabricated product is preconditioned by the model from which it was developed. It is because of this necessitated ending-before-meaning-can-begin, that the story of the action

cannot be told by the actor. "All accounts told by the actors themselves, though they may in rare cases give an entirely trustworthy statement of intentions, aims, and motives," Arendt explains, "become mere useful source material in the historian's hands and can never match his story in significance and truthfulness. What the storyteller narrates must necessarily be hidden from the actor himself, at least as long as he is in the act or caught in its consequences, because to him the meaningfulness of his act is not in the story that follows" (192). Meaningfulness here is situated in broad terms, as in a relational rather than individual meaning. This is clarified through Arendt's discussion of the role of stories in the formation of the polis.

Stories are the means by which individual and group identities are formed and by which an attachment to territory is made possible. The formation of the polis, according to Arendt, ensured the memorialization of individual actions and the protection of a cohesive group identity bound by historians' and poets' stories as "a kind of organized remembrance" (198). It is in this space where presence becomes meaningful, though Arendt argues that it is the relationships rather than the physical territory by which this meaning is established. While the "stabilizing protection" of walls and laws fixed the polis as a place, "[t]he *polis*, properly speaking, is not the city-state in its physical location; it is the organization of the people as it arises out of acting and speaking together, and its true space lies between people living together for this purpose, no matter where they happen to be" (ibid). The purpose of acting and speaking together facilitates the relationality by which storytelling and, as a result, the actors become meaningful. Focusing on the example of the men who fought in the Trojan War, Arendt explains that they feared that the memories of "their deeds and sufferings" would be forgotten "with their dispersal and return to their isolated homesteads" without a centralized space of appearance (ibid). The fixing of this centralized space of appearance to a physical territory appears as a byproduct of the necessity to

protect the meaningfulness of these stories against "succeeding generations," who may change the polis's "identity beyond recognition" (ibid). Here we see a connection between stories, national identity, and shared memory that tracks through the contemporary conceptual fixity of national boundaries and enables nationals to maintain their identity beyond the bounds of the nation that endows their identity with meaning.

So, where does this leave us in our discussion of the conception of the state? The renderings opening this aside conjure an image of the state as an object in space with a defined, albeit movable, boundary from which political hierarchy is established and maintained and the recourse to violence in validated. Arendt returns our discussion to the earliest enunciation of the term in her discussion of the polis whereby a particular class's engagement in political life constitutes the state without the necessity of a defined territory. While class hierarchy was maintained violently against "the slave, the foreigner, and the barbarian" (Arendt 199), the emphasis here is not on the systematic partitioning of space and people from a position that is somehow both without and within (the delusion of the strong man making with human material), but instead upon the speaking and acting together of those with the luxury of entering political life. While narratives and territory facilitate national identity, and thus facilitate the reproduction of hierarchical states through emergent social organizational practices (Protevi), it is the minutiae of the production of the state—speaking and acting together—that is of interest here and returns us to a closer examination of conceptions of space, perspectives, and stories.

Space Is a Matter of Perspectives

The purpose of this dissertation is to propose a spatial theory approach as an alternative to the hegemony of systems for understanding social organizational practice—with specific emphasis on incarceration and the state. To this point, "space" has been used several times in the

preceding pages, by me and in quotes by others, without a thorough exploration of how

conceptions of this term lead to imaginings that shape our conceptions of social organizational

practices. It has, in other words, operated as a colloquial placeholder that may be read over

unquestioningly as something "out there," "in here," whether in terms of the environment

(internal/external to the planet's atmosphere), territory, the realm of the mind's eye, or other

common (though perplexing upon inspection) spatial metaphors. But now it is time to unpack

how space has been conceptualized and how this continuity of conceptualizations has the

potential to radically reinvent the public, policy, and scholarly imaginings of two of the U.S.'s

most entrenched institutions.

From thorough investigations of Lefebvre's work—motivated by imprecise and

inconsistent colloquial and scholarly uses—to develop a unifying theory of space, Edward W.

Soja tracks Lefebvre's practice of thirding-as-Othering as a method for engaging conceptions of

space and disrupting dominant dialectics in Western ontologies and epistemologies. Soja argues

that Lefebvre rejects binaries and instead "persistently sought to crack them open by introducing

an-Other term, a third possibility or 'moment' that partakes of the original pairing but is not just

a simple combination or an 'in between' position along some all-inclusive continuum"

(*Thirdspace* 61). Soja describes this process as "thirding," which "recomposes the dialectic

through an intrusive disruption that explicitly spatializes dialectic reasoning… [and] produces

what might best be called a cumulative trialectics that is radically open to additional othernesses,

to a continuing expansion of spatial knowledge" (ibid). The third-as-Other term differs from the

terms in the dialectical pair while "encompassing" and relying partially on them for meaning.

Soja offers an example of one of Lefebvre's triads: "Homogeneity/Fragmentation/

Hierarchy," through which the dialectic pairing is clearly Homogeneity-Fragmentation (70).[31]

Hierarchy, as the third term, is dependent on both the meanings of homogeneity and fragmentation, as totalizing homogeneity or fragmentation would make hierarchy meaningless and inoperative. Further, hierarchy encompasses the paired terms in the sense that both terms can be operationalized, or represented, through hierarchy, while opening to the inclusion of "Other" terms (e.g., power, order, systems, identity, etc.) that further disrupt the totality of the original dialectic. In other words, thirding-as-Othering does not operate by integrating a third term into a new, fixed *trialectical* framework, but instead operates as a terminological opening that ruptures the closure of dialectical (i.e., either/or) pairs that facilitates the Upward Way toward an ultimate and hierarchic order of terms. Through this practice of thirding-as-Othering, Soja sketches two trialectics to expand Western ontological and epistemological dialectics in terms of space.

Soja illustrates two trialectics that call into question, first, the conventional ontological structures that he argues undergird all ontologies and epistemologies, and a second that outlines a trajectory for spatial epistemologies. The terms of the ontological trialectic: Spatiality-Historicality-Sociality, "apply at all levels of knowledge formation, from ontology to epistemology, theory building, empirical analysis, and social practice" (71). However, he identifies the tendency in Western thought to focus primarily on "the dynamic relations between the 'making' of history and what might be called the 'constitution' of society or social practices," while the third ontological term, Spatiality, is rarely addressed directly: "Spatiality tends to be peripheralized into the background as a reflection, container, stage, environment, or external constraint upon human behavior and social action" (ibid). Through Soja's choice of terms we see the conflation of action and fabrication addressed by Arendt, through which (hi)stories and socialization are crafted from the raw materials of human action and from space as the material

environment. Soja counters this delusion of history and sociality as craftable human "material" through a spatial epistemological trialectic that reasserts Spatiality in Western ontological thought.

Soja addresses Lefebvre's critique of the "double illusion" of reductive binaries in spatial thinking, in terms of Firstspace and Secondspace, and expands this trialectically through the term Thirdspace. Soja identifies the double illusion as "the rigid object-subject binarism that has defined and confined the spatial imagination for centuries" (62). This double illusion—the elements of which are not mutually exclusive but instead often operate by "embod[ying] and nourish[ing]" one another (64)—is critiqued by Arendt in her discussion of the craftsman (e.g., poet, lawmaker, etc.) who crafts his social "object" (i.e., actions by human actors who themselves cannot be the crafting subjects) to produce meaningful space (e.g., the polis). Centering space in these epistemological practices, Soja defines Firstspace epistemologies as the object-end of the binary, which "privilege[s] objectivity and materiality" through the study of "[t]he human occupance of the surface of the earth, the architectonics and resultant geographies of the human 'built environment'… at two different levels, one which concentrates on the accurate description of surface appearances… and the other which searches for spatial explanation in primarily exogenous social, psychological, and biophysical processes" (75). In other words, Firstspace defines both the positivist science of space as a surface (on top of which human and material configurations emerge into patterns that make the "reality" of space knowable) and the study of space as "socially produced" (or the historical and social explanations for material spatial configurations) (77). Soja critiques both manifestations as "incomplete and partial" for failing to account for the "trialectics of spatiality-historicality-sociality in its fullest complexity and interdependency" (78). He attributes this to the Western

ontological tendency of privileging historical and social concerns while marginalizing

considerations of space, which is simply taken as an object that can be known through

observation alone. The limiting emphasis on empirical objectivity in Firstspace epistemologies

inspired what Soja defines as Secondspace epistemologies, which critique Firstspace from the

subject-end of the illusion binary.

Secondspace epistemologies are concerned with subjective experiences and constructions

of space. Soja distinguishes Secondspace epistemologies "by their explanatory concentration on

conceived rather than perceived space and their implicit assumption that spatial knowledge is

primarily produced through discursively devised representations of space, through the spatial

workings of the mind" (78–79). While Secondspace does not entirely do away with the

perceived materiality of Firstspace, "in Secondspace the imagined geography tends to become

the 'real' geography, with the image or representation coming to define and order the reality,"

while the "[a]ctual material forms recede into the distance as fixed, dead signifiers emitting

signals that are processed, and thus understood and explained when deemed necessary, through

the rational (and at times irrational) workings of the human mind" (79). Secondspace

epistemologies, then, individualize conceptions of space and facilitate the "idealization of

epistemology," instilling confidence in epistemological "representation as a masterful and

complete ordering of reality" (80). Herein lies a crucial issue with Secondspace epistemological

thought: The spatial knowledge produced through discursive representations of imagined space,

or subjective interpretations of Firstspace observations, come to dominate the "reality" of space.

Thus, it is the epistemological dominance, rather than First- and Secondspace epistemologies as

interpretive tools, that Soja critiques, describing "a presumption of epistemological completeness

that channels the accumulation of spatial knowledge into two main streams or some selective

combination of both" (78). The result is that, "[l]ittle room is left for a lateral glance beyond the long-established parameters and perimeters that map the overlapping terrains of Firstspace and Secondspace" (ibid). From this spatial epistemological closure, Soja proposes Thirdspace to rupture the dialectic, or double illusion, of First- and Secondspace epistemologies.

Counter to the reductive tendency toward a singular spatial epistemology, or some totalizing combination of the two, Thirdspace epistemologies accumulate approximations of spatial knowledge through the dynamic simultaneity of all possible perspectives and prevent a single perspective from assuming a dominant epistemological role. According to Soja, Thirdspace "is designed not just to critique Firstspace and Secondspace epistemologies, but also to reinvigorate their approaches to spatial knowledge with new possibilities heretofore unthought of inside the traditional spatial disciplines" (81). Thirdspace is a thirding-as-Othering process wherein the original dialectic is not discarded nor rendered irrelevant by the introduction of the third term. Instead, understanding where Thirdspace differs from, depends on, and encompasses the pair in a trialectic framework requires additional terms beyond the included third term. "Thirdspace," Soja explains, "is a purposefully tentative and flexible term that attempts to capture what is actually a constantly shifting and changing milieu of ideas, events, appearances, and meanings" (2). In this vein, Soja characterizes Thirdspace as:

> [T]he place where all places are, capable of being seen from every angle, each standing clear; but also a secret and conjectured object, filled with illusions and allusions, a space that is common to all of us yet never able to be completely seen and understood, an 'unimaginable universe,' or as Lefebvre would put it, 'the most general of products.' (56)

In other words, Thirdspace unites "subjectivity and objectivity, the abstract and the concrete, the real and the imagined, the knowable and the unimaginable, the repetitive and the differential, structure and agency, mind and body, consciousness and the unconscious, the disciplined and the transdisciplinary, everyday life and unending history" (56–57). This perspective of perspectives, for Soja, destabilizes the idealization of epistemology and returns his attention to the ontological trialectic of Spatiality-Historicality-Sociality. Soja argues that Thirdspace necessitates a "shift back from epistemology to ontology" (81)—or from a theory of knowledge to knowledge produced through being in space and history and as a social body simultaneously—that destabilizes without dismissing all previously held claims to and structures for spatial knowledge production. Soja's emphasis on situated perspectives clarifies thirding-as-Othering, generally, and Thirdspace, specifically, as ironic projects for rhetorical (re-)invention.

Practices of thirding-as-Othering for developing trialectics is a practice of perspective by incongruity, or planned incongruity, that destabilizes the tendency to reduce dialectic to relativism. In the context of our concerns here, this offers Thirdspace as a term for maintaining an ironic perspective of perspectives for perpetual rhetorical (re-)invention. At the level of the dialectic, the planned incongruity of introducing a third term trialectically offers an approach for "verbal 'atom cracking'" (Burke, *Attitudes Toward History* 312), whereby two apparently neutral terms are thrust into a new context and dramatized by their relationship to the third term.

Returning to the example of Homogeneity-Fragmentation-Hierarchy, the apparent neutrality of Homogeneity-Fragmentation is cracked open through the invitation to a moral perspective with the introduction of Hierarchy. Through this destabilizing of perspective, inherent in planned incongruity, trialectics resist the tendency toward dialectic reduction (e.g.,

homogeneity purely in terms of fragmentation and vice versa) and this resistance is crucial to the

ironic potential of Thirdspace:

> It is certainly relativistic, for instance, to state that any term (as per … [homogeneity-
> fragmentation]) can be seen from the point of view of any other term. But insofar as
> terms are thus encouraged to participate in an orderly parliamentary development, the
> dialectic of this participation produces (in the observer who considers the whole from the
> standpoint of the participation of all the terms rather than from the standpoint of any one
> participant) a 'resultant certainty' of a different quality, necessarily ironic, since it
> requires that all the sub-certainties be considered as neither true nor false, but as
> *contributory*. (Burke, *A Grammar of Motives* 512–13)

The "resultant certainty" of Thirdspace, as Soja makes clear, relies on the *contributions* of First-

and Secondspace epistemologies and accounts for all possible terms through an ironic

perspective of perspectives. As a result, Thirdspace is a term for the perpetual transformation of

spatial knowledge, or rhetorical (re-)inventions of space, which offers opportunities to expand

conceptions of incarceration and the state beyond the reductive and relativistic terminology of

systems.

Systems thinkers—whether general or complex—ideate within the epistemological

confines of First- and Secondspace epistemologies, which leads to reductive and relativistic

terminologies for reality. Any overreliance on, for example, systemic, materialist explanations

for mass incarceration or state organizational practices and violence are inherently incomplete

and take shape through Firstspace epistemological frameworks. On the other hand, the

development of systemic models (e.g., trees or webs) to explain incarceration and state

operations—with the models tending toward supremacy over the real space that is described—

relies on Secondspace epistemologies. The development of crime "hot spot" maps through (e.g.,

Broken Windows theory and the imagined pathology of black crime manifest in statistical

discourses) relies on a "selective combination of both" for descriptions of mass incarceration and

state violence. Through Thirdspace epistemologies, these explanations aren't dismissed as

incorrect but are instead ironically understood as contributory (and incomplete) rhetorics of

space. This ironic perspective of perspectives highlights the paradoxical positionality of the

theorist(s)—much like the child revealing the emperor's nudity—through attention to the

terminological relativism of their perspectives. In other words, the boundaries previously

straddled or *surmounted* between the theorist/observer and thing observed (e.g., system of

incarceration, state system, systems of social organization) is revealed to be imagined and the

perspective of the theorist/observer is ontologically (re-)situated in Spatiality-Historicality-

Sociality.[32]

Thirdspace, thus, reveals all observations as parts in the accumulation of approximations

for producing and knowing space and place, while radically opening these productions to new

knowledges that do not neatly fit into existing epistemological frameworks or relativistic

terminological constructs. While Soja's Thirdspace encompasses the real and the imagined in

concert, there remain issues to be addressed in terms of real/abstract in delineations of

place/space and the accessibility of perspectives in light of the deprivileging of disciplinary and

traditional modes of knowledge dissemination and accumulation.

Place Is a Matter of Perspectives… and Is Knowable Through Stories

The distinctions between place and space are often described in sensory terms—though

sight is often privileged—and through affective experiences. Emphasizing experience, place is

often considered in terms of the "real" while space is treated in more abstract terms. This

real/abstract binary, in some cases, leads to conceptualizations of spaces as meaningless—as experiences in these spaces have yet to be expressed through dominant epistemologies—and less "real" as a result. However, through the integration of orality and aurality, in addition to other sensory and affective experiences of space, stories of these "empty" or unknown spaces can come to be recognized and the familiarity of place may be productively destabilized.

In Soja's definition of Thirdspace as "the place where all places are, capable of being seen from every angle, each standing clear … a space that is common to all of us yet never able to be completely seen and understood" (56) conceptions of place and space are implicitly differentiated. Each is defined in terms of visibility, places as "seen" which implies inhabitation whereas space is left more open as un-"seen," potentially uninhabited, and therefore not entirely knowable. The implications of this distinction between place and space introduces a real/abstract binary which presents an issue for Soja's work toward developing a conception of Thirdspace as a multiplicity of perspectives that denies the possibility for epistemological supremacy (Massey 183). In other words, using the variable of visibility to differentiate between place and space presents the possibility for privileged perspectives, not only in terms of ability but also in terms of accessibility and selective definitions of habitation.

The conventional characterization of place and space in visual terms has been expanded to include different types of visibility while also addressing the experiential aspect of perspective. Yi-Fu Tuan describes the intimacy that accompanies definitions of place: "[D]eeply-loved places are not necessarily visible, either to ourselves or to others" (178). In other words, though these places may be visible in a conventional topographical sense, they are also experienced through less visual terms (e.g., social, political, economic, etc. relationships with other places and/or distinct social/cultural practices). "Human places become vividly real

through dramatization," Tuan explains, "[i]dentity of place is achieved by dramatizing the aspirations, needs, and functional rhythms of personal and group life" (ibid). From this perspective, place becomes meaningful through (symbolic) action in terms of experience.

A significant contribution that Tuan makes to spatial theory is his examination of the role of experience in conceptualizations of both place and space. He traces these conceptualizations in Western thought with metaphors that emphasize imagined and affective experiences: "Open space … has no fixed pattern of established human meaning; it is like a blank sheet on which meaning may be imposed. Enclosed and humanized space is place. Compared to space, place is a calm center of established values" (54). Here, place is conceived in terms of meaningful (symbolic) action, or dramatization, which is experienced as stable. By contrast, space—beyond the control of the person whose experiences leads to these delineations—is considered in terms of sheer motion, waiting to be inscribed with meaning and stability.

Doreen Massey elaborates this distinction while highlighting key issues with this tendency when taken up from a Western perspective: "So easily this way of imagining space can lead us to conceive of other places, peoples, cultures simply as phenomena 'on' this surface. It is not an innocent manoeuvre, for by this means they are deprived of histories … They lie there, on space, in place, without their own trajectories" (4). In other words, from the experiential perspective that dominates Western spatial epistemologies, inhabitants of space are reduced to sheer motion, without history or trajectory, and are simply waiting to be "humanized" and made meaningful—which offers a convenient rationalization for the continuity of Western settler colonialism. Massey's contextual discounting offers a significant approach for questioning without dismissing the experiential and affective perspectives on space and place that are essential to Soja's project of radically opening ontological conceptualizations of space and place

in Western thought. In addition to considerations of experience, conceptualizations of place and space must consider the question of time.

Time operates paradoxically in Soja and Tuan's characterizations of place and space. In the example of Soja's Thirdspace, place is seemingly fixed while space flows with uncertainty. Similarly, Tuan explains that "[p]lace is an organized world of meaning. It is essentially a static concept. If we see the world as process, constantly changing, we should not be able to develop any sense of place," whereas space is defined in terms of movement and is, therefore, a more temporal experience (179).[33] The characterization of place as static—through things like landmarks and other visible markers of the action of place—is crucial to accessing individualized perspectives shaped by experiences of place, space, and time and elaborates the capacity for these perspectives to be elevated to epistemological dominance. In other words, if people's experiences of places as static are shaped by or shape dominant (grand) narratives, then the means for knowing a particular place can become fixed and subsequently reproduced at the expense of other perspectives that may be marginalized or silenced. Massey highlights the paradoxical experiences of time in place and space and identifies traces of this tendency in the early stages of spatial theory's development.

Massey argues that the view of either place or space as static lacks critical attention to time and can be attributed to the influence of structuralism on spatial theory. She provides an example from Soja's *Postmodern Geographies*, in which he argues for the utility of structuralism as a framework for "the reassertion of space in critical social theory" (Soja 18 qtd. in Massey 37). According to Massey this foundational use of structuralism necessarily marginalized considerations of time:

> The structuralists were arguing against the dominance of narrativity, which was interpreted as temporality… And in their eagerness to do this (to argue against an assumed dominance of temporality) they equated their a-temporal structures with space. If these structures weren't temporal, they must be spatial… Space was conceived (or perhaps this is too active a verb—it was simply *assumed*) to be the absolute negation of time. (37)

Massey argues that this "negation of time" is attractive for theorists as "[i]t seems to offer the opportunity to see everything all together" and "to understand the interconnections rather than the dynamics which push on the narrative flow" (ibid). While the lingering remnants of structuralism can be detected in Soja's definition of Thirdspace—through the lack of an explicit focus on temporality in his conceptions of place and space—his push toward a simultaneity of multiple, previously un(der)-acknowledged perspectives potentially demonstrates the influence of "a series of post-prefixed (postmodern, poststructuralist, post-Marxist, postcolonial) and related feminist critiques" (*Thirdspace* 80) on his thinking about space and time in the near decade between publishing *Postmodern Geographies* and *Thirdspace*. According to Massey, engaging these theoretical critiques is essential to incorporating temporality in conceptualizations of place and space: "[W]hat *post*-structuralism has most importantly achieved is the dynamisation and dislocation of structuralism's structures. Ironically, temporalization has opened them up to spatiality—or, at least, it has the potential to do so. It has imbued those structures with temporality and cracked them open to reveal the existence of other voices" (42). This dual temporalization and spatialization realizes the potential of Soja's *Thirdspace* in concert with Tuan's crucial engagement of experiential perspectives, and is readily operationalized through Massey's vocabulary for engaging these perspectives.

Massey provides "stories" as a terminological foundation (i.e., a rhetoric) for

understanding place and space as socially produced and inextricable from time. For Massey,

individuals "are part of the constant process of the making and breaking of links," which not

only constitute the individual but also "space itself," and this process is inextricable from

movement and time (Massey 118). This opens possibilities for thinking of "space as a sphere of

a multiplicity of trajectories," as a dynamic simultaneity of constant flows in time with the

capacity "to reveal the existence of other voices" and discard any and all remnants of

conceptualizations of place and space as static and/or a-temporal (Massey 119). Massey

elaborates:

> [T]o escape from an imagination of space as a surface is to abandon also that view of
>
> place. If space is rather a simultaneity of stories-so-far, then places are collections of
>
> those stories, articulations within the wider power-geometries of space. Their character
>
> will be a product of these intersections within that wider setting, and of what is made of
>
> them. And, too, of the non-meetings-up the disconnections and the relations not
>
> established, the exclusions. All this contributes to the specificity of place. To travel
>
> between places is to move between collections of trajectories and to reinsert yourself in
>
> the ones to which you relate … Sometimes there are attempts at drawing boundaries, but
>
> even these do not usually refer to everything: they are selective filtering systems; their
>
> meaning and effect is constantly renegotiated. And they are persistently transgressed.
>
> Places not as points or areas on maps, but as integrations of space and time; as *spatio-*
>
> *temporal events.* (Massey 130)

In other words, space is the dynamic simultaneity of all possible perspectives in their seemingly

infinite density. Interpreting these perspectives as "stories-so-far" works to make this density

accessible and navigable. Places—as "collections of those stories-so-far"—are established through mutually constitutive interactions that define, renegotiate, and negate formally and conceptually bounded spaces. While these boundaries do exist as "selective filtering systems" in the dynamic simultaneity of perspectives comprising/producing space, Massey's argument that places are "spatio-temporal events" actively resists the structuralist habit of freezing space and place in time and instead maintains the impermanence and fluidity of place. This works, similarly to Soja's Thirdspace epistemologies, to deprivilege any single perspective while recognizing these perspectives as always involved in processes of development and exclusion. In other words, places are constantly in flux, constituted by always incomplete "stories," and defined as distinct from space by forced and willing convenings and disconnects—without the necessity of formally established geographic specificity. In addition to emphasizing the persistence of change in time, Massey's use of the term "stories" appears as an effort to resist epistemological supremacy.

While Massey uses both stories and narratives throughout her text, it appears as though the term "story" is used to illustrate the dynamic simultaneity of perspectives essential to conceptualizations of place and space in time, while the term "narrative" indicates hegemonic epistemological lenses. For example, discussing globalization, colonization, and modernity, Massey introduces a quote by Stuart Hall that emphasizes the lack of specificity in narrativization and the capacity for generalization through universalized histories/narratives: The "whole grand historiographical narrative [of Modernity] which, in liberal and Weberian historical sociology, as much as in the dominant traditions of western Marxism, gave [the] global dimension a subordinate presence in a story [that] could essentially be told from within its European parameters" (250 qtd. in Massey 62). In other words, (grand) narratives have a dual

function in terms of space: Negation and colonization. Again, we get space as a blank sheet, ready to be inscribed by a narrative that extends the reach of the familiarity and "calm" of place. Further, grand or cosmological narratives, according to Massey, impose a particular linear perspective on time by "obliterat[ing] the multiplicities, the contemporaneous heterogeneities of space. [Narratives] reduce[] simultaneous coexistence to place in the historical queue" (5) and negates the multiple trajectories of peoples in space through terms of, for example, un(der)developed to advanced. While Massey avoids using "narrative" in her theory for place, space, and time, for these reasons and "because of the connotation it can carry of interpreted histories, of discourse," she makes a significant point about her chosen terminology in terms of rhetoric: "The word 'story', though, is equally ambiguous, and I do also use that" (Massey 197). So, what we are left with is an ambiguous story-narrative dialectic with differences that are articulable in terms of place, space, and time.

Rhetorically Listening to In*form*ative Anecdotes-as-Stories

Developing a rhetorically informed spatial theory approach—grounded in Thirdspace and Tuan's affective perspectives and operationalized through Massey's vocabulary of "stories-so-far"—requires elaborating the ambiguity in the story-narrative dialectic. In an attempt to do so, I employ Burke's concept of representative anecdotes (See *A Grammar of Motives* 59), but this isn't the end of the work that needs to be done to round out our methodological alternative to systems for incarceration research, policy, and practice. An approach to place, space, and time through stories also requires attention to the neglected aspect of logos: Listening.

The ambiguity of the story-narrative dialectic can be elaborated in terms of transformation, by which a story is transformed into narrative by a dual process of dissociation and (re-)inscription. This elaboration is guided by Burke's discussion of representative

anecdotes, or specific, situated anecdotes that are used to develop a vocabulary for human organizational practices (ibid).[34] For clarity in the context of Burke's theory, I am substituting anecdote for story, a reversal that I hope will hold as we resume Massey's vocabulary following this investigation. Additionally, uses of "narrative" in this section and beyond are conceived in terms of meta-narratives, or grand and cosmological narratives in Massey's terms. So, with our story-as-anecdote, we begin with an observation, experience, etc. that can be recounted and/or which impacts a person (e.g., reinforcing/changing an attitude/action). In other words, an anecdote is articulable, its articulation can transform into narrative, and the differences that mark this transformation can be articulated in terms of shifting perspectives on place, space, and time.

Anecdotes are situated and their transformation into narrative is a dissociative process of generalization. Let's work backward, using the grand narrative of Modernity, to see if we can't articulate this transformation in reverse, as not all anecdotes transform into narrative and we already have a ready example at hand. The grand narrative of Modernity, as Hall points out, is dissociated from its place-based emergence, Europe, and subordinates space in terms derived from a vocabulary of Modernity. The vocabulary of Modernity, then, is operationalized as a reflection of reality by which all space-as-to-be-place can be described in terms of Modernity. However, the assumption of this reflection of reality does not occur in a vacuum, but instead appears as a result of the cumulative transformation of anecdotes that are taken as reflections of a reality that can be represented through a vocabulary of Modernity. Useful anecdotes might include: The first person (or persons) to use the term, specific innovations in technology, trade, etc., a shop that begins selling a new style of fashion, a particular piece of legislation, and etc. Each of these anecdotes are situated, locatable by a specific person and/or (symbolic) action at a particular time. In turn, these anecdotes in*form*, or arouse and fulfill the desire for, a pattern that,

through repetition (and aided by the assertion of a title: Modernity), assumes a representative role that can be generalized beyond the local specificity of the situated anecdotes (which are often recalled only to reinforce the representative nature of the generalized pattern). While this all seems well and good, especially in terms of the complexity theory drive toward the assertions of wholes in terms of observable patterns, it is incumbent to investigate the deflections of reality in the assertion of Modernity's representative quality.

Modernity, as a titular term for a generalized pattern divined from an accumulation of situated anecdotes, likely offers a reasonable vocabulary for representing a selection of reality. As a transformational term in the context (place and time) of the situated anecdotes, i.e., becoming Modern in terms of *advancement* (a murky term itself), it could serve well as the foundation for a vocabulary that situates particular transformations (e.g., vocabulary, technology, trade, fashion, law, etc.) in a descriptive pattern. However, issues of scope and reduction, i.e., deflection, arise when the selective quality of Modernity's vocabulary is ignored/forgotten/negated.

A particular vocabulary assumes the role of narrative when its uses unreflectively exceed its scope. In the example of Modernity, while may serve a representative function for a particular selection of reality in transformation, its vocabulary exceeds its scope when it deflects alternative, and equally reflective, vocabularies. This can occur at a local scale, in addition to the global scale highlighted by Hall and Massey. For example, when a vocabulary of Modernity with, let's say, a key term like *advancement* is applied to situated (and local) anecdotes of poverty, people in poverty could be said to be less *advanced* than the wealthy or they can be characterized as necessary sacrifices in service to the *advancement* of Modernity. In this case, a vocabulary that offers a reflection of local poverty will struggle to emerge in its own terms if

Modernity assumes the descriptive capacity for *all* social organizational and relational practices. If the scope of a vocabulary, unchecked, radically exceeds its representational scope, particularly in the sense of a totalizing explanation, it becomes dissociated from any particular speaker, place, and time and takes on an ontological quality, i.e., Modern-ity as *being* Modern. In this formula, it is the dissociated, totalizing, and ontological nature of Modernity that appears to be the crucial distinction between anecdote (or story) and (grand) narrative. However, it is important to note that this is where the progression must halt, prior to reaching the level of "principle."

A narrative may deductively describe particular (symbolic) actions, but it is ill-suited to describe (symbolic) action in general, i.e., in principle. As a result, competing narratives will emerge (e.g., counternarratives) with enough force to destabilize, or offset, the totalizing, ontological quality of a narrative like Modernity. These narrative battles illuminate narrative's paradox of substance, as the inherent dissociation from space, place, and time, required for the shift from anecdote to (grand) narrative leaves nothing essential in narrative itself without recourse to its negation (e.g., pre-Modern vs. Modern vs. post-Modern) and/or the accumulation of situated anecdotes (we'll resume the use of stories now) upon which it stands. Viewing the underbelly of, or standing under, narrative reveals the "internal fatality" of narrative's dialectical *opposition* to story, whereby it inevitably falls back into stories from whence it came (Burke, *A Grammar of Motives* 517), as Massey illustrates by discounting Modernity's vocabulary: "Spatializing that *story* enables an understanding of its positionality, its geographical embeddedness; an understanding of the spatiality of the production of knowledge itself" (63; emphasis added).[35] It is this practice of standing under narrative (or discourse, as Massey notes

the affinity between the two terms) that requires closer attention here, for which we turn to Krista Ratcliffe's rhetorical listening.

Ratcliffe introduces rhetorical listening through the lens of an undivided logos which she uses to develop understanding in terms of standing under. Uniting the etymological roots of logos in practice, "saying" with "laying," she establishes a foundation for rhetorical listening as, "laying others' ideas in front of us in order to let these ideas lie before us. This laying-to-let-lie-before-us functions as a preservation of others' ideas… and, hence, as a site for listening" (23–24). This displaces the Western tendency of privileging "saying," which she argues is associated with "masterly expression" (24), and through this rebalancing, "we do not read simply for what we can agree with or challenge, as is the habit of academic reading (in its multiple guises). Instead, we choose to listen also for the exiled excess and contemplate its relation to our culture and our selves" (25). The suspension of critique, in the manner of demonstrating information mastery, is essential for rhetorically listening "with the intent to understand" (ibid 28). What she means by understanding is crucial to elaborating our previous discussion of the story-narrative dialectic and to getting at what she means by exiled excess.

Practicing rhetorical listening requires attention to understanding as a key term. "[*U*]*nderstanding* means more than simply listening *for* a speaker/writer's intent. It also means more than simply listening *for* our own self-interested readerly intent," and instead, as Ratcliffe explains, "*understanding* means listening to discourses not *for* intent but *with* intent—with the intent to understand not just the claims but the rhetorical negotiations of understanding as well… that is, consciously standing under discourses that surround us and others while consciously acknowledging all our particular—and very fluid—standpoints" (ibid). It is this conception of understanding by standing under that I liken to the view of narrative's underbelly, whereby the

exiled excess can be interpreted in terms of the (un)spoken negations and the situated anecdotes-as-stories, speakers, places, and times from which narratives (or discourses) dissociate. Shifting to Ratcliffe's terminology, we can think of narrative's foundational negations in terms of differences and the stories that it subsumes in terms of commonalities.

Simultaneously recognizing commonalities *and* differences is a primary strategy for rhetorical listening. Ratcliffe argues that this strategy of simultaneous recognition is important "for productively engaging differences, especially those differences that might otherwise be relegated to the status of 'excess,'" which she defines as the marginalized remainder following the synthesis of "thesis and antithesis" through a "dialogue-as-Hegelian-dialectic" logic (95). While I have included the specificities of the commonalities and difference in terms of narrative/discourse's exiled excess, this difference can be elaborated in terms of approach. Focusing on established (grand) narratives, á la Hall and Massey, offers an approach to the deductive applications of narrative/discourse, through which specificities of the accumulated stories (commonalities) and their negations (differences) are no longer necessary in the generalized vocabulary and these details are, thus, marginalized/forgotten/exiled. Ratcliffe appears to emphasize a complementary, inductive approach, focusing on the creation/re-inscription/internalization of narrative/discourses with a focus on the situated individual in dialogic exchange (both with oneself and with others).

In addition to the recovery work of returning (grand) narrative/discourse to situated stories, the inductive approach focuses on personal/cultural narratives/discourses from the perspective of the individual and the conscious/unconscious navigations of commonalities and differences which have yet to be exiled, and from which excess is sluffed, in the process toward a generalized/synthesized vocabulary. In this context, Ratcliffe's call for recognizing the

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simultaneity of commonalities and differences and attending to the excess beyond the terms of an oppositional dialectic (e.g., trialectic?), emphasizes the situated stories to which narratives/discourses are deductively applied and from which they are developed/reinforced, and, pulling from Toni Morrison's *Beloved*, asks rhetorical listeners to "lay our stories alongside one another… [to] expose that each of our stories—and each of our theories—are only a synecdoche, a part of something larger" (96). In terms of our spatial theory approach, this "something larger" can be viewed in terms of the stories-so-far of space and place in time, which illustrates the utility of rhetorical listening for navigating space and place in terms of stories. Further, Ratcliffe's emphasis on stories reveals their persuasive function, which in the context of balancing commonalities, differences, and excess, offers insights into her conceptualization of non-identification.

Stories are persuasive and, when reclaimed from their accumulated form in the generalized pattern of narrative and/or are encountered intentionally, they offer valuable opportunities for the variation of identification that Ratcliffe advocates for as a core characteristic of rhetorical listening. Narratives have a clear persuasive function, for example, the case of Modernity whereby colonization could be, and frequently was, adopted as a "secondary by-product of events in Europe" (Massey 63), through exploiting ambiguity, while the ambiguity of situated stories, still susceptible to the exploitation (necessary to their accumulation into narrative), is elaborated by practicing rhetorical listening. Discussing the rhetorical recognition of complexity, Ratcliffe includes a significant quote from bell hooks: "I have gone back to 'confession' not as a need to tell my own story in public or to be narcissistic, but because I now realize that people really learn from the sharing of experience" (Childers and hooks 77 qtd. in Ratcliffe 96).[36] hooks's observation that "people really learn from" stories

provides some insight into their persuasive functions by inviting a rhetorical examination of identification in terms of "the sharing of experience," through which Ratcliffe works a definition of non-identification.

Non-identification is offered as a term for balancing commonalities and differences with attention to the exiled excess. As identification precedes persuasion, per Burke's (re-)definition of rhetoric, focusing on processes of identification allows for the elaboration of the persuasive function of stories through the elaboration of the term identification. Ratcliffe works through three terms for identification in a trialectic framework, identification-disidentification-non-identification, in which identification focuses on commonalities, disidentification focuses on differences, and non-identification balances the two, in terms of not privileging one or the other, while offering an opening for exploring the exiled excess of each. While identification-disidentification are considered in terms of unconscious processes, Ratcliffe introduces non-identification as the conscious taking of a beat to reflect in the moment and on past (dis)identifications: "What's important in the process of non-identification, however, is that people recognize the partiality of our visions and listen for that-which-can-not-be-seen, even if it cannot yet be heard… it maps a *place*, a possibility, for consciously asserting our agency to engage cross-cultural rhetorical exchanges across both commonalities *and* differences" (73; emphasis added).[37] Her persistent use of *place* in terms of the identification-disidentification-non-identification trialectic, drawn from Judith Butler's linking of identification with "an assumption of place" (99 qtd. in Ratcliffe 49), as "signifying both bodily and historical/cultural locations" and its association with "possibility" in terms of non-identification provides a significant link to our spatial theory approach. Further, rhetorical listening provides a useful praxis for engaging space and place in terms of stories-so-far.

Rhetorical listening provides tools for engaging stories critically and with accountability, including those reclaimed from the level of narrative, in their dynamic simultaneity through non-identification. Her association of place with possibility recalls Soja's Thirdspace in terms of a dynamic simultaneity of perspectives in terms of visibility (always partial) and Ratcliffe's incorporation of stories, which she uses as a framing device as well, brings us to Massey's vocabulary of stories-so-far. While conscious awareness of this dynamic simultaneity of stories-so-far is essential to the spatial theory approach that I have outlined, facilitated through careful attention to the spatio-temporal situatedness of stories, rhetorical listening offers a framework for not only better understanding (standing under) the stories-so-far of space and place, but for engaging them ethically and empathetically: "Such listening does not presume a naïve, relativistic empathy, such as 'I'm OK, you're OK' but rather an ethical responsibility to argue for what we deem fair and just while questioning that which we deem fair and just" (Ratcliffe 25). The emphasis on ethical and empathetic listening offers a framework for situating spatial theory in interpersonal and scholarly practice through the active reflection necessary for non-identification, which is achieved through critique and accountability.

In addition to balancing commonalities and differences, while attending to the exiled excess, non-identification offers an active, reflective, and situated attitude toward critique and accountability. "[C]*ritique*," Ratcliffe argues, "affords opportunities for negotiation, for questioning not just others' claims, assumptions, and conclusions but also our own… Such critique assumes the existences of multiple questions, multiple answers to each question, and multiple places from which to speak and listen" (97), which, from a conscious non-identification perspective, calls for action in the form of negotiation, or actively engaging with ours and others' stories. Accountability offers a further call to action, which, again complementing passive

reflection with actionable reflection, "offers forward-looking ways to address not just individual errors but also unearned structural privileges, which are grounded in the-past-that-is-always-present" (ibid 98). Here we have our key threads for developing a rhetorically informed spatial theory approach to incarceration research, policy, and practice.

The early stages of spatial theory drew attention to the multiplicity of excluded (or exiled) perspectives in systems thinking and spatial epistemologies, Massey's incorporation of stories-so-far offers a vocabulary for accessing and situating these perspectives, and rhetorical listening offers a framework for engaging and acting on our own and others' stories. By bringing spatial theory and rhetorical listening together into a unified rhetorically informed spatial theory approach, the dehumanizing (grand) narratives of (complex) systems can be resituated both spatially and individually and thereby reclaimed as situated stories that offer in*form*ative, but not wholly or ontologically representative, anecdotes for human organizational practices. It highlights the interpretative nature of divining wholes from complex processes and draws crucial attention to the (symbolic) actions of the particip(ants). Recall the example of John Snow: In the mi(d)st of the miasma theory, or (grand) narrative for the spread of disease, his engagements with the stories of people in his community humanized his research on the cholera epidemic in England and provided him with valuable data for developing a situated (i.e., specific) explanation for water borne pathogens (as opposed to disease in general). Practicing what could be considered in terms of non-identification, Snow listened to these stories for the commonalities and differences, and for miasma theory's exiled excess, to determine *a* whole from a series of situated perspectives, including his own. Taking this approach to incarceration research, policy, and practice means: (1) A systems thinking/theory approach to criminal justice and incarceration, and a neo-/social-Darwinian informed complexity theory approach, is a poor

representation of social organizational practices in terms of crime that reduces (symbolic) action to sheer motion and necessitates state violence to maintain a paradoxical vision of *the* whole; (2) stories from all possible perspectives must be taken into account in terms of incarceration; (3) places of incarceration must be approached as situated, spatio-temporal events (constantly changing from moment to moment); and (4) stories of incarceration from all possible perspectives must be listened to and acted upon from a perspective of non-identification. These final three points culminate in the rhetorically informed spatial theory methodology that I apply to the case study in the following chapter, exploring the early years of the South Carolina Penitentiary.

CHAPTER THREE

"WHAT? WHO, ME?"

These discourses have really affected lives; these existences have effectively been risked and lost in these words… All these lives, which were destined to pass beneath all discourse and to disappear without ever being spoken, have only been able to leave behind traces—brief, incisive, and often enigmatic—at the point of their instantaneous contact with power.

Michel Foucault, "The Life of Infamous Men,"
Power, Truth, Strategy[38]

I'm absolutely bonkers. I guess it's really just a matter of perspective. It's a trick of the mind because everything you think you are is a story you tell yourself about yourself, right?

Napoleon Marconi, "Motherlode,"
Nine Perfect Strangers[39]

Introducing the South Carolina Penitentiary and the Drama of Archival Research

I chose to focus on the South Carolina Penitentiary (SCP) for two reasons: (1) its archives are housed a short two-hour drive from my house and (2) it was the first penitentiary in South Carolina. This first condition was recommended by an advisor, as "travelling to the archive can be expensive, time-consuming, and risky, [so] many scholars initiate archival work at rare books libraries at prominent institutions, sites that are likely to hold relevant materials" (Glenn and Enoch 326), and sites that are as close to home as possible. The second, while initially arbitrary, proved advantageous.

As the oldest prison in the state, the history of the SCP has undergone several key moments of transformation. The first, and most obvious, comprises the decision to establish this institution and its subsequent construction following the civil war and during the early years of Reconstruction in the 1860s. Another transformation occurred when SCP was renamed as the Central Correctional Institution (CCI) during the 1960s, which strikes an interesting parallel with the federal formalization of the systems theory approach to criminal justice and incarceration.

The final transformation is marked by the closing of SCP/CCI and its replacement with the Lee

Correctional Institution in the 1990s, which included a move from the state's capital in Columbia

to the small, rural town of Bishopville.[40] Each of these can be taken as moments of ambiguity in

the history of incarceration in South Carolina, as, "it is in the areas of ambiguity that

transformations take place; in fact, without such areas, transformation would be impossible"

(Burke, *A Grammar of Motives* xix), and they offer easily identifiable starting points for

rhetorical study. While in later iterations of this project I hope to elaborate all of these, my focus

for this dissertation will be the first: The decision to establish the penitentiary and the early years

of its operation. Focusing on this particular moment, this chapter experiments with strategies for

applying the rhetorically informed spatial theory approach developed in the previous chapter

through the method of archival research.

Theoretically, I am confident with the methodology that I have developed but applying it

to archival research has been challenging. It is an overwhelming task to investigate a place over

a period of time through stories from all available perspectives. In the archives and elsewhere,

stories unfold into one another in complex ways. They make references to people, events,

memories, etc. that will inevitably escape me; they are fragments in conflict, and it's difficult to

discern what's been suppressed or simply left unsaid. "The archive makes visible—but does not

represent—traces of events, object[s], and individuals that have been left out of the archive but

leave an impression upon the objects in it," as Michael Bernard-Donals puts it: "It functions as a

place where texts, objects , and other metonymies reside and in which they make reference to the

exigencies that created them; and it is also the space from which what can't be contained by the

archive is propelled into the future," as "impressions" that compel further "archivization" and

further writing (130). Bernard-Donals's contextualizes these observations through Derrida's

"archive fever," by which these absences, impressions, and compulsions coalesce as a "specter [that] haunts whatever understanding we might try to cobble together of what we see there—of history, of the person who cobbled it together, the writer—and as we obey the imperative to write ourselves, to get on with the *archive fever* that we've come down with" (130–31). In the spirit of the methodology I am proposing, I hope you'll oblige me a brief story about my *bodily* experience of "archive fever," inextricable from the mental discomfort and exhilaration described above, while collecting the primary documents for this chapter.

Each day, after the hours spent between the South Carolina Department of Archives and History (SCDAH) and the University of South Carolina (USC) Political Collection, I felt feverish. In the archives, my glasses fogged and my face felt hot, as COVID mask mandates were still in effect and I had yet to figure out the mask *under* the glasses trick. Hunching over the reading room tables (sitting while using my handheld scanner and standing while taking flashless photos with my smartphone) flipping pages gently, gathering everything back into folders and boxes, and then starting it all over again, my back felt like it was on fire by the time I got back to the hotel.[41] My neck and hips ached as I spent another hour or so in my room, hunched over my computer (I really should stop hunching while I work) to copy and catalogue everything I'd collected on my external hard drive, growing flush while drinking a couple of glasses of free, hotel "happy hour" wine. What's more, in spite of my cheap paper surgical mask, centuries worth of dust and dirt (and I don't want to imagine what else) from the late-nineteenth and early-twentieth century records at the SCDAH caked the inside of my nose and sent me into coughing fits. By the third day, I felt unquestionably sick from the culmination of my archive-induced ailments, and yet, the accompanying delirium of "archive fever" kept me on this rigorous schedule until my research grant funding ran out. Along with the physical

difficulties of this archival work, and the nagging tug of "impressions," resisting the *imposition* of order upon the stories in the primary documents, to establish grand narratives, reinforce theoretical analyses, etc., has been challenging.

The clearly articulated collections of stories about this place, and others *like* it, through books, articles, etc., provide compelling interpretations and are difficult to disentangle from my own perspective as I approach the stories in the primary documents.[42] As Cheryl Glenn and Jessica Enoch observe in their dramatistic reading of archival research practices, "[n]aturally, any research stance," in terms of "interestedness," positionality, etc., "leads to accentuating some materials and passing over others; we simply cannot tell everything and move in every direction" (333). In the introduction to each section below, I include a brief account of my rationale for selecting primary documents, though, here, I feel compelled to answer Glenn and Enoch's call to "[t]ak[e] responsibility for our scholarly stance (or interestedness)," through a statement of such to help orient readers (332). The following reflection is an attempt at this type of statement.

My perspective on the theories and practices of incarceration are in a state of constant flux, but stable threads necessarily track through my approaches to research and writing. I am writing as a white, cisgendered, female from what I believe is a middle-class background. Despite dropping out of college, stumbling through degree choices, and taking several years to "find myself" (i.e., experiment with substances and lifestyles), I am poised to graduate from an R1 institution, depending on how this dissertation lands. I've had myriad encounters with law enforcement, some positive, many strange, and several terrible, but I've only been roughed up once and all that culminated in was a cut on my forehead and a six-hour stint in holding before being released on a Personal Recognizance bond (along with thousands of dollars in fines, mandatory service, classes, check-ins, and a case worker's advice for me to drop out of college

and work full-time to pay off my debts to the city). Specifically, my interest in prison research was sparked by a friend of mine who spent five years in various federal prisons, with whom I spoke on the phone frequently, and who has never been the same since. However, the most consistent thread that comes to mind is a childhood anti-authority attitude that continues to influence how I approach much of my work, including my research on the use of state-sanctioned confinement to address complex social and interpersonal problems. I fundamentally believe that the human capacity for creativity could yield alternative solutions that address these crucial issues rather than simply placing people "somewhere else," as with the current incapacitation model of incarceration, and thereby employing an out-of-sight-out-of-mind approach (much like my childhood tendency to throw my dirty laundry in the closet and firmly shut the door to be dealt with another day, preferably by someone else). This led me to research why this political will to creative problem-solving has been lacking in this arena of social organizational practices and how, to the contrary, mass incarceration became a colloquial description for the status quo during my lifetime.

While I have found arguments in terms of neoliberalism, a historical continuity of racist policies and practices, and others very compelling, it is my challenge here to suspend these ideological leanings and my distrust of authority-qua-authority for the sake of an honest and fair reading of the primary documents. This is a core tenet of rhetorical listening, which is why I felt it essential to include in the development of my spatial theory approach. While the recourse to terminologies of grand narratives is disavowed by a stories-so-far spatial theory approach to knowledge production, Ratcliffe's rhetorical listening provides checks against my trained incapacity as a scholar-in-training as Ratcliffe advises to "not read simply for what we can agree with or challenge, as is the habit of academic reading (in its multiple guises). Instead, we choose

to listen also for the exiled excess and contemplate its relation to our culture and our selves…

[with] an ethical responsibility to argue for what we deem fair and just while questioning that

which we deem fair and just" (25). In this vein, my goal here is not to simply apply or critique

the theoretical analyses of incarceration outlined in the previous chapters of this dissertation, nor

is it to uncritically argue for prison abolition through my reading of the primary documents that

I've collected. Instead, my goal is to listen to the stories presented from the available

perspectives on their own terms and for the impressions marking absences (and ambiguity),

which requires cognizance of what I feel compelled to embrace/resist in conversation with my

scholarly and personal stance/interestedness. This leads to another question that has tugged at

me throughout my research process, a question of place.

Does my work here offer more of a glimpse of SCP or of the archives in which the

documents are held? Along with the instabilities outlined by Bernard-Donals, Glenn and Enoch

cite the important role of archivists as agents in the scene of the archive: "Archivists catalogue

the materials, decide what to preserve, and determine how to catalogue it, thereby controlling the

materials we can access and the processes we take to get them" (329).[43] For example, instead of

being able to let an assortment of holdings from, say, SCP in 1866 lie before me on the reading

table, to enact a dynamic simultaneity of perspectives, I am forced to sift through individual

record boxes containing an assortment of years and decades, usually from a particular

perspective (e.g., the superintendent, the board of directors, etc.). This regimented ordering of

the archival cataloguing system, and of courteous research practices, necessarily influenced my

document acquisition and likely influences my findings. Despite this irritation, I'm inclined

toward an "it is what it is" attitude, though I've worked to collect primary documents from

additional archives, including the Library of Congress and University of Pennsylvania's "The

Online Books Page," to temper any undue influence of a single collection. As I continue

working on this project, my hope is for "a moment of serendipity" that leads to "other kinds of

materials" (Glenn and Enoch 324) in unconventional archives that may radically expand upon

the perspectives to which I currently have access. In addition to considering the archive-as-scene

through the roles of active archivist agents, the question of archives-as-places leads to some

interesting insights in terms my proposed methodology.

There is necessarily a dislocation of perspective when viewing a particular place, i.e.,

SCP, through an archive(-as-place). Bernard-Donals briefly muses about whether the archive "is

a place at all" (139). Implicitly it appears in terms of a "container," something enclosed by clear

boundaries and definable by an established geography. Working from this idea of archive-as-

place in terms of enclosure, Kyle Jensen argues that the archival drive to enclose totalities of

places and time elaborates an opposing function, as "archives also function as heterotopic spaces

that break up 'the teleology of reason' and, thus, challenge 'the possibility of creating totalities'"

(Foucault qtd. in "The Panoptic Portfolio" 130). In other words, the archive-as-place, with its

numerous collections from various places and times in a single, enclosed location, operates both

as a real structure containing artifacts, or the material infrastructure of digital archives, and as a

reflection of the unreal possibility of containing all places and times. This paradoxical position

inside and outside of place and time causes a dissociation of reason by which any whole could be

explained via holistic narrative. Bernard-Donals speaks to this dis/location, arguing for the

positive, dissociative "violence" of archival research, which "insists that the place of utterance—

the ground on which we stand when we make claims, the archive which we'd thought of as both

a refuge and a repository—is unstable" (139). The instability of the archives, in terms of the

impossibility of total enclosure and holistic (grand) narratives, parallels Massey's conception of

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place as "collections of" a dynamic simultaneity of stories-so-far, and "articulations within the wider power-geometries of space" (130). Place in terms of stories-so-far offers a useful perspective on Bernard-Donals's question of archive-as-place and productively elaborates the ambiguity of place-based research through archives-as-places. Archives-as-places are collections of stories-so-far that provide always-already incomplete access to places in time as "spatio-temporal events," narrativizable only through selections and deflections of reality. In other words, it is impossible to access all of the stories-so-far that shaped and were shaped by the decision to establish and develop the SCP during the 1860s and the curated and heterotopic nature of the archive itself offers an additional complication to representing/writing the reality of the SCP-as-place. This double-dislocation creates an uncomfortable tension with my trained incapacity toward completeness and coherence in academic work. However, in line with Bernard-Donals's advocacy for working from this place of discomfort, the following sections offer attempts to work through this tension by offering glimpses of moments of transformation focusing on the SCP-as-place that elaborate, rather than exploit, their inherent ambiguity.

The remainder of this chapter develops over two sections, each focusing on a particular moment of transformation in the history of incarceration in South Carolina. The first section covers the month of September in 1866, during which legislation for the establishment of the first penitentiary was deliberated and affirmed among members of the state's General Assembly and discussed in newspapers throughout the state. The second section focuses on the SCP, specifically, during its early years of development and operations, starting in 1867 and then focusing on the context of the 1868 Constitutional Convention at the beginning of the Reconstruction period. My process for each of these sections focuses on tracing the places of South Carolina and SCP, respectively, as spatio-temporal events, following the claims in the

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primary documents as they unfolded in time. As the stories progressed, I tried to analyze the

language to examine how rhetorical insights could elaborate the ambiguity of these moments

further, beyond recourses to reductive explanations in terms of historical or contemporary

theoretical premises. While each section culminates in a rhetorical argument, these are also

followed by an experiment that works to highlight the accumulation of these arguments into the

collections of stories-so-far of these places, as opposed to narrative explanations. Each

experiment, a cut up and a video collage/montage, elaborates the ambiguity of these

transformational moments in terms of both the included and exiled perspectives in the analysis

and in terms of the process of archival research itself.

Alienation and Racial Equality through Punishment: Establishing the First Penitentiary in South Carolina

I've selected September 1866 as the beginning of the story for this case study as it marks

the period during which the intention to establish the first penitentiary in South Carolina was

formalized. On September 4th, members of the Senate of the State of South Carolina met for an

extra session in the University of South Carolina (USC) library. Governor James L. Orr called

the special session to address modifications in "the laws of this State with reference to persons of

color," the reorganization of "the Courts for their enforcement," and "other grave and important

matters, growing out of the long continued drought in many parts of the State, threatening great

privation, if not starvation, for the want of food" (*Journal of the Senate* 3–4). During this

moment of the story of incarceration in South Carolina, the place in focus is the entirety of the

state as the issue of the penitentiary is being decided by the State representatives and governor,

rather than by isolable municipalities. For this reason, I've selected as my primary documents

the available newspaper records from throughout the state, though limited to those digitized

through the Library of Congress's Chronicling America project, with attention to articles that address the issue of the penitentiary specifically. Additionally, while deliberations began on the 5th, the "Act to provide for the establishment of a penitentiary" was officially signed by the governor on September 21st (*Journal of the Senate* 65); therefore, I have pulled issues from state papers from the entire month.

For some context, this act was passed alongside acts to allocate funding "for agricultural purposes" and past due stocks and bonds; distribute county-level public building funds; incorporate the Stonewall Fire Engine Company and the People's Mail Steamship Company; "declare the rights of persons lately known as slaves and as free persons of color;" and modify court schedules and a previous Act regarding District Courts (ibid). This context comes into greater focus during the first experiment of this case study, through which I perform a cut up of the entirety of the newsprint pages discussed in the following paragraphs to elaborate the ambiguity in the decision to establish a penitentiary. While I argue that this decision culminated as a means to re-establish local, State power during the transformational period following the Civil War, bureaucratized by the "carrying-out" of the imaginative possibility of racial equality through terms of punishment, I hope that the method of the cut up illustrates that this particular choice was not inevitable.

The question of "the establishment of a penitentiary" was raised in the State Senate during the second day of the special session, September 5 1866 (ibid 5). However, it appears as though the issue had already been circulating in public discourse as, days prior, Columbia newspaper *The Daily Phoenix*, called for such a move:

As the Legislature will meet in special session next week, we think it would not be inappropriate, among other measures, for the Governor to bring this matter [of a state

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penitentiary] to the attention of that body. All the necessary information respecting the working of such an institution could be easily obtained from the Georgia authorities, and from other Southern States where the system has been in operation for some years. We are convinced that its establishment here would be of great public benefit. ("State Penitentiary" 2)[44]

The columnist(s)/editor(s) preface this call by drawing attention to "the great change that has taken place in our institutions, especially our labor-system," which has "turned loose upon society a population that, heretofore, were the subjects of domestic or municipal discipline," and to the increase in crime "in every Southern community" that has accompanied it, arguing: "We know of none better adapted to this purpose, than the penitentiary, where confinement and punishment do not deprive the community of the labor of the offender" (ibid). While there is no explicit reference to race in the *Phoenix*'s original material, the column includes a paragraph reprinted from *The Charleston News*:

> The war, however, *a change tout cela*, and if we are to have any control of the colored race at all, black criminals must be put on a footing with their white fellow-scoundrels. This will throw into the State Courts the innumerable petty cases of thefts, robberies and assaults, which were formerly disposed of on the plantations according to the will of the owner or overseer, and the great number of prisoners that would thus, under the present laws, be given to the custody of the sheriffs to be kept in the common jail at the public cost, would entail an expense which the finances of the State could not support. All the reasons, therefore, which have combined to induce the adoption of penitentiaries in other communities, now apply with redoubled force to South Carolina, and we sincerely hope that the Legislature, at its extra session, will see to it that we have a State penitentiary,

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where criminals will not only be made self-sustaining, but where they will be able to

confer a benefit upon the country by their industry, and where they will be fitted to

become useful members of the community at the expiration of their term of

imprisonment. (ibid)[45]

While these early articles set the tone for many of the ones to follow, many others took no

official position, focusing instead on the special session more broadly. Each paper that I

encountered included the language of each Act upon passing and the "Governor's Message"

outlining the rationale for the special General Assembly session, including the issue of the

penitentiary. Several of the papers, the *Keowee Courier*, the *Fairfield Herald* and Fairfield's *The*

News Tri-Weekly, and *The Newberry Herald*, exclusively published one or both items and/or

highlights over the course of the proceedings. On the topic of the establishment of a penitentiary

specifically, many of the papers expressed support by either reprinting or citing the *Charleston*

News article or writing their own affirmations in terms of race, crime control, economics, and/or

jail overcrowding.[46] However, a paper from Spartanburg published a notable dissent in terms of

alienation.

On September 27th, Spartanburg's *The Carolina Spartan* issued a complaint against the

penitentiary establishment legislation in terms of material and spiritual alienation. Following a

declaration of the rarity of crime in the region prior to the "dissolution of our ancient laws and

usages, by the impertinent and officious intermeddling of Northern legislators" and praise of the

effectiveness of traditional practices of plantation and municipal corporal punishment, the

columnist(s)/editor(s) claim: "It was once made a question of party, and warmly discussed in this

and other portions of the State, whether we should have a Penitentiary or not. True, our people

were divided then; but now, there can scarcely be a dissenting voice to a measure which

promises so much of good to our whole community" ("A Penitentiary" 2). Then, countering assurances in the "Governor's Message" for the planned prison self-sufficiency through "convict" labor, they argue: "In fact, to have our gaols filled with criminals of every color and nation, will prove a heavier tax on our laboring and good people, than any other tax they have to pay… Are we to incarcerate, and be at the expense of sheltering warming and feeding [sic] all the rogues and ruffians among us whose only vocation is to live on the hard labor of honest people? This we believe to be bad policy" (ibid). While the *Spartan* occupies a position counter to the dominant trajectory of arguments on the issue of a penitentiary (as far as the available records and the authors themselves detail), the points of contiguity among all of the arguments are in terms of material and spiritual alienation.

During the post-war "great change," or "*change tout cela,*" as described by this selection of newspapers, there is a shared terminology of alienation in the arguments for, and argument against, the establishment of a penitentiary, both material and spiritual. Burke uses the term *alienation* "to designate that state of affairs wherein a man no longer 'owns' his world because, for one reason or another, it seems *basically unreasonable,*" and describes the dual "aspects" of material and spiritual alienation in terms of a deprivation (*Attitudes Toward History* 216). Burke describes material alienation as the deprivation of "the 'goods' which… society has decreed as 'normal'" and spiritual alienation as the subsequent "distrust [of] the rationale of purposes" for the deprivation (ibid). The material alienation that tracks through each of the arguments outlined above is the deprivation of the "goods" acquired through the conventional property relationships of chattel slavery by a radical, and forced, shift in the "labor-system." Consequently, the spiritual alienation, in terms of distrusting the rationale of deprivation, is clear in the *Spartan*'s complaint against the "impertinent and officious intermeddling of Northern Legislators," and in

an argument made in the *Edgefield Advertiser*: "[W]e do not share one whit in the mawkish and ridiculous sentimentalism which sees such a special degradation in corporal punishments. We do not see that a thief is more degraded by whip or pillory than by the verdict which pronounces him a thief, and puts him as such in the penitentiary at hard labor. The *degradation* is in the *crime*; and the man mean enough to steal cannot be degraded by the lash" ("The Penitentiary" 2). These dual losses of *ownership*, in terms of slaves-as-property and of traditional social purpose, lead to this clearly articulated sense of a lack of reasonableness in the new social order during this period of transition, or *interregnum*, between reigning symbols of authority, which leads to an immediate recourse to repossession.

The "Act to provide for the establishment of a penitentiary" was passed concurrently with the "Act to declare the rights of persons lately known as slaves and as free persons of color," and their continual conflation illustrates the bureaucratization of the imaginative possibility of racial equality during this period. In this case, the imaginative is all the possibilities for achieving racial equality in 1860s South Carolina, "usually at the start Utopian," which is bureaucratized through "the carrying-out of *one* possibility" (Burke, *Attitudes Toward History* 225): Equality in terms of punishment through the establishment of a penitentiary. Advocating for both the civil rights and penitentiary legislation, Governor Orr's widely-reprinted "Message" demonstrates this bureaucratization of the Utopian ideal of racial equality through the material reality of punishment: "The laws of every well regulated State should operate equally upon all the inhabitants, and if a white man is punishable by death for arson or burglary, there is no escape for a like offence with a fine or short imprisonment," claiming that the current punishments for "freedmen [are] not in conformity to our laws, and are much lighter than punishments imposed by State Courts upon white men" (Orr 2). This argument for equality in terms of punishment

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echoes the call in *The Charleston News* to put "black criminals… on a footing with their white fellow-scoundrels" ("State Penitentiary" 2) and his use of the death penalty as a representative anecdote maintains the terminology of the old order of corporal punishment. Further, addressing the shifting labor conditions, Orr assures that "the convicts… will be compelled to earn their clothing and subsistence," and that their labor will "yiel[d] a fund to the State to meet the expense of their subsistence" (2), which (except in the case of the skeptical *Spartan*) appears to meet the needs of the materially alienated populace, as in the example of the *Edgefield Advertiser*: "We advocate the Penitentiary, therefore, because of the valuable labor that will be done within the walls, and not on account of the modern *refinements* which will prevail there" ("The Penitentiary" 2). Discounting Orr's terminology in the context of an alienated public demonstrates that the establishment of the penitentiary is the byproduct of an attempt to regain a sense of local authority.

The imposition of the Utopian ideal of racial equality was widely attributed to a shift to Northern authority and its bureaucratization through the material reality of punishment, and specifically a penitentiary, offers an attempt to reform local authority. Orr crafted his Message in the context of extreme alienation, both material and spiritual, and his bureaucratization of this (Northern) ideal through the material reality of punishment appears as an attempt to "unite… a new collectivity" of State authority by "abandoning some of the symbolic ingredients" of the old order of authority (e.g., chattel slavery property relationships), while making this new collectivity "'ready to take over' other symbolic ingredients" (Burke, *Attitudes Toward History* 226) in terms of the authority of law by way of the establishment of a penitentiary.

By discounting Orr's terminological adherence to the conventions of which the population has been deprived (i.e., previous class hierarchy, corporeal punishment, exploitation

of labor), his Message clearly operates as an effort to protect his, and the General Assembly's, interest as the governing authority. This shift in symbols of authority softens the deprivation of slaves-as-property through a shift to state custody over criminals-as-laborers (a population univocally expected to increase with the naturalization of freedmen) and offers an avenue for repossession against the alienation of Northern authority through identification with the local, State authority. In other words, the establishment of a penitentiary appears as a means to an end of, rather than the goal for, repossessing an alienated populace under the authority of local, State law with the unifying purpose of egalitarian crime control. It follows that the establishment of a penitentiary was by no means inevitable, but instead was the material byproduct of carrying out the ideal of racial equality, in the "historic texture" (Burke, *Attitudes Toward History* 226) of 1860s South Carolina, through an emphasis on punishment. The State exploited the ambiguity of authority through the establishment of a penitentiary and thereby foreclosed myriad possibilities for racial equality. However, in the spirit of perspective by incongruity, for which bureaucratization of the imaginative is an iteration, it is crucial to elaborate this ambiguity through attention to the exiled excess and excluded perspectives in the preceding pages.

Focusing on coverage that explicitly addresses the penitentiary and using Senate proceedings, briefly in the introduction to this section, and newspaper articles as my primary documents selects, deflects, and excludes many of the stories that collected in the form South Carolina, as a place, in September 1866. Much of the available coverage that specifically addresses the penitentiary legislation is sparse, limited to a small paragraph or a column at most. Apart from the "Governor's Message" and coverage of the extra session, the issue of the penitentiary rarely made the first page. Thus, focusing on the penitentiary necessarily deflects myriad other stories in the primary documents which, proportionally, garnered far more

attention. Additionally, the primary documents themselves are exclusionary through the lack of representation of, for example, the perspectives of freedmen and "criminals." The inclusion of these perspectives will likely require recourse to "other kinds of materials" (Glenn and Enoch 324) for archival research in a future iteration of this project. However, the primary documents to which I currently have access, specifically the newspapers, still offer an opportunity to expand considerations of other stories-so-far in the spatio-temporal event of South Carolina in September 1866. This leads to the difficulty that I've had in conceptualizing the application of my proposed rhetorically informed spatial theory approach to archival research and, thus, to my first experiment: The cut up. I believe that this experiment, while still limited to the linearity and order of coherent language use, allows me to include a broader range of stories while practicing perspective by incongruity to elaborate the ambiguity in the decision to establish the first penitentiary in South Carolina.

Experiment 1: The Cut Up

Experimenting with the cut-up method means simply cutting up, in this case, printed text and randomly rearranging it to form new sentences. I've applied it to the South Carolina newspaper pages that specifically mention the penitentiary in September 1866 as an attempt to visualize this collection of stories-so-far, as whispers, arguments, and fragments of things overheard; as a collage of words and sentences that circulated during this particular month, shaping and shaped by the stories people held and shared in this spatio-temporal event (see Figure 3.1). While I've attempted to select and organize the fragments at random, though with attention to advantageous punctuation, conjunctions, etc., I recognize that my influence over their arrangement necessarily imbues meaning, at least to me, and offers selections and deflections of these people's reality. However, my editorial choices were aesthetically

motivated, toward creating an artistically pleasing representation of these stories, with the intention of offering an opportunity for continuously (re-)inventing alternatives to the critical articulations in the previous section.

While this experiment utilizes a well-trod avant-garde method, I use it as an invitation to invent alternative approaches to critical analyses for my proposed rhetorically informed spatial theory methodology for archival research. In other words, the cut up offers an approach for using "existing art … as a step toward achieving alternatives" for "demonstrat[ing] the consequences of" (Ulmer xii) applying a rhetorically informed spatial theory methodology to archival research through artistic practice, while providing options for representations "that function critically as well as aesthetically" (ibid). As an attempt to represent the dynamic simultaneity of stories-so-far that culminated in the decision to establish the SCP from archival records, always already marked by impressions of absence, the cut-up method highlights the "actuality/fiction or reality/fiction" binaries and hyperreality (Vitanza 187) of archival research, while offering an aleatory (chance-based) method that centers the "excess" (ibid 189), or "what desires to be said" (191), that may have remained hidden in a purely critical, academic writing approach. However, this is not to say that the following experiment is offered as an argument or an attempt to articulate a whole.

The cut up, instead, offers a perspective by incongruity to elaborate ambiguity in the stories about and surrounding the issue of the penitentiary during this particular time in South Carolina, as well as an invitation to invent new trajectories for incarceration in the present/future. Similarly to Derek N. Mueller's proposed methodology of network sense, as an approach for exploring (rhetoric and composition's and writing studies') disciplinarity that "replace[s] rational logics with networks of association that afford inquiry and discovery for newcomers and

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seasoned scholars alike" (4), the cut up is inspired by an "inventive exigency" (ibid) to create new paths forward for incarceration thinking in the present age of mass incarceration with "a purpose that must be understood as epistemologically generative for how it participates in the project of making," in this case incarceration, "knowable, but knowable such that it is future-oriented, participatory, and heuristic[/heuretic]" (ibid). According to William S. Burroughs, whose work with cut ups I am most familiar, "when you experiment with cut ups over a period of time, you find that some of the cut ups and rearranged texts seem to refer to future events… Perhaps when you cut into the present [or past?], the future leaks out" (QUEDEAR). Perhaps … Or perhaps what leaks out is the possibility for inventing the future by imagining new trajectories. In any case, as a participatory and heuretic method, this cut up offers an invitation to *you* to print, cut up, and rearrange the following pages yourself, through a physical enactment of this "method[/]ology of invention," and to generate alternative perspectives "*cheap and easy*" (Burke, *Attitudes Toward History* 228–29).

The total number of bodies interred by the subscriptions to the capital stock of the change. The discrimination happened in the United States. The Code against Freedmen be repealed, that civil rights and liabilities as to crime be sold for more than one half and less than three-fourths of its assessed value, MOUNTAIN BUTTER by Express testimony in such cases in like manner that their shares shall be reduced, or in any other manner in which it may be by reason of being an alien, or the widow of an alien. When war has been waged by land and sea, as if the fruits of robbery and piracy are insufficient to till the soil of the State and to develop its resources for the people of this State, provided such bonds shall realize the delivery of Fields of dark brown or copper color. We gladly welcome the Doctor to his country. He is a thorough scholar, a profound witness to relieve the sufferers by the fire. Most of the Tax Collectors have made their opinion, though we may believe it to be erroneous. The public consists of every man in a community, and as every man has his own opinion there is consequently great diversity of opinions in a community. At one o'clock the theatres, operas, museums, and all public places of amusement, will throw the payment of the revenue tax and a permit of the collector for such to the old plantation, or abandon it entirely. Several tracts of land were disposed now passed away forever. "This great war could not pass away without results. Are we to incarce-rate, and be at the expense of sheltering the law in

relation to paupers and va grancy?" As we have already stated, it arose from some chaos of public sentiment, the Governor has ex- ed and mangled our best people yet they dont bewail their loss. The Radicals seem to be straining every premise or are cognisant of such overcharges, to come forward and inform these officials of the Southern people as they muzzled the Southern delegates. The former are speaking right out and telling the truth. We respect them for this, failed to agree, and finally a committee of several members voted against the Bill and probably fell asleep in this position. It is astonishing, how much heat appears to be wasted along about this long despotism over our down-trodden, the people of the South will be speedily re- stored to civil and constitutional liberty. The corn market is firmer; farms have been visited by this pestilent of ruin, and it has been expended. We fear on that point for nothing. Men seem to be as contrary as oxen— it must be cotton exported, and, yet, radicalism has thrown every obstacle to him, "My family are ill in that room; have you no thought of your own?" It is the vital point. A FIRST RATE STOCK OF BOOTS AND FIRE-WORKS, BENGOLA LIGHTS. do something like justice to his great worth as prisoner The proposition is absurd, and the already misguided passions of the peo ple hung a

mixed Western American to a lamp-post but for General Forrest, who took care of him, and told the crowd that justice should be to protect the houses and property of very wealthy men of their class. The wooden shoes worn by peasants were the chief incentives to hostilities, and no honest man pretends to expect, the Southern rebels to change. In many places violence, it is feared, will be resorted to, where other measures fail to carry the ballot box. It appears as the want of LIKENESSES of themselves or friends, as are not often met with in a country town. The District Court bill, as passed, gives citizens of the State, black and white, a hole in the skin and flesh. Then cords or ropes are attached to these sticks by one end, and disappear. Can the present laboring class be relied on for the proper and just culture for a penitentiary in each District? A contemplation of which makes humanity shudder. Men, or rather monsters in the House agree to supply the blood and the lives of his children to a cause en masse, and displayed the greatest enthusiasm. It is not like secessionist power is dictating the supremacy of the Constitution, and will rejoice that the money of the State will likely
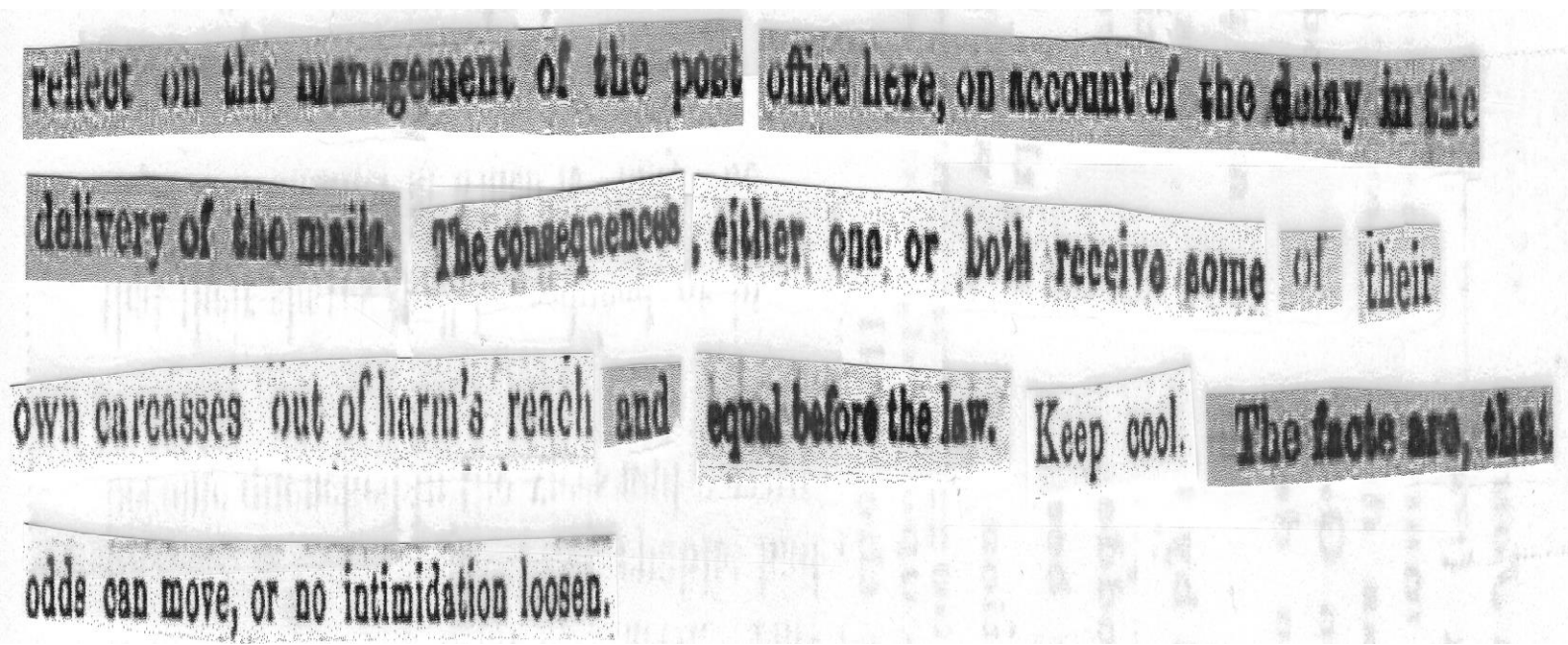
reflect on the management of the post office here, on account of the delay in the delivery of the mails. The consequences, either one or both receive some of their own carcasses out of harm's reach and equal before the law. Keep cool. The facts are, that odds can move, or no intimidation loosen.

Figure 3.1. The Cut Up.[47]

An interpretive note: The juxtaposition of bureaucratic, economic, and brutally violent language is striking to me. While reading, I feel desperate pleadings, defiance, and a scrambling to regain/establish order/control from chaos. Overall, I feel a haunted tone that evokes a sense of shattering trauma that is deeply saddening and frightening.

A note on process: My original intention was to print out the full pages of the newspapers that referenced the penitentiary to cut up by hand and rearrange. However, when the gentleman at the copy shop handed me the printed pages, I realized that the font was so small that it was unusable for this particular project (though these pages do appear in *Experiment 2*, so not a total waste). As this avenue hadn't worked as planned, I decided instead to randomly select sections of these pages in my document viewer, wildly moving my mouse around like a person selecting a spontaneous vacation destination on a map, and would crop around a few sentences in that section. After enlarging the text to a useable size, I printed out the selections, one from each page, and began cutting. I felt that this step was important, as Austin Kleon, newspaper blackout poet, points out, "[t]here's a kind of magic that happens when you make art with non-digital materials: the feel of the newsprint, the way you watch the words disappear under a thick black line, the marker fumes…" And though there are obvious differences between a creating a blackout poem and cut up (e.g., scissors slicing through pages, tape tangles) and, in this particular instance, newsprint was replaced by copy paper (for obvious reasons), I was also excited to work with (mostly) non-digital materials. I experienced a strange sense of joy scattering all of the clipped sentences on the table in front of me, moving them around, sorting out those with potentially useful punctuation and conjunctions, and then creating something entirely new on the backs of the pages that hadn't printed out quite right (hence the crisscrossing, faint words behind the taped-on strips).

Labor, Punishment, and Authority in the Early Years of the SCP

The second portion of our current story, the development of the SCP, will center on the

years 1867 to 1868. The primary documents for this section include the superintendent's files

housed in the SCDAH, the *Proceedings of the Constitutional Convention of South Carolina* of

1868, the *Journal of the House of Representatives of the State of South Carolina* from the special

session in 1868 following the convention, and Governor Orr's *Message No. 1* delivered to the

General Assembly prior to the special session.

By selecting the superintendent's files as the SCDAH holdings to focus on, I've omitted

most registers of incarcerated people, employees, inventories, etc. as well as letters sent by the

superintendent. I wanted to accumulate as many perspectives and stories collected in the SCP

during this period as possible. I suspected that the files retained by the superintendent would

include voices, via received letters, of people who would be otherwise inaccessible through

itemized counts and outgoing correspondence.

My choice to include the *Proceedings* aligns with my focus on transformational moments

in this case study, as the convention occurred during Reconstruction and marks the incorporation

of many of the black voices that had been excluded to this point. The 1868 convention was

"authorized" by congress and supported "by a large majority of" voters, according to Convention

President Albert G. Mackey in the preface to the published proceedings (Woodruff iii-iv).[48] It

feels crucial to mention that the majority of the elected delegates, and the majority of the voting

population in the decision to hold the convention, were black, as reported by Governor Orr in his

convention address, through which he recognized "more colored delegates than whites

occupying seats in the Convention," and the black voting majority by "fifteen or twenty thousand

votes over the whites" (Woodruff 54). While Orr's observations are couched in thinly veiled

critiques of the congressional Reconstruction Act, by which the convention was mandated, noting his feelings of "disenfranchise[ment]" (ibid), the fact remains that these proceedings provide access to the voices and stories of South Carolina's black population that are unavailable in conventional archival holdings from the preceding years, and which are invaluable to gathering more available perspectives that shape and have been shaped by the SCP during this period. Further, I have discovered an edition of *The Yorkville Enquirer* that lists the race of each delegate ("Proceedings of the Reconstruction Convention" 2). I feel that this offers a necessary distinction so as not to misidentify black voices for white, and vice versa, and inadvertently mischaracterize the stories in this section.[49] Finally, the *Journal* and Orr's *Message* offer opportunities to track the progress of arguments made about the penitentiary during the convention.

The superintendent's files from this period were incredibly limited, thus, the *Proceedings* provided some direction for tracking the stories of the early years of the penitentiary. While the files only included minor bits of bookkeeping, the stories of the penitentiary in the *Proceedings* gradually unfolded into several claims regarding the cruelty of punishments, accusations of partisanship and wrongful incarceration, and, eventually, a petition to remove and replace the superintendent. While the claim of wrongful incarceration, and inequality in sentencing, was picked up by the House, the remaining claims were subsumed into the investigation into the superintendent per the petition, with an additional claim of racial discrimination in the treatment of incarcerated people.

It is my contention that the introduction of the question of racial discrimination at the penitentiary during the inquiry, particularly in the context of Reconstruction and the governmental reorganization effort of the convention, presented a critical challenge to the

recently acquired symbols of local, State authority through the bureaucratization of racial

equality through punishment. The introduction of this claim in this transformational context

appears to drive the superintendent into a corner, whereby he steals Northern symbols of

authority which, if thoroughly questioned, could destabilize the local, State authority of the

convention itself and, as a result, undercuts an investigation into the cruelty of punishment on its

own terms. However, the terminological trajectory that leads this section's story to the

relativistic centering of the superintendent's terminology in the inquiry demands an ironic

inquiry into other available/contributing perspectives that shaped and were shaped by SCP

during this period, including my own and those that shaped the archival holdings. To illustrate

this ironic "perspective of perspectives" (Burke, *A Grammar of Motives* 512), and in line with

my rhetorical listening-informed spatial theory approach to the SCP-as-place, I have chosen a

video collage/montage for the experiment that concludes this section (see Figure 3.2 on pg. 147).

Only a few pieces of paper comprise the records in the superintendent's files at SCDAH

from 1867 through 1868. During this period, Thomas B. Lee served in the roles of

superintendent, architect, and engineer of SCP and the available archival records are limited to

five pages. The first, an oversized, lined, columned, and dirty, greyish page is a "Calendar of

Prisoners confined in Jail of Charleston District under sentence to the Penitentiary" dated

November 26th, 1867 (Hastie, *Calendar of Prisoners*). A handwritten note in pencil on the front

fold reads: "Order forward 26 prisoners as marked," signed by Lee on Dec. 2nd (ibid). Unfolding

the giant sheet reveals the names of 54 men, identified by number, color, date of confinement, by

whom they were committed, the charge, the sentencing date, the duration of the sentence, and

their trade/occupation. There are so many stories already in these brief notes, organized into a

table, of lives in conflict during the first year of SCP operations. Looking for patterns while

scanning the lines of charges, sentences, occupations, and persons by whom these men were committed is maddening. A charge of wild sentencing inconsistencies could be leveled, but there is too much missing from these stories to draw a precise conclusion. The only consistency that appears immediately is that all of the men are identified as "B" for black (ibid). Looking beyond the text and into the margins, another pattern appears to slowly emerge in Lee's selection of the "26 prisoners," indicated by penciled checkmarks in the occupation column.

Most of the selected men were sentenced to at least two years, though there are some notable exceptions. While the two-year qualification tracks across each man with a listed occupation of "none" or "Farm Hand," Lee appears to have selected at least one representative from each of the unique trades, apart from James Mouzon, the lone turpentine maker sentenced to twelve months for "Hog Stealing" (ibid). This includes two blacksmiths, Charles Murray and Dublin Grant, both sentenced to six months; three carpenters, William Edwards and Joe Thomas, both sentenced to one year, and Nathan Treadwell, sentenced to eighteen months; a hoop skirt maker named Robert Wickles, sentenced to one year; a butcher named Smart Grant, sentenced to one year; Philip Martin, a bricklayer sentenced to twenty-seven months; and a tailor named Paul Sparkman, sentenced to three years (ibid).[50] The following item in the folder is a list of the 20 men who were transferred. Lee received many of his requested farm hands, and several men without an occupation listed, as well as one man from each of the unique trades listed above, including Charles Murray and Joe Thomas (Hastie, *List of Prisoners*).[51] The remaining three documents representing Lee's supervision of SCP include a list of incarcerated people's illnesses by month, resulting in four deaths, an inventory of three bales of Moses & McNair's cotton that were mistakenly sold by Geo. W. Williams & Co., and a letter from a military captain authorizing military funds for those incarcerated for military offenses. While, on their own,

these documents offer limited insights into the development and early operations of the SCP, the *Proceedings* reveal public concerns regarding the institution.

The SCP was explicitly addressed on the fifth day of the 1868 South Carolina Constitutional Convention. On January 20th, 1868, Samuel B. Thompson, a black representative from Richland, proposed the following resolution:

> WHEREAS, it is currently reported and believed that the inmates in the State Penitentiary are maltreated, in direct violation of the rules of said institution, and that many are incarcerated within said walls that should be now at large; be it
>
> *Resolved*, That a Committee, consisting of five members, be appointed to proceed to Columbia with power to send for persons and papers to facilitate a thorough investigation of the above report, and lay the facts before this body. (Woodruff 70)

Addressing the motion, white representative B. O. Duncan of Newberry requested caution in establishing a committee to investigate Thompson's claims, arguing that the supervision of, "probably," the military and, assuredly, the "civil authorities" should satisfy the presumption of guilt among the incarcerated (ibid). James M. Allen of Greenville, white, agreed with Thompson's motion and offered the following rationale, and reply to Duncan, characterized as "violent" by *The Yorkville Enquirer* ("Affairs in the Penitentiary" 1):

> I know there are several men in the Penitentiary who would not be there but for the passions and prejudices of our opponents, and the enemies of this Convention… have advocated the incarceration of these prisoners… I care not whether their cases were examined by the military or executive department. I hope their cases will be inquired into by the Convention. They have been put there by men who would crush the poor men of this State. There are men there accused of murder and all other heinous crimes, of

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which they are perfectly innocent, and have documents upon documents to prove it, but

which will not be examined by those opposed to them. (Woodruff 70)

The resolution was then sent to the Committee on the Miscellaneous Provisions of the

Constitution, who referred it to the Judiciary Committee, who declared the matter as beyond the

authority of the convention, relegating it to the "military authorities of the United States,"

specifically General Canby (ibid 90). By the thirty-first day of the convention, the motion for an

investigation had developed into a motion by E. W. M. Mackey of Orangeburg, white, for

General Canby to "remove Mr. Lee" from his role as superintendent of SCP and replace him

with Wm. E. Rose from Yorkville (ibid 509), which culminated in a petition. Here we have

several distinct claims that coalesce and fracture in interesting ways when taken up by the

executive and the legislature following the convention.

The motion by Thompson includes several claims, which are expanded upon as the

motion develops into the petition initiated by Mackey. Thompson originally makes three claims:

Incarcerated people are "maltreated" at SCP; this maltreatment is in violation of the institution's

rules; and many people have been wrongly incarcerated. Allen counters Duncan's prima facie

argument (i.e., the men are *in* the penitentiary and are, therefore, guilty) by reiterating the false

imprisonment claim of Thompson and introducing new two claims: He identifies the causes of

the wrongful imprisonments with opponents of the convention and identifies the targets of these

wrongful convictions as people living in poverty. In the final iteration of the motion, introduced

by Mackey, the sole claim is to replace Lee with Rose, a white delegate to the convention.

While an inquiry into the causes of imprisonment were central to both Thompson and Allen's

arguments, this avenue of inquiry was not addressed in Canby's investigation, but instead was

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picked up by the House of Representatives during the special session in July 1868, culminating in the following resolution from the Committee on the Penitentiary:

> Whereas the sentences of many of the convicts in the State Penitentiary have been unequal in regard to the time of imprisonment for one and the same offence; therefore, be it
>
> *Resolved*, That His Excellency the Governor is hereby authorized and requested to remit the time of imprisonment exceeding six months in all cases of petit larceny and larceny, and to pardon the respective convicts.
>
> *Resolved*, That His Excellency also be requested to extend the same leniency and mercy toward all the convicts where there appear persons to be sentenced to an unusual length of time over others for the same offence. (*Journal of the House* 411–12)

The resolution received an affirmative vote for delivery to the Committee on the Judiciary who crafted "a Bill to authorize the Governor to release certain convicts" (ibid 443).[52] While Allen's claim of disproportionate punishment of the poor, specifically, appears to have been abandoned, the remaining claims (i.e., maltreatment, violation of penitentiary rules, partisanship, and the removal of Lee) and an additional claim addressing racial discrimination among the incarcerated, were addressed in Canby's investigation and subsequent report. The introduction of the racial discrimination claim is crucial in terms of the bureaucratization of the imaginative possibility of racial equality discussed in the previous section, as it helps to drive Lee into a corner, whereby the question of cruelty of punishment, on its own terms, is subsumed by the stealing of symbols of authority during the interregnum of military occupation and the immediate aftermath of the convention.

It appears that the emphasis on racial equality in punishment led to a recourse to symbols of Northern authority during the reorganization of local, State authority. The question of race, while not central to discussions of the penitentiary at the convention, was raised during the third day of Canby's inquiry by the second testifier, W. B. Nash, who had signed Mackey's petition. "Before I left Columbia to attend the meeting of the Convention at Charleston," Nash recalls, "persons saying they were eye-witnesses, told me that the convicts in the Penitentiary were cruelly treated, especially the colored prisoners. They begged me to see if something could not be done" (*Message No. 1* 102). Nash's testimony appears to have led to a racial element in all of the subsequent testimony and questioning, which makes sense in terms of the bureaucratization of racial equality through punishment as a central justification for establishing the penitentiary. Additionally, and significantly, Canby's report includes testimonies from witnesses whose stories from the early years of the penitentiary are difficult to come across and which have been unavailable in the documents examined in the preceding paragraphs. [53]

While the unique glimpse into the stories of formerly incarcerated individuals and former penitentiary employees call into question the brutality of the punishments, these claims are not critically examined on their own terms, but instead are subsumed under the symbols of Northern authority through the emphasis on racial discrimination and on Lee himself. Immediately following Nash, Joe Williams, a man who was sentenced to six months for stealing cotton, testified:

> I saw men bucked and gagged, balled and chained. I saw them marched in a blind gauge from twenty-five to thirty in a gang, over ladders, wheel-barrows, ditches and sometimes holes, and hindermost ones frequently knocked. And there was a distinction made, I thought, as white convicts were given the trade of dressing stone, whereas the black were

chained and sent to the quarry. I have seen them hung up by the thumbs, the hands

carried backward, and drawn clear off the ground by a block and tackle. I have seen

them also stood on posts, whilst it was raining and freezing. I have seen them jabbed

with the bayonet and muzzle of the gun. (*Message No. 1* 103)

And when asked if he was familiar with penitentiary rules during his incarceration, he answered:

Yes, sir; I thought I was. I was twice punished during my confinement. The first time,

was for not giving up a bucket to a boy whom the Captain had sent for it. I thought I had

a right to hold on to it. I was tied hand and foot a whole night, in my cell, for that. The

other time, was for talking to another convict; the guard reported me to the Captain, who

came and asked me about it. I denied it; but the guard said I was the man by my number.

I was then, about a week after, taken out and blind-folded, and marched about three hours

in the blind gang. There were seven others besides me tied together, wrists and elbows.

(ibid 104)

During cross-examination, Lee asked for the names of those who had been jabbed with guns, as

this would amount to violations of penitentiary rules, and inquired into the claims that

incarcerated black men performed the hardest labor.

On the question of abusing incarcerated people in violation of penitentiary rules,

Williams provided two names, Joe Jackson and Sam Gridiron. No. 14 under "Duties for Guards"

explicitly prohibits guards from punishing incarcerated people or striking them "with a cane or

stick, or with the fist or feet, or any weapon, unless it be in self-defence or to quell an

insurrection," but instead are required to "uniformly treat them in a kind and humane manner"

(ibid 85). As for the two men named by Williams, whom he said he witnessed being

"knocked—beat I call it—like as you were driving horses, and they stables at that," he explicitly

names Jackson and Gridiron, though he mentions that there were more whom he didn't know the names or numbers of, or couldn't remember (ibid 104). Samuel Green, Chief Guard, testified later that he had thrown Jackson "into a cell once" for "quarreling with another convict, and… standing near his cell door," though he explicitly disavowed the accusation that Jackson had been hit with a gun (ibid 114). This appears to be in violation of the rules, unless Green received "instructions from the Superintendent" (ibid 84) to throw Jackson, though this infraction appears to be glossed over by Green's, and others', characterization of Jackson as a conspirator in an attempted escape with the plan to, if necessary, kill a guard (ibid 114). On the question of Gridiron, Green testified: "There is no man of that name, nor anything that sounds like it" (ibid), seemingly discrediting Williams's account. Interestingly though, from the sparse archival records to which I have access in the superintendent files at SCDAH, I found one "Samuel Gordon" transferred to the Charleston jail in 1867 to serve two years at SCP (Hastie, *List of Prisoners*). So, unless Gordon was pardoned, he was incarcerated at the time of Green's testimony in 1868 and Sam Gordon sounds an awful lot like Sam Gridiron to me, at least enough for further investigation. However, this point was not pressed and Green's word carried the day on these two accusations by Williams, leaving the question of racially discriminatory labor assignments.

Lee's questioning of Williams regarding racial discrimination in labor assignments established a faulty syllogism. Lee asked whether Williams knew of black men performing labor other than work in the quarry and Williams affirmed that many worked in other trades, though when asked the proportion of white and black men incarcerated during his sentence, Williams responded: "There were some eighteen or twenty whites, and over one hundred colored, when I left" (ibid). While Lee did not address this fact again, it is significant. Due to the

disproportionate number of black men incarcerated at the penitentiary, the syllogism: Black men perform work other than quarry work, therefore there is no racial discrimination at the penitentiary, doesn't really hold up. If by contrast, Lee's argument had been: There are white men performing quarry work, therefore there is no racial discrimination, it would have been more effective. However, it is worth noting that this argument was never made. Instead, Lee replied: "Were not those convicts who were working at the quarry, learning a trade?" to which Williams responded: "They were splitting out rock—a pretty poor trade—any man can do that" (ibid). Following Williams, Robert Hopkins, a building worker, testified to a particular instance of guard brutality, which was resolved immediately as he also testified that the guard was immediately dismissed, and provided a similar account of brutality in punishments and racial discrimination in labor assignments, which was met with a similar line of questioning, though with a crucial difference.

Similarly to Williams, Hopkins testified to brutal punishments and racial inequalities in assignments to hard labor. Lee's cross-examination on the question of labor also followed a similar trajectory, in that instead of identifying white men assigned to work in the quarry, he asked Hopkins if he knew "the wages a good quarry hand [could] command," to which Hopkins replied that he didn't and upon which Lee didn't elaborate further (ibid 105). Instead, he asked whether Hopkins thought stone-cutting, or the stone dressing work which Williams identified as assigned to white men, was "very hard work," to which Hopkins responded: "Yes, sir; pretty hard work" (ibid 105). However, unlike with Williams, Lee addressed the question of brutal punishments by asking Hopkins if he'd seen the "cat-o-nine-tails," the "lash," or head shaving used in punishment, to which Hopkins responded in the negative (ibid 106). This marks a crucial moment, and this specific line of questioning was frequently repeated by Lee during the

testimony, in terms of the bureaucratization racial equality through punishment and stealing of symbols of authority as an escape from being driven into the corner.

Having been driven into one by the petition and the accusations of racial discrimination, Lee makes an attempt to establish a sectarian orthodoxy of the penitentiary itself. He opens his final remarks of the inquiry, in a letter to the inquisitors, with an argument of partisanship on the part of those who have "charged [him] with inhumanity towards those whom [he has] the care of" (ibid 127), which is an easy enough claim in light of Mackey's inclusion of Rose in the petition.[54] In this context, Lee offers a sectarian response: "Politics must be banished from the government of a Penitentiary, if it is to be successfully managed… A Penitentiary is a little world within itself" (ibid 128).[55] He goes on to associate this partisanship with the accusations of racial discrimination in labor assignments: "In our administration of the affairs of the South Carolina Penitentiary, I have known no party, no black, no white… I have required them to labor hard, and caused them to be well fed, well clothed, kept clean, and well cared for when sick. One of our maxims being that exercise (work) saves medicine and keeps men from mischief" (ibid). While he makes no mention of the witness testimony to racial disparity in labor, he appears to dismiss these critiques in terms of antagonistic partisanship (though many of these accusers were not delegates to the convention) and instead reinforces the value, supported by the local papers in the previous section, of incarcerated people's labor. In Burke's phrasing, "he is forced to reject all sorts of ingredients that he might, originally, have left unquestioned" (*Attitudes Toward History* 223) in his defamation of Williams's and Hopkins's testimonies.

While Williams had successfully completed his sentence and Hopkins had been an employee at the penitentiary, Lee levels ad hominem attacks against both and thereby appears to abandon some of his core convictions about the penitentiary. The first is that the penitentiary is

effective in reforming those incarcerated (*Message No. 1* 129). Thus, his characterization of

Williams: "a man convicted of stealing, and having served a term in the Penitentiary for the

same, is not a witness of very high character, and he shows that he is not more particular in

telling the truth than he was in not being careful to appropriate to himself things that belonged to

others" (ibid 127), undermines the mission and effectiveness of the penitentiary as Williams is

characterized as no better by the experience. Further, while Lee has attested to the character of

his employees, those of disrepute being dismissed, he likewise calls Hopkins a liar, or a teller of

"only half the truth" (ibid 128). Because Lee is personally driven into a corner, he is forced to

disavow testimony that he might have taken into account had the inquiry been into the

effectiveness of the contemporary disciplinary methods generally. Instead, he appears to have

been driven to reject crucial aspects of the penitentiary itself: Its mission of reform and the

character of its employees. Further, in his self-defense, Lee steals the symbols of Northern

authority, in terms of the United States-as-symbol and the federal regulations that reinforce its

symbolic authority, to escape a purely sectarian, negative argument.

The United States operates as a symbol of Northern authority through the imposition of

federal regulations on Southern states during the post-war interregnum, and Lee steals this

symbol to repudiate the claims of misconduct against him. Lee argues that punishments at the

penitentiary have, at all times, adhered to the institution's rules during his supervision, which

serve to identify Lee (and the penitentiary) with the United States as a symbol of Northern

authority: "The regulations of the South Carolina Penitentiary, provide that the Superintendent

shall proportion the punishment to the offence, specifying no particular punishment, but *limiting*

him to such as are allowed by the army and naval regulations of the United States" (ibid;

emphasis added).[56] Further, he disidentifies himself and the penitentiary from prior symbols of

authority, in terms of antebellum, plantation punishments, by persistently asking testifiers if they had witnessed uses of, for example, the "cat-o-nine-tails," the lash, and forced head shaving, at the penitentiary, which was unanimously denied. The investigator's report reinforces this claim, finding that the punishments in use at the penitentiary "are such as are not unknown to those familiar with discipline in the land and naval forces of the United States" (ibid 124). By stealing authority from the United States-as-symbol, manifest in the regulations for punishment, Lee is able to repudiate his accusers, members of the convention, who also draw their authority from the federal regulations that mandated the 1868 Constitutional Convention. From this foundation, as Lee's authorization of penitentiary punishments adheres to regulations established under the symbolic authority of the United States, if he was found guilty of unreasonable conduct in these terms, the reasonableness of the United States-as-symbol, the convention, and Canby's inquiry would be called into question as well. As a result, Lee's stealing of the United States-as-symbol of Northern authority, or the orthodoxy during the interregnum of shifting local, State authority, diffuses accusations of cruelty at the penitentiary during this period, particularly in terms of the regulations governing punishment, as these accusations could destabilize the entire foundation of authority during this period of reorganization.[57]

Shifting from the Relativism of Superintendent Lee's Perspective to an Ironic Perspective of Perspectives

This story, though it started out with a "calendar" of incarcerated men to be selected from the Charleston jail and transferred to the penitentiary, culminated in a drama involving black and white delegates to the 1868 Constitutional Convention, State House of Representatives, occupying federal military officials, penitentiary officials, employees, and a formerly incarcerated person, and Lee, whom out of all of these participants came to occupy a central role through a series of actions that resulted in the privileging of particular perspectives.

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While participant's perspectives were dialectically engaged during the early stages of the debates regarding SCP, the introduction of Mackey's petition against Lee invited a relativistic fragmentation, privileging particular perspectives. While the early claims raised at the convention, e.g., cruel punishments, false imprisonment, etc., necessarily contributed to the petition for Lee's removal, the centralization of Lee (e.g., through his cross-examination), enabled his terms to characterize the debate on the punishment and labor conditions at the penitentiary. Lee's closing remarks highlight this terminological relativism through his absolute statements on partisanship, the poor character of his accusers and witnesses, the United States-as-symbol of Northern authority, etc. As a result of this relativistic perspective, in terms of Burke's discussion of the irony-dialectic pairing, Lee takes on the role of "*primus inter pares*," or the role of a "summarizing vessel, or synecdochic representative, of the development [of the penitentiary] as a whole" (*A Grammar of Motives* 516). No longer are the perspectives of the delegates (and those who influenced these perspectives through petitions and pleadings), witnesses, incarcerated people, etc. considered in dialectic ideation on the conditions of punishment and labor at the penitentiary, but instead Lee's central role and terminology come to "represent the *end* or *logic* of" (ibid) the institution as a whole, as is clearly evidenced in the concluding "opinion" of Canby's commission: "The finding of the Special Commission, that the charges against the Superintendent of the Penitentiary, of cruel and harsh treatment of convicts, is unfounded, and that his administration of the Penitentiary has been humane and efficient, is approved, and no further action upon the petition for his removal will be taken" (*Message No. 1* 126). However, while Lee and his terminology, in Burkeian terms, reinforce his "'adjectival' [function], as embodying one of the qualifications necessary to the total definition" of the penitentiary, in terms of conditions of labor and punishment in its development, a look beyond

the conclusions of the inquiry reveals the irony in his "'substantial' [function] as embodying the conclusions of the development as a whole" (*A Grammar of Motives* 516). Because of Lee's terminological recourse to the United States-as-symbol of Northern authority, manifest through federal regulations, for defining penitentiary practices, he undermined the possibility of the penitentiary as a non-partisan and sectarian authority of its own accord and, instead, reinforced the authority of the convention. The secretary of the convention, Carlos J. Strolbrand, replaced Lee as superintendent the following year.[58]

This reintroduction of irony provides a broader view beyond a reductive focus on Lee and his grand narrative for the development of the penitentiary and enables us to refocus on the SCP as a place in terms of a collection of a dynamic "simultaneity of stories-so-far" (Massey 130), or a spatio-temporal event. The following experiment with a video collage/montage is an attempt to engage further with this ironic "perspective of perspectives," including the perspectives inherent in the method of archival research, and the stories which shaped and were shaped by the development of the SCP during the first decade of its existence.

Experiment 2: The Video Collage/Montage

Experimenting with video collage/montage offers an opportunity to visualize the ironic perspective of perspectives and the diss-ociation/-order of archival research. For clarification, I include collage in the title of this experiment because I physically collage copies of archival holding into the development of SCP up through 1880. I've selected the period of 1867 to 1880 for this experiment because, as I had hoped, I discovered stories from a variety of voices in the superintendent's files, but they don't appear regularly until the late-1870s. Additionally, this period covers two further transformations in the history of South Carolina: (1) The end of Reconstruction, and (2) the introduction of convict leasing. The process of collage, or "the

transfer of materials from one context to another" (Ulmer, "The Object of Post-Criticism" 84),

offers a move toward visualizing the collection of stories-so-far from a variety of contexts (e.g.,

newsprints, government documents, ledgers, letters, etc.) that shaped and were shaped by the

development and early operations of the SCP. Montage offers a complimentary move as an

attempt to capture the ironic and dynamic simultaneity perspectives of SCP as spatio-temporal

event.

Montage offers a method for maintaining an ironic perspective of perspectives and

resisting relativistic reduction. Jeffrey W. Murray articulates the relationship between irony and

montage: "[I]rony results when two or more perspectives enter into dialogue with one another.

Irony is not a way of seeing; it is the *montage* that results when two or more ways of seeing

overlap. Irony is a simultaneous seeing this way and seeing that way" (29; emphasis added).

While Murray's use of montage here is coupled with the term "overlap," which potentially

evokes a static, collage-like layering of perspectives that could be viewed in terms of

consubstantiality, he immediately confronts this notion of substantial layering by arguing that

"[i]rony is not 'based upon' an existing consubstantiality," and instead, "upon" (I would say,

"in" or "through") conflict. "A particular way of seeing becomes ironized when it is called into

question by another way of seeing," Murray explains, "[q]uite often, irony arises from Others

with whom one is not already consubstantial" (ibid). The view of irony as perspectives in

conflict clearly aligns with Sergei Eisenstein's conception of montage as cinematographic

conflict/collision: "By what, then, is montage characterized and, consequently, its cell—the shot?

By collision, by the conflict of two pieces in opposition to each other. By conflict. By collision"

(37). Beyond conflict/collision between "independent" or opposing shots (49), Eisenstein

identifies a variety of perspectival conflicts within individual frames that can be brought together

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into a "dialectic formula of conflict" as a whole, a "unified system for methods of cinematographic expressiveness" (39). And/Or, montage can be seen as a means of expressing an ironic perspective of perspectives in dialectic drama, with the potential to resist reductive relativism.

Resisting reductive relativism requires an awareness of myriad perspectives, which can be dramatized/expressed, to an extent, through montage. Eisenstein characterizes the conflict/collision essence of montage in terms of "the 'dramatic' principle," clarifying this identification as a "methodology of form—not to *content* or *plot*" (49). In other words, the *essential form* of montage arouses and fulfills the desire of conflict/collision, maintaining a dramatic dialectic of perspectives. However, this dramatic dialectic of perspectives is contingent on *characters* (which we can view in terms of historical periods, cultures, individuals, and in terms of cinematographic elements of light, sound, masses, etc.), which has the potential to invite reductive relativistic readings: "People usually confuse the dialectic with the relativistic. Noting the dialectic (or dramatic) explicitly attempts to establish a distinct set of characters, all of which protest [conflict/collide] variously at odds or on the bias with one another, they think no further" (Burke, *A Grammar of Motives* 512). This comes to the fore in cinematography, in an easy example, through an emphasis on the perspective of the director as the ultimate perspective to which the terms of the other *characters* can be reduced. From this perspective, the role of the other *characters*, including the viewers, is to discern the terms of the director in order to become consubstantial, or to build "upon" an already existing consubstantiality.

The conception of essential dramatic conflict/collision directed completely by the director, falls apart relatively quickly through the recollection of experiences of conflict in the production itself. "Cinema is," in Eisenstein's view, "so many corporations, such and such

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turnovers of capital, so and so many stars, such and such dramas" (28). In other words, cinema

and cinematography-as-montage are products and representations of conflict/collisions

(collections) of stories-so-far from a dynamic simultaneity of perspectives that, in Burke's

vocabulary, never "begin or end, but rather… change in intensity or poignancy," and contribute

to an ironic certainty of the experience of observing (Burke, *A Grammar of Motives* 513) a

continuity of a lot of action ("Exterminate All the Brutes"). While this is certainly not exclusive

to montage, and has been discussed in terms of "ghostwriting," possession, etc. (See Jensen,

Reimagining Process 117–18),[59] montage can capture this dynamic simultaneity, the spatio-

temporal events of place and of place-based research through the archive in a valuable way.

Figure 3.2. Screenshot of the Video Collage/Montage.

This video begins with me "building" the SCP out of cardboard in a layout that I imagined from
my collected archival records covering the period from 1867 to 1880. As I erect the buildings, I
incorporate green army toys to signify the military occupation in SC during the early years of the
penitentiary's establishment. As the fence goes up, intentionally haphazard as many officials
complained about the poor condition of the wooden fence, I begin to incorporate incarcerated
people. I have hand-drawn the incarcerated population, including attempts to represent the
punishments described during the inquiry, who increase in numbers as the prison "develops."

The tan army toys represent the increasing presence of prison staff and officials that eventually replaces the military occupation. As the buildings are established, I collage archival records (represented by the printed newspaper pages mentioned in the previous experiment) over the cardboard to reinforce their structure physically and symbolically. Eventually, the entire prison is covered in overlapping stories-so-far to represent the SCP as a spatio-temporal event. To further highlight the SCP as a collection of stories-so-far, I incorporate images of letters sent to the superintendent (pulled from the Superintendent's Files from this period) and read them aloud, layering the audio at times. In addition to the material place of the "penitentiary," the video highlights my process and situated stories-so-far that influence my interpretations of the archival records and my representation of the SCP in this video and in the previous pages. As such, the video includes a montage of video/music clips that I found to be influential to my thinking while writing this chapter.

Source: Hunter, Cody. "Video Collage/Montage." *YouTube*, 5 March 2022, https://youtu.be/NeAEQ7cAyk4.

CHAPTER FOUR

"WHY NOW?"

Between 1973 and 1975, D.C. police arrested more than eight thousand black people for marijuana possession. One might have expected them or their family members to serve as witnesses or public voices in the debate over decriminalization. But though they were referenced in the abstract, there were no flesh-and-blood black victims of the nascent drug war making the case for [marijuana decriminalization] … As the tough-on-crime movement gathered force, those who had been arrested or convicted rarely participated in debates over criminal justice policy, in D.C. or nationally. They rarely told their stories. And their invisibility helps explain why our criminal justice system became so punitive.

James Forman Jr., *Locking Up Our Own:*
Crime and Punishment in Black America[60]

i'll tell you, man, my friend william came to me with a message of hope. it went: "fuck you and everything that you think you know. if you don't step outside the things that you believe they're gonna kill you." he said: "no one's gonna stop you from dying young, and miserable, and right, but if you want something better, you gotta put that shit aside.

Pat the Bunny, "From here to utopia (song for the desperate),"
The Volatile Utopian Real Estate Market[61]

The Unique Cases of D.C. and Joel Castón: An Invitation to Deliberative Democracy

Incarceration policies and practices culminate from myriad (symbolic) interactions

among members of the public and decisionmakers. As discussed in the previous chapter, the

decision to establish the penitentiary was hashed out in congress and the local papers and was

influenced by transformations in local and "national" politics. Subsequent decisions during the

early years of the SCP, regarding its operations and development, were greatly influenced by

members of the public and governing bodies, radically expanded and shifted by the

enfranchisement of freedmen, and the officials at the yet-to-be-systematized penitentiary. By the

mid-twentieth century, systems theorists imagined a system of incarceration that was self-

regulating and free from public and political interference (Blumstein; Blumstein and Moitra), but

the case of the SCP and the rhetorically informed spatial theory approach proposed in this

dissertation make it hard to imagine that this has ever been, or could ever be, the case. While contemporary critiques of populism and politicization, as the causes of mass incarceration, have resulted in calls for technocratic solutions (for examples, see, Barkow; Blumstein), others have called for greater communication and public engagement to address this crisis (for examples, see, Schenwar and Law; Sered). In turn, this chapter deals with questions of who counts as members of the "public," how these voices influence politics, and how we can achieve more inclusive public discourses and political decisions through deliberative democracy.

On June 7th, 2021, @Neighbors4JDC (i.e., Neighbors for Justice) posted a tweet thanking @DCCorrections for helping to prepare a campaign video featuring candidates for the Ward 7 Advisory Neighborhood Commission (ANC 7F07) election. All of the five candidates were, at the time, incarcerated in the District of Columbia's Central Detention Facility (i.e., the D.C. Jail). Before we dive into the content of the campaign video, it's important to examine some of the unique characteristics of this election, starting with the role of the ANC in D.C. politics.

The ANC is, as the full title outlines, a commission populated by neighborhood-based representatives who are elected to serve as intermediaries between their communities, the District government, and local and federal agencies. These unpaid positions "were established to bring government closer to the people, and to bring the people closer to government," though as representatives serve in an advisory capacity, their "main job is to be their neighborhood's official voice… [and the District/Federal bodies] are not required to follow the ANCs' advice" ("About ANCs"). However, these governing bodies *are* required to give the advice "great weight" and "cannot take any action that will significantly affect a neighborhood [e.g., "zoning, streets, recreation, education, social services, sanitation, planning, safety, budget, and health services"]" without 30 days' notice to the community's ANC (ibid). While this may seem like a

somewhat ceremonial role, the "great weight" requirement is significant, according to former

ANC Commissioner David F. Garrison: "The most important feature of this unique experiment

in neighborhood-level governance is the requirement in the ANC statute that District government

boards and agencies give ANC recommendations 'great weight,'" which stipulates that "city

government entities must consider ANC comments and proposals and, where the ANC

recommendations are not supported, put in writing the reasons for not doing so" (160–61).

While Garrison notes the "murk[iness]" in the phrase, "great weight," he also observes that "over

the two-and-a-half decades of its application, the 'great weight' requirement has raised

expectations with most District of Columbia local government officials and board members that

ANC recommendations are to be taken seriously if not always followed" (161). Thus, while the

ANCs do serve in an advisory role, it is a significant one, and one that is unique to D.C.,

resulting from the passage of the Home Rule Act in 1973.[62]

The ANCs are an outcome of the 1973 Home Rule Act in D.C. that provided the majority

black District with a level of self-determination following a legacy of white supremacist

governance. Following Reconstruction, D.C. was governed by Southern Democrats who,

according to James Forman Jr., "had no interest in granting even a measure of self-determination

to a city with so many black residents" (18). For example, through the 1950s and 1960s,

"avowed racist" and South Carolina representative, John L. McMillan "ran the House of

Representatives' District Committee… [and] viewed the District as his private plantation,

stocking the local government with cronies who shared his antipathy toward blacks" (ibid).

However, Congress's passage of the Home Rule Act, while not granting full autonomy to D.C.,

massively increased the authority and legislative capacity of the District's mayor and city council

(ibid 19).[63] The Act helped to re-enfranchise D.C.'s majority black population, 70 percent in

1975 (ibid 18), in terms of local self-governance, and this was furthered by the incorporation of the ANC provision by referendum, which received 73 percent of the vote (Garrison 159). This re-enfranchisement was taken a step further in 2020 when the District Council passed a bill restoring the right to vote to incarcerated felons.[64]

D.C. is one of only three regions in the US that allows felons to vote while incarcerated, and while the right to run for *federal* office from jail or prison is constitutionally protected, D.C. is again somewhat unique for allowing incarcerated people to run for *local* office while incarcerated. In 2020, D.C. joined Maine and Vermont, who have never disenfranchised voting rights for incarcerated citizens, in allowing currently incarcerated felons to vote (Austermuhle), overturning the provision in Congress's 1955 D.C. Election Act which codified the "permanent disenfranchisement of felons" in D.C. and the subsequent revisions that culminated in disenfranchisement only while incarcerated for a felony (Clegg et al. 3).[65] While the right to run for federal office while incarcerated, regardless of charge, is protected by the US Constitution, which specifies only age, citizenship, and residency requirements ("Constitution Annotated"), "[s]tates have more leeway when it comes to setting rules for who may hold state level office" (Greenberg). The Code of the District of Columbia specifies no restrictions in terms of felonies or incarceration ("§ 1–1001.08"). This leads us back to the historic election of Joel Castón as ANC 7F07 commissioner while he was serving the remaining months of a twenty-six-year felony sentence in the D.C. Jail, from a field of incarcerated candidates and by an almost entirely incarcerated voting base.

Returning to the Neighbors for Justice tweet, the post links to a video that includes each incarcerated candidate's stump speech. It features four candidates in orange jumpsuits Keith Littlepage, Kim Thompson, Aaron Brown, and Gary Proctor and a fifth, Joel Castón, wearing a

white sweatshirt that reads "CREDIBLE MESSENGER," an organization that connects "justice involved/at-risk" youth with, often previously incarcerated, local mentors ("The Credible Messenger"). In the video, the men make campaign promises to advocate for the Ward, which includes the D.C. Jail, the Harriett Tubman Women's Shelter, St. Colletta School for Greater Washington (Le Dem), and "the [new] two hundred-some-fifty-yard [Park Kennedy] apartment condos," on issues like improvements to city services, education, healthcare, mental illness, COVID lockdowns, better paying jobs, commissary profits and practices, and gender equality (@Neighbors4JDC). Additionally, they share personal stories and powerful arguments: "I was actually born across the street [from the D.C. Jail]," Thompson explains, "my family still lives close by. I have been advocating for change in conditions for our community for over 45 years," and Brown closes his statement with a call for reimagining the role of the individual in a community: "Success should not be measured by how far a person make it in life. Success should be measured by the obstacles and barriers that we overcome together" (ibid). Castón, who won the election with 48 out of the 142 total votes cast (Korff), all but one of which was cast by a person incarcerated in the D.C. Jail (Cuccia), [66] speaks directly to his various constituents:

> Imagine a single member district where every voice matters, every concern is heard, and every person is valued … To the residents of Park Kennedy, welcome to our community. As your commissioner, I will make sure that I hear your concerns, and that your voices will always be a part of the platform that I speak for. To the women from the Harriett Tubman Women's Shelter, as a son of a queen, my mom who is 78, she taught me the value of respecting the lives of women and family. I am serious about your concerns, and I will weigh every matter that you have into deep consideration to be your strongest

advocate. To my fellow comrades, incarcerated residents here at D.C. Jail, my platform will be used to restore the dignity of incarcerated people—that we will no longer be judged by our worst mistake—and establish equality for both the male and female population that has often been overlooked inside this space. I will be your biggest advocate to make sure that your voice and your concerns are heard. (@Neighbors4JDC)

Rather than speaking to specific policy positions that he holds, which every other candidate emphasizes, Castón addresses his constituents in terms of values, offering a deliberative approach to developing his campaign's advocacy priorities. While he did voice some policy priorities in an interview with *The Georgetown Voice* following the election, his first step will be "a survey of the jail's residents to hear what their concerns are," to better advocate for this, often overlooked, community's needs, perspectives, and stories (Cuccia).[67] While this situation is certainly unique, as are the specifics of D.C. politics, this story offers significant insights in terms of civic engagement in local communities, including among incarcerated community members.

The story of Joel Castón's election elaborate the importance of civic engagement for incarcerated people. As Tony Lewis, Sr., a D.C. citizen serving a life sentence, explains, "[v]oting would make me feel like a citizen again. I want people in power who care about public safety, good schools, affordable housing, jobs, and sentencing reform for my two granddaughters in Washington, D.C." ("DC Council Approves").[68] In addition to having a voice on regional issues and national issues, Marc Mauer highlights the significance of incorporating incarcerated voices in policymaking on incarceration: "In the area of incarceration policy specifically … why would we not want to have the perspectives of the people who have experienced those conditions most directly incorporated into the electoral discussion? … Anecdotal evidence regarding

prisoner input on the public debate suggests that enfranchisement may in fact encourage candidates to engage prisoners in dialogue" (558). Discussions on incarcerated people's civic engagement are not limited to policy outcomes, both within and beyond the facility, but has also been linked to successful community re-entry: "Castón pointed out that community and civic connection can reduce re-incarceration rates. Even for returning citizens unlikely to reoffend, he sees enfranchisement as a crucial bridge to the rest of the community. 'What type of people do we want back in society?' he asked. The answer—people who are civically engaged, people like the ones who voted in his [sic] election" (Cuccia). The thread that connects each of these arguments can be outlined in terms of *narratives about* versus *stories of* incarceration and the inextricability of these stories from the community (or from place as a collection of stories-so-far).

In terms of the rhetorical spatial theory approach that I propose in this dissertation, questions of civic engagement among incarcerated people provide insights into accessing the dynamic simultaneity of perspectives, and stories-so-far, that shape and are shaped by communities (or places), and how the incorporation of these stories can impact (grand) narratives about incarceration. Along the lines of Hinton's approach, Forman Jr. argues that "[m]ass incarceration is the result of small, distinct steps, each of whose significance becomes more apparent over time, and only when considered in light of later events" (45). Following that logic, the dissolution of mass incarceration (and potentially the undergirding logics of incarceration and dehumanizing policies broadly) will also result from seemingly small, distinct (symbolic) actions.

This approach pulls back from the level of (grand) narratives about incarceration (e.g., socio-economic, race, etc.), and focuses on the level of stories-so-far that, while they may

include these motives, are not wholly explainable in terms of the motives outlined by the (grand) narratives. Fulfilling the promise of this approach requires the incorporation of incarcerated voices, which this chapter examines in terms of civic engagement, and providing incarcerated citizens with the opportunity to "refram[e] the narrative about what it means to be incarcerated and why people are incarcerated" (Cuccia). As Castón argues: "'Our narratives are often shaped with a single narrative and I believe that that's not telling the full story,'" and speaking to the transformational moment offered by his election, "'I want to use my campaign to humanize us'" (ibid). While re-enfranchisement is a crucial step in this work, voting homogenizes and generalizes people's perspectives and stories in terms of pro/con position statements. However, the framework of small-scale, deliberative engagement provided by the ANC, through which community members, including those experiencing incarceration, are offered opportunities to share their specific stories and, in some cases, shape local policy, leads us to explore another approach to civic engagement: Deliberative democracy.

This chapter focuses on civic engagement in terms of deliberative democracy and how these practices are being used in prisons. The first section offers a brief introduction to deliberative democracy theories from a variety of perspectives, while focusing on the roles of rhetoric, storytelling, and listening. While rhetoric is treated in very limited terms in much of the scholarship on deliberative democracy, I argue that deliberative democracy, at its core, is a rhetorical project and warrants attention in terms of my proposed methodology. The second section explores deliberative democracy practices through a rhetorical lens and focuses on the delineation between deliberative democracy and democratic deliberation forums. The third section provides a brief overview of literature that addresses democratic deliberation in prison

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settings specifically, and in the fourth section, I focus on the stories-so-far of two moderators who have hosted democratic deliberation forums in several US prisons.

While I had hoped to speak with formerly incarcerated participants in these forums, I have yet to make contact with anyone who isn't currently on probation or parole, which requires a full IRB review process that will have to wait until a later iteration of this project. As the previous chapters of this dissertation have largely excluded/exiled the perspectives and specific stories of incarcerated people in terms of incarceration research, policy, and practices, and though I haven't been able to include any direct conversations in this chapter, I argue that deliberative democracy and democratic deliberation forums in prisons offer an approach to civic engagement for incarcerated people that is grounded in stories-so-far rather than (grand) narratives and provide greater access to the dynamic simultaneity of perspectives that shape and are shaped by our (democratic) communities for researchers, policymakers, and practitioners.

Deliberative Democracy as a Rhetorical Project

The phrase, "deliberative democracy," covers a broad range of theoretical and practical approaches. While we provide only a brief overview in this section, Selen A. Ercan and John S. Dryzek provide an outline of unifying traits, or "common core," that may help to orient our discussion: "That core is defined by putting communication at the heart of politics, recognizing the need for effective justification of positions, stressing the pursuit of reciprocal understanding across those who have different frameworks or ideologies, valuing of inclusion and reflection, and suspicion of coercive, deceptive, and strategic uses of language" (241). In other words, an invitation to rhetoric? Clearly, but not quite yet.

A central figure in discussions about deliberative democracy is Jürgen Habermas, whose concept of "communicative action" offers a hinge point between two prominent theoretical

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approaches, one in favor of his theoretical construction and the other developed in opposition. Habermas defines communicative action as occurring "when the action orientations of the participating actors are not coordinated via egocentric calculations of success, but through acts of understanding. Participants are not primarily oriented toward their own success in communicative action; they pursue their individual goals under the condition that they can co-ordinate their action plans on the basis of shared definitions of the situation" (qtd. in Bächtiger et al. 36). In other words, approaching deliberative democracy through Habermas's theory centers on consensus, in terms of the situation and action(s), that is grounded in consensual understanding (i.e., non-coercive). The threads from Ercan and Dryzek's shared core are immediately obvious in terms of understanding and freedom from (related to suspicion of) coercion, but there are clear points of departure as well. The tenet of consensus presents a point of contention among deliberative democracy theorists, as do the emphases on "rational discourse" and "a systematic process" for deliberation, whereby participants "are willing to yield to the force of the better argument" through rational judgement, free from existing power dynamics (Bächtiger et al. 33). It is from these key points that an alternative approach to deliberative democracy developed.

The second approach to deliberative democracy theory focuses more on outcomes than systematic process and broadens the precise scope established by Habermas's communicative action. In contrast to rational consensus as the desired outcome of deliberation, this approach proposes metaconsensus that is measured through intersubjective rationality. In other words, while the participants in the deliberation might not agree on the specific outcomes, they agree on the terms by which this outcome was achieved: "[A]lthough consensus is not assured, at least there is a high degree of confidence the outcome is the result of reflection that at least takes into

account the viewpoints of others" (ibid 46). Participants' access to these viewpoints is also expanded in this approach through a broader definition of acceptable communication for deliberative processes. This approach includes "non-rational" forms of communication, including "story-telling, personal experiences, humor, [and] rhetorics" (ibid 54), challenging "an identification of reasonable public debate with polite, orderly, dispassionate, gentlemanly argument" (Young qtd. in Bächtiger et al. 43) and providing a potential avenue for mitigating the power dynamics and exclusionary tendencies implicit in the emphasis on "rational" discourse, and consensus based on "reasoned" argument. This approach offers the remaining core elements identified by Ercan and Dyzek's by emphasizing inclusion and reflection, while expanding opportunities for justifying positions and recognizing different frameworks and ideologies (beyond purely "rational" arguments). These contributions are inextricable in this second approach and invite further attention to the rational-nonrational dialectic.

The rational-nonrational dialectic is frequently discussed in terms of reason versus emotion, and has been closely linked to questions of inclusivity in deliberation. Critiquing the Habermasian communicative action approach to deliberative democracy, Iris Marion Young claims that it "privilege[s] speech which is dispassionate and disembodied. Defences of these norms tend to presuppose an opposition between reason and emotion. They tend falsely to identify objectivity with calm and the absence of emotional expression" (39). She goes on to link this binary to underlying power dynamics and assumptions, which associates "allegedly dispassionate speech styles" with "[t]he speech culture of white, middle-class men… without significant gesture and expression or emotion," which she sets in contrast with "[t]he speech culture of women, racialized or ethnicized minorities, and working-class people," which "often is, or is perceived to be, more excited and embodied, values more the expression of emotion,

uses figurative language, modulates tone of voice, and gestures widely" (39–40). While Young argues for the rejection of this binary on the grounds that "emotional and figurative expression are important tools of reasonable persuasion and judgement" (39), the identification of particular groups as falling on either side of the binary has "been criticized for perpetuating the dichotomy between reason and emotions, or reason and passion. This dichotomy is said to play a major role in reinforcing inequalities of gender, race, and class" (Saam 755).[69] And though categorization in terms of a reason-emotion binary is overly simplistic and may in fact reinforce not only the binary, but the inequalities that accompany it, what is of interest here is the rational-nonrational binary in terms of the specific forms of expression on the negative end of this dialectic, particularly storytelling and rhetoric, and how these operate in terms of inclusion and reflection.[70]

While Young uses narrative and storytelling interchangeably, the rational-nonrational dialectic can be productively interrogated by situating her advocacy for including this form of communication in deliberation in conversation with our discussion of narrative in terms of storytelling from Chapter 2. Young introduces the incorporation of storytelling as a means to counter what could be described as (grand) narrative: "[B]ecause participants in a political public do not have sufficiently shared understandings to fashion a set of arguments with shared premises, or appeals to shared experiences and values… the assumptions, experiences, and values of some members of the polity dominate the discourse and that of others is misunderstood, devalued, or reconstructed to fit the dominant paradigms" (71). It is useful, in terms of the vocabulary of this dissertation, to re-read Young's "paradigm" as "narrative," by which differences are flattened and the narrative is generalized and removed from its compositional and situated stories. Rationality, in these terms, appears to be a shared

understanding of a generalized narrative at the level of principle that can be applied deductively to a variety of situations. The nonrational, in this instance, appears as any divergence from the shared understanding founded in objective narrative (e.g., Modernity not as a situated and motivated description of social organizational practices, but as a rational and objective statement about reality). Similarly to our call for resituating narrative as stories that are interpreted and perpetuated by situated speakers, Young advocates for the expansion of social knowledge through the incorporation of situated stories while simultaneously offering, in so many words, an invitation to rhetorical listening.

Tailored to our parlance, Young advocates for storytelling as a means of destabilizing (grand) narratives while outlining several steps in this process that can be articulated and advanced through rhetorical listening. "Each person and collective has an account not only of their own life and history, but of every other position that affects their experience," which, according to Young, invites listeners to "learn about how their own position, actions, and values appear to others from the stories they tell," the combination of which advances social knowledge: "[Storytelling] thus exhibits the situated knowledge available from various social locations, and the combination of narratives from different perspectives produces a collective social wisdom not available from any one position" (76). In other words, Young presents storytelling in a way that's akin to a spatial theory approach, which can readily be interpreted in terms of social locations (i.e., our expanded notion of place) as stories-so-far in the wider power-geometries of space, and advocates for storytelling as epistemological practice. And although Young focuses on the speaking side of the logos, for example, explaining that stories "can speak across our differences to promote understanding" (72) and aid in the formation of affinity groups

(73), her particular points of emphasis can be elaborated further through an undivided logos with attention to non-identification as deliberative practice.

The integration of rhetorical listening in deliberative democracy theory offers valuable insights and further destabilizes the rational-nonrational binary. Young describes reasonableness as "willingness to listen" (24) and cites recognition and acknowledgement as preconditions for listening (79), and Ercan and Dryzek highlight the significance of listening for deliberation: "To be clear, deliberation is not just about communicating, it is also about listening and reflecting— without which communication is pointless" (242). To illustrate what they mean by listening and reflecting, the Ercan and Dryzek analyze a quote by Benjamin Barber: "'I will listen' means in the context of a democratic discourse 'I will try to understand, I will strain to hear what makes us alike, I will listen for a common rhetoric evocative of a common purpose or a common good'" (Ercan and Dryzek 242–43), or, in other words, for commonalities and points of identification. Listening for commonalities, as Ratcliffe points out in her critique of Burkeian identification, tends toward a dismissal of difference and inattention to the exiled excess, which is precisely what Young attempts to curtail through her incorporation of storytelling in deliberation.

As such, non-identification offers a complimentary approach for practicing listening in deliberation which, with the practice of standing under discourse/narrative, offers a radically inclusive approach by sustaining attention on not only the commonalities and differences expressed (and embodied) in deliberation, but also to the exiled/excluded excess. Further, through this practice self-reflective and active listening, questions of rational-non-rational begin to break down as "rationality" is revealed as a substance term (illustrated nicely in the hyphenated dialectic), defined by the negative (e.g., dis-passionate, un-emotional, dis-embodied, etc.) and its relationship to (situated) reasoning.[71] While, as we have briefly illustrated,

rhetorical theory and practice can help articulate/facilitate the goal of inclusive deliberation, the association of rhetoric with artifice, in opposition to reason, helps to explain its marginalization in deliberative democracy theory.[72]

Deliberative democracy theorists engage with rhetoric in terms of the limited view of rhetoric as manipulations of reason and/or as an additive to discourse. In terms of the Habermasian approach to deliberation, "[r]hetorical speech… aims not to reach understanding with others, but only to manipulate their thought and feeling in directions that serve the speaker's own ends" (Young 63) and operates unequivocally against the shared core of the variety of approaches to deliberative democracy. In her defense of rhetoric, attempting to reclaim it from the murky depths of pure lying, Young discusses it in terms of style, or the nonrational methods of speech (e.g., emotion, figurative language, gesticulation, etc.) that she works to incorporate into a more inclusive theory of deliberation. "The concept of rhetoric," she explains, "assumes a distinction between *what* a discourse says, its substantive content or message, and *how* it says it. The general category of 'rhetoric', as I understand it, refers to the various ways something can be said, which colour and condition its substantive content" (64–65). [73] It is significant that the *what* of discourse, its content, is defined twice in terms of substance, upon which rhetoric is layered. In this view, discourse is what supports rhetoric, though it can stand alone as "non-rhetorical speech that is coolly and purely argumentative" (ibid 64).[74] In other words, discourse is the "they know not what" upon which rhetoric rests (Locke qtd. in Burke, *A Grammar of Motives* 22) and is defined, in this example by Young, in terms of its negative: Non-rhetoric. While Young acknowledges this ambiguity (i.e., "as I understand it"), elaborating dispassionate and neutral speech as a rhetorical *style* in and of itself (63), and advocates for rhetoric's

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persuasive function as necessary for moving "from reason to judgement" in deliberation (69), the conception remains that rhetoric is an additive to pure information/discourse.

However, deliberative democratic theory, and here we mark another core characteristic that could be productively added to Ercan and Dryzek's list, is concerned with action (as a normative theory and practice) and thus offers a clear invitation to rhetoric. In terms of both the symbolic action of consensus and the action of outcome-oriented approaches, we are in the realm of rhetoric at the level of opinion: "The kind of opinion with which rhetoric deals, in its role of inducement to action, is not opinion *as contrasted with truth*. There is an invitation to look at the matter thus antithetically, once we have put the two terms (opinion and truth) together as a dialectical pair. But actually, many of the 'opinions' upon which persuasion relies fall outside the test of truth in the strictly scientific, T-F, yes-or-no sense" (Burke, *A Rhetoric of Motives* 54). In other words, both approaches to deliberative democracy outlined in the preceding pages operate "in the moral order of *action*" and are, at their core, rhetorical projects. While the first approach focuses on identification in terms of seeking, above all, common ground in the form of consensus, the second approach invites the rhetorical listening practice of non-identification in the project of rhetorical invention, in terms of deliberated outcomes.[75] For these reasons, rhetorical theory can bring a useful dimension to deliberative democracy theory, and practices, and can help to elucidate questions about civic participation.

Practicing Deliberative Democracy and Democratic Deliberation: A Rhetorical Approach

There are two primary approaches to deliberative democratic practices: Deliberative democracy and democratic deliberation. Practicing deliberative democracy is conceived of in terms of mass democracy. In other words, citizens engage in deliberative dialogues with one another to motivate state action and the theories that focus on this practice emphasize the need to

foster a more deliberative public. By contrast, democratic deliberation focuses on small-scale

deliberative forums that follow the more outcome-oriented (in terms of policies, actions, etc.)

approach emphasized by the counter-Habermasian theory described in the previous section.[76]

This section addresses both of these approaches to deliberative practice and analyzes the

theoretical foundations for each in terms of incarcerated populations.

A rhetorical approach to deliberative democracy centers on public opinion as the

foundation for action. Using guiding concepts from the theory of civil society, Gerard A. Hauser

and Chantal Benoit-Barne argue, "[w]hereas traditional rhetoric encourages us to think of a

public realm as important for informing displays of virtuosity that may lead the community to

rectitudinous action, civil society highlights the public sphere's ability to authorize action

through public opinion" (267). In this view, public opinion is not established through polling or

elected representatives' (symbolic) actions, but is instead conceived as "the civil judgements we

reach through the convergence of formal and vernacular interactions dispersed across society,

occurring in different media, and emanating from voices representative of different viewpoints.

Civil society redirects our attention to the language of social dialogue on which our

understanding of political interests and possibilities rest" (ibid 267). In other words, Hauser and

Benoit-Barne focus on deliberative democracy in terms of mass democracy, where myriad

everyday, social interactions form, disrupt, shift, etc. publics, and from these interactions (or

relationships), individuals and groups gain the social capital required for deliberation. The

development of these relationships as the foundation for social capital acquisition is deeply

rooted in trust: "[T]rust emerges from participating in the secondary associations [or publics] that

constitute the web of civil society. The rhetorical culture of these associations produces social

capital by exposing their members to alternative rhetorics, to the range of difference and the

mediating grounds of similarity that make it possible for them to form a civic community based on relations of collaboration" (ibid 272). These definitions raise a few key questions about deliberative practices, in terms of civil society/publics, trust, and social capital, that must be addressed before we can turn our attention to deliberative democratic practices in prisons.

Grounding deliberative democracy in terms of civil society/publics, trust, and social capital, present issues when considering incarcerated people. Incarcerated people and people convicted of felonies are physically and intentionally removed from "civil" society and experience varying degrees of disenfranchisement, which limits their access to non-incarcerated publics (e.g., expensive telephone services, rural prison locations, etc.).[77] Further, the emphasis on trust and social capital present issues for incarcerated and formerly incarcerated people seeking to participate in civic deliberation. "There are those who contend that people who break the law are by definition untrustworthy and therefore should not be in a position to determine the laws that govern society," Mauer explains and argues that this sentiment is premised "on the dubious assumption that people who have been convicted of stealing a car, for example, cannot be trusted to participate in decision-making about which of two candidates has a more reasonable position on the war in Afghanistan, publicly-funded abortions, or health insurance policy" (Mauer 557). In other words, Mauer notes a preference toward disidentification with people who have experienced incarceration, which hinders the trust- and relationship-building necessary for the accumulation of social capital and forestalls attention to the "mediating grounds of similarity that make it possible for them to form a civic community based on relations of collaboration" (Hauser and Benoit-Barne 272). This risks excluding the perspectives of people who have experienced incarceration from deliberative processes and public opinion, which authorize (theoretically) state action (ibid 267). Beyond a clear call for rhetorical non-identification to

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foster an increasingly equitable and inclusive "civil" society, Mauer's observation reveals a blind spot in the relationship between incarceration and democratic theory.

Focusing on disenfranchising people who have experienced incarceration emphasizes the impact of political organizational practices on incarceration policies while neglecting the impacts of incarceration on politics. Albert Dzur, Ian Loader, and Richard Sparks argue that democratic theory has "avoid[ed] the real world of mass incarceration," which has led to the risk of it "becoming less democratic, less relevant to political reform, and less able to contribute productively to public discourses" (Dzur et al. 8). In turn, the focus of democratic theory has been on the impacts of political actions on incarceration, discussed at length in Chapter 1 in terms of neoliberalism, populism, etc., while neglecting the impact of mass incarceration on democracy. Taking this alternative approach, according to Dzur, et al., requires that democratic theorists "ask sharper questions about the collateral effects of the transformation of the carceral state upon political participation, the formation of civic identities and the associational life of impacted communities," and to develop a robust research agenda that includes, "demonstrating that how societies punish goes to the quality and reach of their democratic claims; problematizing the relations between (excessive) punishment and democratic legitimacy; and identifying the ways in which crime control institutions attend to, or breach, democratic principles" (8–9). While scholars are drawing attention to the role of public deliberation in establishing criminal justice and incarceration policies and practices (de Greiff; Rowan; Dzur and Mirchandani; Cheliotis), little scholarly attention has been paid specifically to the role of incarcerated and formerly incarcerated citizens in these deliberations and as members of a more deliberative civil society more broadly. If it is true that, "the deliberative, inclusive spirit knows no exceptions, requiring, for example, even convicted offenders to have some voice in their fate"

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(Taslitz 135), I take issue with Talsitz's use of *even* here, it is crucial to explore alternative practices of deliberation that might better elaborate the potential for social capital and trust building among incarcerated citizens that Hauser and Benoit-Barne argue are essential for a deliberative (mass) democracy.

While deliberative democracy focuses on mass democracy in terms of civil society, democratic deliberation focuses on small-scale, intentional forums for deliberating on local and national issues. Observing, from Plato's view, that "it is not at all clear that the broad informal public sphere can be deliberative… because it cannot be dialogical," Simone Chambers draws a distinction between democratic deliberation practices, "which focus on discrete deliberative initiatives within democracies," and deliberative democracy practices, "which attempt to tackle the large questions of how the public, or civil society in general, relates to the state" (324). Democratic deliberation, which Chambers argues is on the rise, focuses on systematically organized mini-public forums convened to deliberate on policy issues (329–30) with an emphasis on decision making "or, at the very least, choice" (332). The issue with this approach arises in terms of the impact of these mini-public deliberations, as implementing their recommended actions is often contingent upon processes associated with mass democracy (e.g., voting): "Unless we have a good grasp of how the broader democratic context can be shaped to compliment, or at least not undermine, deliberative experiments then many of the democratic advantages of mini-publics will be lost" (ibid 331). Understanding the relationship between democratic deliberation and deliberative democracy requires attention to the speaker/audience relationship, aided by a rhetorical ecological approach, and has the potential to elaborate the utility of democratic deliberation forums in prisons for fostering civic engagement among incarcerated populations.

Uses of mini-public deliberations in the context of mass democracy, and largely monologic political practices that accompany it, can be elaborated through a rhetorical ecological approach, which is important to understanding the role that democratic deliberation can play in prisons. Chambers highlights using mini-publics to deliberate on the quality of monological speech in the public sphere (e.g., by elected officials), rather than exclusively focusing on outcomes (e.g., decisions, actions, etc.). In this way, mini-public democratic deliberations can serve the function of bringing citizens together to examine policy, while also offering opportunities to practice the skills that are necessary for a more deliberative democracy: "[T]he face-to-face encounters of everyday talk, from the point of view of promoting the skills needed to be a critical yet receptive audience" (340). In other words, the goal of democratic deliberation in the context of mass democracy is not exclusively focused on the public policy outcomes of these forums, but also on the skills that individuals gain and take with them beyond the forum. This highlights the distributive quality of rhetoric that Jenny Rice observes in her work on rhetorical ecologies, which attends to public rhetoric in terms of "a mixture of processes and encounters" (Edbauer 13). Extending beyond theories that privilege deliberative democracy in terms of processes and outcomes, the emphasis on individual participants developing deliberative skills in mini-public forums and the skills they take with them into mass public (i.e., "civil" society) encounters is crucial to understanding the potential impact of democratic deliberation forums in prisons, as publics, and how these experiences can serve in engaging people who have been incarcerated in deliberative (mass) democracy and engaging "civil" society in deliberations with currently and formerly incarcerated citizens.

Democracy and Deliberation in Prisons Can Have Lasting Impacts

Literature on deliberation in prisons focuses primarily on incarcerated people's participation in prison governance and, far less frequently, on democratic deliberation forums in prisons that deal with broader policy issues and public/civic engagement. The former focuses more on participatory governance (for examples, see, Berk; Osborne, *Society and Prisons*; Osborne, *Prisons and Common Sense*; Stastny and Tyrnauer) and the role of deliberation in these organizational practices (Schmidt), though it yields some insights into the role of democratic engagements in prisons that are valuable for understanding the impact of democratic deliberations in these settings.

Christopher D. Berk conducted in-depth research on primary accounts from the Massachusetts Correctional Institution at Walpole during the officer strike that lasted over two months in 1973. During this period, the prison was governed by prisoners who had been elected to the newly formed prisoners' union, the National Prisoner Reform Association (NPRA). While Walpole had been "the most violent prison in Massachusetts, perhaps even the most violent in the country" prior to the strike (Berk 276), during NPRA governance, "[t]here were no murders and little violence, and the prisoners ran the kitchen and the foundry, maintained security, deliberated over policy and action, and negotiated with the prison administration" (ibid 277). While Berk notes the issue outlined by Chambers, in terms of the impact of deliberative democracy on institutions and mass democracy, favoring instead "[a] revitalized participatory democratic theory … [for] explor[ing] what it would mean to democratize our 'democratic' institutions" (302), his observations on this participatory experiment with prison democracy may benefit our approach to the role of democratic deliberation forums in US prisons.[78]

Archival records of civilian observer notes during the period of NPRA governance at Walpole provide an account of a politically engaged prison community. "The civilian observers recorded hundreds upon hundreds of inmate ideas, suggestions, and comments concerning prison reform, both at Walpole and beyond," and Berk remarks on "not only … the creativity of many of the proposed reforms but also the sheer number of ideas. Inmates cared. The simple possibility of having a seat at the bargaining table, by some accounts, was a motor for inmate deliberation and expression" (283). Observations like these lead Berk to argue for a radical narrative for the democratic experiment at Walpole that includes the idea that, "the street and the prison occupy the same political and moral space. A community is a community, whether its inhabitants are walled in. And every group in a community deserves a say in how it's governed" (295). Through this perspective, "self-governance is a form of applied civic education, where one develops a capacity for complex forms of participation by engaging in more basic participatory acts" (296). In other words, this view asserts prisons as publics through which incarcerated people's participation in deliberation and governance helps to build trust and form relationships that are foundational to developing social capital, both pre- and post-release. Other recent accounts of participatory and deliberative democracy in prisons report similar findings.

While limited in number, scholars who focus on deliberative democratic practices in prisons have found that incarcerated participants largely benefit from these practices, as long as trust in the process and the outcomes is maintained. For her dissertation, Bethany Elena Schmidt conducted a multi-site ethnographic study of deliberative (participatory) governance councils in three English prisons, and found that:

Through the process of democratic participation (dialogue, debate, reflection, action), many lives were 'transformed', consciousness was raised, revised or restored identities emerged,

and some civic agency was exercised. Participative enfranchisement, according to most

council members, enabled a sense of self to be retained or strengthened from 'having a voice

and having someone on the other end *listening*' … Deliberative exchanges were experienced

as a form of 'recognition' and confirmation of one's 'personhood', which ameliorated some

of the dehumanizing … encounters and treatment prisoners were often subjected to. (193)[79]

Schmidt's observations track with an anecdote from a deliberative forum moderator working

with incarcerated people in California that Renée A. Daugherty and Sue E. Williams include in a

presentation to the Association of Leadership Educators in 2002: "[I]nmates learned to

participate effectively in forums and expressed surprise that people would value their

perspectives on issues," asking if they could continue participating in democratic deliberation

forums after release, and remarking "that nobody had ever before asked them to participate in

decision making" (31). Further, Dzur quotes a deliberative forum moderator (who has been

interviewed for this dissertation and will be discussed at greater length in the following section),

William DiMascio, who echoes Schmidt, Daugherty, and Williams: "There is a thirst, if you will,

to be heard, to be relevant, to feel like people can engage with them, people are interested in

hearing what their opinions are … My goal is to begin to bring marginalized men and women

back into a society where their thoughts and feelings are heard" (DiMascio qtd. in Dzur 89).

Other perspectives on the incorporation of deliberation and democratic processes in prisons

include, "the idea that democratic processes are, in themselves, rehabilitative" (Berk 280)[80] and

that these practices are empowering (Dzur 89), while also noting that deliberative democratic

approaches to public policies may reduce crime by "enhancing state legitimacy and citizen

respect for law and heightening the overall level and equality of distribution of that ever-elusive

idea of human happiness. Happiness, it turns out, is anti-criminogenic" (Taslitz 136). Like

Chambers's observation of the lasting personal impacts that deliberative practice and forums can have on participants incarcerated participants are no less likely to experience these benefits while incarcerated and, when applicable, post-release.

However, it is important to remember that processes and outcomes that cultivate distrust among participants may have a lasting negative impact on deliberative practices as well (for example, see, Schmidt 175–85). This is where the theoretical and empirical research on best processes and practices for deliberative democracy can be very useful (for example, see, Bächtiger et al.). Though, another important component to research on deliberative democracy is speaking with facilitators and participants in an unsystematic way that might yield findings that the researcher hadn't anticipated, much like the generative quality of deliberative democratic practice. Thus, in the vein of the rhetorical spatial theory approach that I am proposing, the following section offers an opportunity to wander through the stories-so-far of two moderators who have hosted democratic deliberation forums in several US prisons.

Stories-so-Far from Two Democratic Deliberation Moderators in US Prisons

The following two sections of this dissertation center on the stories of two moderators of democratic deliberation forums in US prisons: William DiMascio and Barbara Brown. The rationale for the organization of these sections is guided by our rhetorical spatial theory approach, in that the interviews have not been coded to yield abstract, generalizable findings and these stories are not intended to serve as representative anecdotes on the question of democratic deliberation in prisons in broad terms. Instead, and we have followed the trajectory of Bill's and Barbara's thoughts and stories as accurately as possible (most omissions are noted and have been cut in the interest of space and their relationship to the research question). Further, we don't want our audiences to leave these sections with a static understanding of the prisons, the

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incarcerated participants, or the moderators discussed here. By contrast, our hope is that these

accounts serve as a multitude of jumping off points for better understanding, by standing under,

discourses on communication, deliberation, and civic engagements in prisons and the impacts of

these practices.

Bill DiMascio: "Talk about how you taught us how to talk"

Bill and I met via videoconference on November 18th, 2021. We introduce ourselves and Bill

asks me about experiences with researching prisons, which I describe as interesting, but

"draining," a term he affirms: "Oh, draining is a good word, yes."[81] He asks me about my thesis,

the reason we were speaking, and I offer a nervous, lame, and overly academic response (my

elevator pitch still needs work), which receives a courteous nod. Awkwardly, I rehash some of

the information from the consent form that I'd sent over to him previously and then we begin:

"Okay, so, my [sic] first question is just a 'for the record' question, just, what roles have you had

in participating in deliberative democracy sessions in US prisons?" I anticipate a short response:

"I have acted as a moderator," or something along those lines, but my stumbling question is more

generative than I'd imagined.

Bill starts his story in the early-1990s when he was consulting for the Edna McConnell

Clark Foundation. The foundation was started by Edna, heir to the Avon cosmetics company,

and her husband ("Our History") and, to Bill's knowledge, was the only private foundation in the

'90s that was engaged with criminal justice issues.[82] With his background in communication,

Bill worked as a communications consultant and recalls: "[I]t immediately became very clear to

me that, you know … maybe the most significant problem in our criminal justice system is the

poor communication we have with the public at large, which leads to lots of bad things

happening in prisons and the perpetuation of a system," he pauses, looking up as though he's

searching for the right words: "It's rather unenlightened. In fact, it seems to me it's been going downhill, and I say that because of my involvement with the Pennsylvania Prison Society, which started this whole ball rolling."

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The Pennsylvania Prison Society (PPS) began as the Philadelphia Society for Alleviating the Miseries of Public Prisons in the eighteenth century. The organization formed to address reports of miserable conditions at Philadelphia's Walnut Street Jail and eventually oversaw the development of the Eastern State Penitentiary (ESP), the first US penitentiary, which became an influential model for solitary confinement-based institutions throughout the US, Europe, and Latin America during the nineteenth century (Michel). While the ESP is no longer used as a prison, and the model that it inspired "quickly fell out of favor in the United States … [i]n part due to ongoing questions about the morality of solitary confinement … [and] because of the untenable costs of providing separate living, working, eating, and exercise quarters for every inmate," the PPS continues to advocate for incarcerated people and for prison reform to this day (ibid).[83]

Bill recounts the history of the PPS briefly, focusing on the progressive attitude that he feels has been abandoned. "We didn't have prisons when [the PPS] was started, we had dungeons, basically," and then he checked in with me to see if he was telling me things that I already knew. I told him that I had some familiarity (I was planning to do this dissertation on the ESP, but, with valuable guidance, I opted to focus on the SCP as it was closer to home and would have less voluminous records to sift through), and invited him to continue. After rehashing some of the organization's history, including a discussion of some of the founders and early members, including Benjamin Rush and Benjamin Franklin, who "were often written off

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as, 'oh just a bunch of crazy Quakers,'" though Bill notes that few were Quakers and that most belonged to some sort of Christian denomination, he argues that the guiding principle that united the group was their shared belief in humanitarianism: "That was the glue that drew them together."

As influential members of the community, the PPS used their standing to advocate on behalf of Philadelphia's incarcerated population. "I recall that one of the first things they did was petition the state legislature for blankets," Bill explains, "because these people [were] just thrown down in these dank basements and they had nothing, the clothes they wore and that was it, and they just rotted down there." The PPS lobbied against corporal punishment and, as an alternative, influenced the development of the ESP in accordance with the guiding principle that through penitence, the "spiritually-minded" could "right their own ship." Bill marks a fairly rapid decline from this early ideology founded on concepts of reflection and forgiveness (though we would argue that the operations of institutions like the ESP rarely lived up to these ideals): "[T]o go from that to solitary confinement, capital punishment, the things we have today, you know, we've been in retrograde it seems to me, almost, but that's another story."[84]

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"So, what was I supposed to be talking about?" he leans into the camera and laughs, then looks off for a moment, "I'm not sure where I'm heading with this." I get out a nonsensical blurt before leaning back in my chair and making what I can only describe as "thinking through this" gestures, screwing up my mouth and resisting the urge to speak further. I don't want to interrupt; I want to see where he is, in fact, heading.

We've returned to the Clark foundation, which, he explains, was guided by a similar humanist spirit. The foundation was advocating for "community corrections," or probation and

parole services, but "they didn't know how to communicate that story to enough of the public to move lawmakers. We still haven't figured that one out."[85] This is how Bill got involved with the organization, and one of his roles was to help them tell that story: "[I] quickly became very frustrated because it is very difficult story to tell. Well, it's easier to tell than it is to get people to listen to it." Enter, John Doble.

Bill worked with John on several projects for the Clark Foundation, as John was an opinion researcher ("probably still is"), and Bill's job was to take John's raw data (e.g., from focus groups) and package it into messaging for the organization. One day, John asked Bill if he'd ever heard of the National Issues Forums (NIF), and Bill replied that he hadn't. So, John recommended that Bill attend one, which Bill did:

> It was in a high school auditorium in northeast Philadelphia, and there was a professor
> from Penn, actually, he was the head of the Graduate School there, Penn, and he was
> moderating. And, oh, he was brilliant! I mean, he was so good. And of course, I went,
> and I had my little crib sheet about, you know, with all my statistics on it and everything,
> and I forget what question he asked, and I put my hand up and I started spewing those at
> him and then he immediately stopped me.

Bill's waiving his hands around and chuckling at this point in the story, like he's back in that auditorium, engaging with that wonderful Penn program head: "He said, 'I don't want to know all about that. I want to know how you *feel* about that. Talk to me about *that*." As the session went on, the moderator from Penn was standing at a sliding chalkboard that was filling with notes. At one point, "and I'll never forget this," Bill said as he pushed his glasses back up his nose, covered his mouth with his hands, and dragged his fingers across his beard with a scratching sound: "A woman who was sitting down in front raised her hand, and [the moderator]

recognized her, and she said, 'look, I got kids at home that are screaming, have to do their homework, have to get baths, have to go to bed. I got dishes in the sink, and I came here cuz I want the *answers*," Bill's leaning in so far at this point that most of his face is off camera, "'How am I going to deal with this problem we have here?'" At this point, Bill lets me in on the topic of the forum, "crime in the streets," and the woman was asking the moderator how she was supposed to raise her kids in this context. The moderator was "flummoxed," as this wasn't something that came out of the forum; it was about deliberation, not clear-cut answers. While the woman left, Bill was fascinated with the forum process, and was impressed: "[T]his was a, you know, there had to be, I would say, well over a hundred people attending this, so this was a rather large group to deal with." After the forum ended, he spoke with the moderator about some issues that he had found with the discussion (i.e., issue) guide that they'd been using for the forum, learned more about NIF, and, shortly thereafter, began training to become a moderator.

Thus began Bill's journey with deliberative democracy (or democratic deliberation) with NIF. After having gone through several sessions of moderator training, Bill wanted to return to the issues that he'd found in the issue guide from the first forum he'd attended; he wanted to be trained in "issue framing," or the work that culminates in the guides. The moderator from Penn, with whom he'd continued working, informed him that issue framing was a much more in-depth process that they wouldn't cover in his particular training session, but let Bill know about a group working in Delaware who could help. The Delaware group provided a fairly quick and easy process for issue framing, but Bill noted that the organization he represented (PPS) was not usually included in processes like these, as they explicitly focused on advocacy. And now we're in Dayton, OH, the headquarters of the Kettering Foundation, the NIF "research partner" ("About"), who, doesn't "want to be seen as advocates for anything." Bill, at this point fully

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invested in the work NIF was trying to accomplish, shared his realization: "I don't want to advocate, necessarily, I just want people to come to grips with how they feel about this, and what they think about it, and I'm happy to go along with that." From here, Bill ended up establishing a Public Policy Institute as a part of his work with the PPS, "which sounded pretty impressive to me," just as Kettering was coming to understand the value of turning their attention toward issues regarding incarceration.

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The NIF is an institute that develops and distributes issue guides and videos that help facilitate democratic deliberations on a variety of issues. Independent conveners (or institute partners, like Bill's Public Policy Institute) recruit trained moderators and participants to work through an issue guide and deliberate on the three possible action items proposed therein (though these items are intended to be generative, rather than binding), all while considering one another's stories, values, and the associated tensions and tradeoffs. The Kettering Foundation's role, as I mentioned above, is as a research partner and their work "focuses on what people can do collectively to address problems affecting their lives, their communities, and their nation" ("About"), which, in part, is accomplished through helping NIF develop issue guides.

"The thing about NIF," Bill explains, "is that it's almost totally academic. You have mostly academics who get involved in it." When the institute was getting started, they attempted to recruit professors from across the country, offering grants to host forums in their classes. While this shapes the reports and research that is conducted for NIF guides, Bill was different. He was "in the street, dealing with the families of people who were incarcerated, who only wanted to know, 'how do I get my son out of jail?' and 'why is this system so rigged against me just because I'm black?'" And from his conversations with David Mathews, president and CEO

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of Kettering, Bill realized the significance of his experience to Kettering's mission: "I could tell by what he was asking me about that he had this feeling, like, what I was doing was real life stuff, what everybody else was doing was studying that stuff."

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Bill had a tough time with issue framing with the PPS, as the group was resolutely focused on advocacy as opposed to impartial deliberation, but the organization provided unique access to Pennsylvania's prison populations.[86] "[T]he Prison Society's claim to fame, I guess, is that in the middle of the nineteenth century, early part of the nineteenth century, the state legislature recognized the Prison Society and said that members of the Prison Society, who are designated by the Prison Society, are entitled to visit any prisoner in any state or county facility. They don't need to be on a visitors list, they can present themselves, show their credentials and ask to see," he pauses, but only for a second, "you know 'Cody Hunter, bring her out, drag her out here or bring me back to her cell, but I need to talk to her!' And they would have to comply." We're both laughing at this point, though, on a personal note, I'm growing concerned with how easy it is for so many people to imagine me in prison (yet another story for another day). Pennsylvania is the only state with this type of program, or at least this robust of one, and it provided Bill with "three or four hundred official visitors scattered around the state" with access to all 26 state prisons.[87]

Bill's description of his early work with PPS was very similar to the story he told about the early days of the Philadelphia Society to Alleviate the Miseries of Public Prisons. The group advocated to meet incarcerated people's basic needs, like getting blankets to them when they were cold and small handheld fans when they were too hot.[88] This work required that PPS volunteers develop relationships with the local officials and prison superintendents and, while

Bill describes his organization's reception from the guards who "didn't know anything about who we were or what we were doing … [and] just thought we were a bunch of do-gooders, and I guess they were close," these relationships were dynamic, and varied from prison to prison.

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While the PPS was granted access to visit with incarcerated people by law, the outcomes of their work were contingent on the personalities of the people operating the prison and upon available funding. "The superintendents at these prisons were obviously different, they all had their own points of view about things. Some were real hard nuts, others were more kindly … and that tended to guide the response we would get." Each of the volunteers were encouraged to form relationships with the superintendents (or those delegated by the superintendent to engage with the volunteers), and to ensure that the complaints the volunteers reported were on serious matters, to foster a more positive relationship with prison officials: "So, that was how we worked, and, in some places, we got a positive response, and other places, they just ignored us." Bill shared his rationale for the differences in prison leadership: "[T]he only thing that people care about is that nobody escapes. So, if you don't have any escapes, or riots at your prison, you're fine. You can advance, you know, put in your time, and collect your pension and go on."[89] Through these experiences with relationship building, Bill came to learn about the corrections "system" hierarchy. However, securing funding for this advocacy work was always a challenge. "Of course, I was always searching for money," Bill crosses his arms, looking away, before leaning into the camera, "because," shaking his head slightly, "nobody gives money for prison issues."

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Bill got lucky when he pitched NIF forums to a deputy secretary in charge of

programming for Pennsylvania's prisons. "What I'd like to do is be able to convene educational

seminars for small groups of people in each of the prisons to teach them about this process," of

democratic deliberation, "which is designed to get them to learn to think more … more

deliberatively on important issues." The deputy secretary approved, but not only that, he

organized funding by developing a grant, explaining, "look, we dish out a lot of dollars for a lot

to a lot of places," and he was persuaded that this would be "money well spent." Bill was set and

began organizing democratic deliberations in PA prisons and training incarcerated participants as

moderators.

Over the course of nearly three days, incarcerated participants participated in a forum,

working through an issue guide, and then would act as moderators and notetakers for two or

three further forums with the opportunity to provide feedback and receive feedback from the

volunteers and incarcerated participants. Bill had a long-term vision for this work: "[T]he one

thing I'd hoped to accomplish, was that once we trained these folks that they'd be allowed to

have forums in the prisons for the other inmates, and they could facilitate, they could do the

moderating." However, the prison officials didn't approve, "because that would be, as they say,

putting a couple of prisoners in charge of a group of prisoners." Instead, the prison hierarchy

required that PPS volunteers be present at all forums. This resulted in an influx of requests by

incarcerated participants for the PPS to host more forums.

Most of the participants were serving life sentences, 80% by Bill's approximation, and

many became very engaged with the forums.[90] "You could see this intellectual energy, if you

will, amongst people who rarely expended that much intellectual capital, unless they were into

something like the drug business, or some other nefarious conduct," and scratching his head, he

leaned in again, "it was rewarding to see, it was rewarding for me to see, and I never figured out how to capitalize on it," he looked at me through the camera and, sheepishly, "is any of this being helpful?" I believe it is; this marks an in-depth, and delightfully wandering story through the stories-so-far that shaped and were shaped by Pennsylvania prisons during the introduction of democratic deliberation programming. What Bill had been sharing was very different from the theoretical, abstract, empirical, or historical texts that I'd been combing through to this point, and I was hooked. So, I threw him a thumbs up, and he continued.

He tells me a story of a man who was released from prison after attending one of the forums. "I'll get right to the bottom line, if you will," he touches his fingers to his forehead, adjusts his glasses again, and closes his eyes intermittently, remembering the story in detail:

I was doing a little talk with a community group out in Coatesville, a little, old former

steel mill town … and when I was finished, you know, people would come up and so,

'oh, hi,' and 'thanks,' and then leave, and this one guy is standing in the back and,

eventually, he came over, and he said, 'Do you recognize me?' And I said, 'oh, not so

much,' I said, 'I'm sorry, but, um, you know …' And he said, 'I was at Smithfield, in

Smithfield Prison two years ago, and you guys came in and did this program for us.'

Well, it was an NIF program, and I said, 'Oh, okay …' and I did then start to, you know,

connect with him. I knew the face looked vaguely familiar, but I couldn't say where, and

then he told me, and I say, 'yeah, well, how are you doing? You're out, are you

working?' dah, dah, dah. He says, 'look, I only wanted to let you know that I still use

what we learned in that group outside.' I said, 'really? Tell me how, how do you use it?

Do you run forums, or?' 'Oh no,' he says, 'I don't do that. What I do is, I work with

different community groups and what I learned by way of facilitating and, you know, this

dialogue system is how I approach people,' he says, 'and it's really working well for me.'

That's fantastic.[91]

This is one of the crucial points that keeps coming up in the remaining stories that Bill shares: The deliberative forums teach incarcerated people how to talk with people.

We're in the Graterford Prison now, the largest prison in the state of Pennsylvania, and the officials allow incarcerated people to organize groups. For example, Bill was often invited to speak to a group of Vietnam Veterans on Veterans Day, but one year, he was invited to speak to the prison's chapter of the NAACP, "which was a little unusual, you know, I mean, I'm a white guy and these guys are, you know, all very much racially in tune with each other. So, I didn't know why I was being invited." He sat in the audience and watched as the NAACP board members, a large group, conducted their business, and then they recognized one of the incarcerated men in the room: "[I]t was this guy who was, um, who was kind of small and frail and looked like he was too young to be in this prison … but someone who I recognized because … he was distinctive in that way. Anyway, he said, 'I invited Bill DiMascio from the Pennsylvania Prison Society.' And so, he wanted me to stand and be recognized," Bill starts chuckling. "And then there was this silence, and I'm looking around," he looks around comically and laughs again, and then recalls the young man saying, "well, we want you to talk." Bill asks what they want to hear about, "do you want me to talk about the Prison Society? You want to hear the history about Ben Rush?" Bill throws up his hands, laughing, "No!" And then the young man said, "I would like for you to talk … about how you taught us how to talk." Bill responded that he didn't quite understand, "what do you mean?" The young man replied, "'Those classes that you had, those sessions that you had, we learned how to talk to a group of people in a civil way."

Bill explains to me that these men had access to educational programming in the prison, but that the incarcerated students "distrusted anything that the administration did," which made the courses somewhat unproductive. By contrast, this young man's invitation and prompt alerted Bill to the profound impact of the NIF forums: "[I]t dawned on me, and this is what I believe about what we call deliberative democracy, in Kettering speak … that I thought these sessions, given the nature of the people that I was working with, really instilled in them a sense of confidence about how they could present themselves." He explains that, while many of the incarcerated people recognize one another, they're "guarded" in their interactions and "they don't really talk all that much to each other, they don't get into any kind of depth or, you know, soul sharing with people … so this whole business about teaching people how to talk really struck a chord with me … and I thought there was tremendous value in that. A helluva a lot more than to teach people to be missionaries and go out in society and organize these forums," because, he explains, recruiting participants is a challenge. This was the lesson that Bill took from his many years hosting democratic deliberation forums in prisons. Akin to Chambers's observation, it wasn't wholly about public impact in terms of forum outcomes, or in terms of spreading the use of forums. It was about teaching people to talk to one another and helping them develop the trust and social capital that Hauser and Benoit-Barne argue are crucial to a more deliberative democracy.

Bill and I talked for close to an hour and a half, largely based on that first question (he'd addressed nearly all of my questions from that initial prompt!), and I remember ending our conversation with an overwhelming sense of gratitude. Bill shared so many stories, too many to include here, calling me his "captive audience," like the old days up in Dallas, PA where the guys would listen to him talk to break up the boredom of incarceration. While the subject matter

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was often very serious, he never spoke too long without including a humorous anecdote or a joke: "I don't usually talk this much, I want you to know that. I was gonna be a monk at one point, but they said I'd have to keep my mouth shut."

Barbara Brown: "Those stories help make that real"

I've known Barbara Brown since the summer of 2019, and we met entirely by chance. I had recently started working with the Poor People's Campaign (PPC), a non-partisan "organism" that advocates with and for the over 140 million people living in poverty in the US, and I was tasked with reaching out to organizations on Clemson's campus to invite them to our statewide meeting in Columbia, SC.[92] I sent e-mails to every campus organization that had any overlapping interests with the PPC, but I only received one response. It was Barbara Brown from Clemson's Citizens Center for Public Life (CCPL). I included the CCPL in my e-mail list because their mission statement included an emphasis on civic engagement, and I thought that might be close enough to be interested in PPC work, but I had glossed over the repeated mentions of "deliberative dialogue."[93]

Barbara, to my surprise, attended the PPC meeting, during which our goal was to set SC's state campaign priorities in terms of the five interlocking injustices: Systemic racism, poverty, militarism and the war economy, ecological devastation, and the distorted moral narrative of Christian nationalism (Anderson et al.). We broke into a variety of interest groups, each focusing on one of the injustices, and we shared stories and spoke on which issues we felt were most immediately pressing. The front of the Sunday school classroom, the meeting was held at a church, was rapidly filling with overlarge pieces of paper, all filled with lists of ideas for what to tackle first.

People were shouting, presenting prepared papers, arguing over one another, and sometimes sitting back in their seats sullenly, upset with their inability to contribute to the conversation. The room was vibrating with passion, stories, and statistics about a variety of injustices currently facing residents of South Carolina, all of which were significant and emotionally laden. Several well-organized, single-interest groups were present and fighting to get their issue prioritized on the agenda, while others spoke to unique instances that they were witnessing in their neighborhoods. It was vibrant but chaotic, and, to my recollection, didn't culminate in a succinct plan of action. This group cared deeply about these issues, but there was a failure at the level of communication. About halfway through, Barbara came and sat with me, expressing frustration with the lack of deliberation among the participants. She told me that her organization had a strategy for running meetings like these and, if I was interested, she'd add me to board and I could learn more. Intrigued, I agreed, and this began my friendship with Barbara and served as my introduction to deliberative democracy.

Sitting down with Barbara for this interview, via videoconference, we spend the first few minutes catching up, talking about our experiences during the COVID lockdown, plans we have for CCPL work, and, briefly, my conversation with Bill. Barbara mentions that she spoke with Bill about a year (or so) ago on forum work in prisons, "and how the guys were going to take it back themselves and use the forums and do this and that, and he said, 'well, that'll never happen. They won't let you do it.' But it did … see, now we're partnered with [the] prison system on this overall project that's going on in South Carolina and, so far, that's a given."[94] Barbara plans to train incarcerated people as moderators and some of the prison staff will be going in and helping out with hosting forums, though she raises an important question: "will the guys still be able to talk deliberatively if it's … [South Carolina Department of Corrections] SCDC staff, or is it

better if it's a community person that does it? You know." While plans are in place to facilitate

this level of coordination, they are on hold until COVID restrictions ease in South Carolina

prisons, so our conversation turns to the work she'd been doing before the pandemic.

I ask Barbara my standard opening question regarding her role in deliberative forums in

prisons. "The moderator," she responds, "and everything else sort of comes under that. There's

been a lot of teaching that's gone on beyond what a moderator might normally do, essentially

teaching like, a topic will come up and I find there's misinformation about the topic, so I'll say

what I know and then somebody else who knows it, the same thing, because some of them have

really studied a lot while they've been in there," she mentions one man who's attended forums

who has since been released and is very close to finishing his PhD, "so, others would chime in

and affirm what I said, and [were] able to add a lot more to it." She describes this as unique to

her work in prisons, as opposed to the forums that she's hosted among non-incarcerated

community members, and this was a result of the amount of time they were allotted for forums

and the frequency with which they met, often more than once a month. She mentions that she

also organizes the forums, or acts as the convener in NIF parlance, and trains the participants as

moderators.

Many of the men who participated in the forums were regulars, some receiving full

moderator training and most receiving at least some training. This training helped "them know a

little bit more [about] the backstory of what it is we're doing, and of course it was enough

training that the one young man took it upon himself to do forums in the veterans dorm, where

he was, and then it worked so well that they let him do them in other dorms, and he did one big

one for the whole campus in the chapel, and other guys, after he got out, picked it up a little bit."

While she's not sure how many forums are currently being held, she knows that the materials are

available for incarcerated moderators and participants and she keeps receiving requests to return, which she plans to do when/if the pandemic is better contained. My next question is how Barbara got involved in hosting deliberative forums in prisons.

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Barbara got involved in this work through a friend who was serving on the CCPL board. She describes her friend as "quite an entrepreneur," with a little farm in Charleston, and who, at the time, was involved with a business in Africa working with algae. While her friend left the CCPL board some time ago, she still serves as the sole member of the Advisory Board, "technically, she advises me," Barbara notes, laughing. She and Barbara became friends through their work with the Department of Education Service Learning Programs in the 1990s.

Barbara explains that her friend has a real talent for grant writing, with a history of securing multi-million dollar grants for opening health clinics, and she had written up a grant for the Department of Labor, intended to serve incarcerated veterans: "And, she had written in, as the writer, she had written in just a small piece for me to be able to come in prisons and do forums, and they would pay me to do it, and they would pay my travel," from Sumter, SC to the MacDougall Correctional Institution (about an hour and a half drive, one way), and "that lasted about a year with the grant." Barbara describes a slow start to the work: "[W]e had to convince the prison that it was okay, and had multiple meetings, and things like that, but it did get started," and she began serving as a volunteer after the year's funding was exhausted.

The grant is how Barbara gained access to MacDougall, and from there she was able to serve in her voluntary role for another three years. The other people working from the same grant were "bringing things into the prison to make it easier for the guys when they got out, so, their argument was, looking at civic engagement, 'would [this] … help them get jobs, help them

when they were on the job?' Because they'd be more acquainted [with] how people are thinking and what people are doing, and that kind of thing." This was the foundation from which Barbara began developing her work with deliberative forums in South Carolina prisons.

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Forums were hosted in the education building on the prison's campus. Barbara would arrange the chairs in a circle and around twenty men would file in, sign in, and grab an issue guide packet that Barbara prepared in advance. "A side story that's interesting," Barbara smiles, "I always had pencils and we'd collect the pencils and sometimes [there] wouldn't be the same amount of pencils, but one guy in particular: 'Ms. Brown, Ms. Brown, can I keep this pencil?'" She laughs and explains, "he was an artist and would go through a lot of pencils! And so, it became an ongoing joke, you know." The pencils were used for a post-forum questionnaire that asks participants to reflect on their agreement with the action items proposed in the guide and on the forum process, but sometimes the discussion would be too lively and engaged to get to that part.[95]

They had enough time to finish a full forum each visit, though many times they covered the same issue at several sessions, as the men wanted to continue their conversation and more new people would join. "What amazed me is, pretty much from the beginning, even when I was working with the grant part, they were fully engaged. And it's not like you would sit there and have to prompt, to say something a bunch of times. They would keep saying things and then once somebody said something, then others would chime in." Though she does remember a few who "would come in and, generally, never say anything, but they seemed real intent," paying close attention to the conversation, which Barbara gleaned from watching their eyes move from speaker to speaker, and she would give them a chance to speak if they wanted to, "but there was

always quite an engaged conversation." She takes a sip from her mug, and I ask her about issue framing with incarcerated participants.

While Barbara explains that she has yet to be able to teach issue framing at MacDougall, though she hopes to at some point, she discusses advocacy efforts undertaken by incarcerated participants that have been aided by the forums. "As I do with most forums that I moderate, I'm a big believer in, if it's not so far off topic that it's going to lead people down a rabbit hole, or something, I," she pauses, thinking of the right words, "support them broaden[ing] the topic to local issues, or something, because they would do that a lot. And they would find, depending on the topic, some things were particularly germane to the prison climate."

She brings up an example of two issue guides that they had worked through, one on access to food and the other on healthcare. They repeated both of these forums several times because "they were such big topics," and the incarcerated participants were very engaged. "[T]hey always have a lot to say about food in prison, and some of the things, they fix them. And those, of course, they were very local topics for them, but they would talk about the regular topic," using the vocabulary provided by the issue guide, which is generally focused on national-level issues, and then they would turn the conversation to how it related to their experiences in prison. "And then we'd bring in healthcare, and they would say, well, you know, 'last time you were here we talked about food and, of course, that's so connected to healthcare!' I mean, you know, they, I guess they have time to contemplate on issues, so they're not shy and they're definitely well-informed sometimes, so it would really broaden the conversation." Barbara rubs her eyelid under her glasses, and then describes the incarcerated participants' transition to advocacy work. "Probably more again the last year, I guess, it got where they would really come up with action ideas, and they would start talking about, well, I might mention that I write

proposals," which was something that they wanted her to teach them how to do: "'Well, we could put something together here, and we could come up with a project and be able to give jobs to guys that are coming out." She hasn't given up on this idea and is hoping to get it going once she can get back into the prison, but in the meantime, she's working with Kettering staff to prepare. Through this preparatory work, she met another woman working in a women's prison who is having some success with proposals: "They have funding, and they are working on the project of healthier foods for them, and when they get out, being able to have a food truck," which, to Barbara, means it's possible at MacDougall, and potentially at each prison in South Carolina.[96]

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Barbara began working on the possibility of getting incarcerated people involved with food production at the Wateree River Correctional Institution in Rembert, SC. The idea had been raised during one of the forums she was moderating at the prison, so she pitched it to someone working on rural development in SC who said that if she designed it as an educational program and if she asked for no more than $99,000 (at $100,000, "it gets political"), she could probably get it done. However, Barbara wanted to get community members involved, particularly those who were "in charge of the land," about a seven-acre tract that has a dairy and some row crops, but once she reached out, there was some backlash against the deputy director and the project stopped there. While this particular program didn't work, Barbara emphasizes this relationship building as crucial to serving incarcerated populations (though she optimistically remarks that they'd at least gotten far enough to receive an offer of over 90-thousand-dollars!).

Barbara started hosting deliberative forums in coordination with a single institution, but that has developed into a relationship with the SCDC more broadly. She's brought this up with Kettering as a possible approach for this work, as "now it's directly with the prison system, and when we talk about doing things, it's 'we can do this at every prison in South Carolina,' but it's not just SCDC." She's also begun building relationships with SC's Commission on Minority Affairs (SCCMA), who engages the racial disproportionality among those incarcerated and those impacted by incarceration. The current focus is on recidivism and they're working on approaches for sharing data between SCDC, SCCMA, SC community organizations like CCPL and others that have re-entry programs in place, the District Attorney's office, and the Attorney General's office (at both the regional and state level). She emphasizes the significance of communication for this work: "The reality is, you have citizens bringing together official institutions and talking about, 'how can we work together on this overall state and national issue?'" She ends this discussion with her characteristic optimism, a trait that I have grown very fond of, describing a "kind of excitement that is growing in the state, cuz we have a bunch of subcommittees already put together," working on issues related to incarceration, re-entry, and recidivism, "and they're meeting either weekly or biweekly, and projects come out of those."

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At this point, we're moving to a more in-depth discussion about the process of deliberation in the forums, focusing first on the question of rhetoric, in the parlance of Young and then in broader terms. Barbara explains that part of the reason that she uses NIF issue guides in the prisons is that they attempt to use neutral language, "you know, it's not perfect, its written by people," but "some people will pick up on a certain phrase, or they'll pick up something from a certain option, and they're coming at it from a cultural perspective, or a knowledge perspective

that they individually have, and we'll just talk about that, and see where it fits, and this or that."[97] She begins telling me a story about using the immigration issue guide. A participant showed up who she recognized, but she doesn't recall him attending many of the previous forums: "There was a gentleman of Mexican or Latino ancestry, [he] didn't speak very good English." She remembers him listening throughout most of the discussion, with participants bringing in conversations that were circulating in the public discourse at the time, "about people that were immigrating from other countries and from Mexico and South America, particularly." At the end of the forum, Barbara says the man spoke up: "He said, well, basically, he said, 'America and Mexico are in cahoots … You know, America knows what's going on in Mexico and Mexico knows what's going on and, at the top level, you know, they've got Ambassadors that are communicating, and so, you can't just say that it's pushers and users with drugs … there's money going across the border both ways.'" According to Barbara, this broadened the discussion and, while the man hadn't spoken up much before, the other participants recognized his situated perspective: "Everybody said, 'well, he knows what he's talking about' … the cultural insights that someone might bring was immediately accepted … regardless of whatever the truths are." We continue discussing the role of rhetoric in these forums and she launches into another story.

Because many of the participants participated in many of the forums, she was able to develop relationships with them, and she speaks to this in terms of knowing your audience. There was one man who was practicing Islam and would attend often. "He would bring in the book, and he would read something from it … that might be opposed to something that was said, but he was talkative, and he was sort of aggressive with speaking up, but it was positive still, it was good conversation, and it triggered other conversation," she gestures as though pointing to

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other people in a forum circle, "it never triggered an argument." She talks about how he would like to try to get her off topic, directing the conversation to a very local, specific issue: "So, he and I played this little game of, you know, I'd let him go so far, and then I'd pull it right back in and everybody would participate the way they were supposed to," she chuckles. She then turns to a related story of another man who's since been released and with whom she is still in contact. She recounts a conversation they'd had: "He said, 'Looking back on all the things that happened, … you were so good at letting people bring in their perspectives even if it didn't quite match, but when you wanted us to get back to really talking about the issues, you just did it really smoothly and everybody went along with it, and it never offended anybody." Returning to my question directly, Barbara explains: "It comes back, when you talk about rhetoric, and the interchange and things, it's, I think, knowing your audience and knowing what works. I mean, I could tease him," returning to the man practicing Islam, "and that would sort of shut him down, and then sometimes he would tease me … so that part was a little game that went on and it just sort of added to the fun, really." She laughs, "there was never anything harmful that was said as a result of it, you know, it … added to the richness, you know, this is a real community with people with different mindsets, different values, we're all interacting on this one issue," she holds her hands up to the camera with her fingers interlocking, blocking her face out entirely, "and we're all learning from each other," she lowers her hands and nods emphatically. Our conversation then turned to other things, including projects that we're currently working on and are trying to get going, but before we wrapped up, we returned to the question of storytelling in prison forums.

While we'd engaged with many stories throughout our conversation, when I ask to focus on the role of storytelling in forums specifically, she returns to the story of a kid that she'd asked me to remind her to tell (which I'd had yet to do). "First of all, that's something different about

how I moderate too, because I've done so many forums, people bring in a topic and I'll say, 'let me tell you about something that was said in another forum.' And it's a story, the kid I was referring to was one of those stories … it had to do with the immigration issue too," and Barbara takes us back to the beginning of the story. She starts with the backstory, talking about a CCPL board member who was trying to organize an estate sale clothing drive for homeless people, and laughs because her husband has told her before that people aren't interested in this level of detail, but she says, "I'm interested in it, so I like to tell it." We both laugh and I throw her a thumbs up. It turns out that while this clothing donation project didn't quite work out as planned, it connected CCPL with a non-profit that was led by a woman who was passionate about keeping kids out of the school-to-prison pipeline.

From this relationship, Barbara organized a forum on the issue of immigration that was targeted to a teenage audience. "I was tying the whole idea of democracy to immigration," she explains, gesturing as though she's placing these ideas side by side, but when she arrived for the forum, "probably six of them were six-years-old," she laughs, "and the others were spread out all the way up to fourteen, or maybe there were twenty kids, but, you know, the biggest proportion of them were very young, so I said, 'well, this isn't going to work and I didn't prepare for bringing the words down so that the options would be real to them.'" So, pivoting from introducing the issue guide first, she started with the question: "What does democracy mean to you?" The room was silent. The woman running the non-profit transitioned to a question of freedoms instead, and the first to respond was a six-year-old: "It means I have the freedom to do anything I want, but there's rules too." As they went along, Barbara says many of the kids responded similarly until they reached the fourteen-year-old:

"He said, 'well, yes, I have the freedoms to do what I want, but, you know, we have the

rule of law,' and really filled everybody in on what was the rule of law, and he said, 'but,'

and this hadn't been talked about … and he knew what I was trying to do at the beginning

with the whole idea of immigration and he'd seen the booklet … he says, "you know,

when my ancestors [came] to this country, families were divided also.' Nothing had been

said about those options in that immigration book and the caveats of everything that was

going on."

Barbara remarks on the progression of the discussion, from democracy to freedom to rules, then

the rule of law, and how this teenage boy brought it back around to the topic of the forum and to

how all of these questions were related. The tenor was of the boy's point was, "this is not right,

you talk about standing by your principles," but the issues related to immigration are "not

congruent," with the ideals of democracy, freedom, and the rule of law. At this point, Barbara

describes her takeaway from the experience: "So, here was a forum that didn't work with kids,

and the only thing that did make it work [was] the right words … the only thing that had been

said was specific words and everything that's connected with those."

She uses this story in other forums, particularly when participants get stuck ("well this is

what *kids* said about this issue," and they respond, "*kids*, yeah okay …"), and she says, "I'm a

big believer in telling stories, I'm even a bigger believer in letting the participants tell stories,

and they do." She adjusts her glasses briefly and continues: "And it's very valuable, in the

context of," she cuts herself off for a moment, as though shifting her line of thought: "If you

want to make differences, if you want people possibly to change or look at, really look at the

options that are feeding into a big issue, those stories help make that real." And that is essential

to the deliberative process and is, according to Barbara, built into the structure of the forums

which asks participants at the very beginning to address what the issue means to them, which, in turn, often opens the door to storytelling and a "story could bring it home, real quick."

So, Where Are We Now?

Incarcerated people are, sometimes permanently and often temporarily, excluded from participation in public discourse and political decision making. This not only impacts incarceration policies and practices, by ironically excluding experts on experiences of incarceration, but the myriad decisions that the "public" is called to weigh in on regarding local, state, national, and international issues (though these are arguably inextricably connected when viewed in terms of [symbolic] action and spatial theory). Deliberative democracy and democratic deliberation offer insights into strategies for fostering more inclusive publics and for addressing key issues that many attribute as causes of mass incarceration: Populism and politicization. According to these critiques, key breakdowns in incarceration policies and practices stem from poor communication among members of the public and between publics and politicians. And, unsurprisingly, incarcerated people-as-members-of-the-public often share these same struggles. Transitioning to my proposed rhetorically informed spatial theory approach requires strategies for improving communication and listening to move toward a break from systems theory and thinking for social organizational practices. Deliberative democracy and democratic deliberation offer strategies that are useful toward this goal and can be used to center the stories of incarcerated people, elaborate ambiguity in public discourse, and foster better communication in classrooms.

CHAPTER FIVE

"WHERE TOO?"

When a gem is made, it's for a reason. They burst out of the ground already knowing what they're supposed to be, and then… that's what they are. Forever. But you, you're supposed to change. You're never the same, even moment to moment—you're allowed and expected to invent who you are. What an incredible power—the ability to "grow up."

Rose Quartz, "Greg the Babysitter,"
Steven Universe[98]

We're all stars of our own movie. The same thing could happen, but you see it in a different way. And, as a part of my process, I like to talk to each person. I want to hear your story. I want to hear your mind movie. If you gather all that together, you can get at the truth.

Detective Danner, "Aniq,"
The Afterparty[99]

The uneasiness is shown in the growing or recurrent suspicion that such notions as system may, in the last analysis, prove to be philosophical mare's nest. This suspicion need not lead to a new irrationalism at all. It should mean a recurrence of certain other approaches to knowledge which marked the Renaissance, the approach through voice and sound, the Hebraic rather than the Greek approach. Here knowledge is contained not in a system, but in discourse, in conversation, and not in abstract conversation, but in the real conversation which has been going on since man appeared on earth.

Walter J. Ong, "System, Space, and Intellect in Renaissance Symbolism,"
Bibliothèque d'Humanisme et Renaissance[100]

The Inability to Reconcile the "System" in Systemic Racism: Critical Race Theory Edition

The goal of this dissertation is to critique the systems theory approach to incarceration policies, practices, and research and to propose a rhetorically informed spatial theory approach as an alternative. In the first two chapters, I outlined this transition through the burgeoning shift toward complexity in social research that presents an opportunity to shift attention away from the terministic screen of "systems." Chapters 3 and 4 discussed possible avenues for applying a rhetorically informed spatial theory methodology to archival research and as a strategy for civic engagement. This chapter revisits our opening question of systemic racism, situates this

methodology in contemporary rhetorics studies, and explores an application of this methodology for composition courses. While I have focused on incarceration for this project, my proposed rhetorically informed spatial theory approach may yield valuable insights into other social organizational practices that are conceived in terms of systems. As an example, we return our attention to the contemporary debate on systemic racism in the US, which, during the many months since I began working on this project, has centered Critical Race Theory (CRT) in public discourse.

On November 3, 2021, Glenn Youngkin was declared the winner of the Virginia gubernatorial race. During his campaign, Youngkin's assumed a stance against, and made Day One promise to ban, CRT in primary and secondary school education, which received national attention. Press reports from Nov. 2 and 3 describe Youngkin's position as "cast[ing] himself as a bulwark against 'critical race theory'" (Montellaro and Gibson), "appeal[ing] to white voters' grievances" (Gabriel), and "attempt[ing] to tie [his Democratic opponent, Terry] McAuliffe to 'critical race theory' in schools, castigating an academic concept that has animated Republicans nationwide" (Walsh). Other national figures weighed in on Youngkin's position against CRT, with Bakari Sellers arguing that "[t]he GOP ran a master class on race-based identity politics," Harry Reid's former chief of staff Adam Jentleson claiming a "grim" return to the "Lee Atwater playbook," and Wajahat Ali characterizing the position as "depraved cynicism and villainy and race bating" (Taibbi). While the election wasn't decided on the single policy of banning CRT (for examples, see Prokop; Taibbi), the issue reportedly generated a notable response at Youngkin's campaign rallies (Paviour et al.) and garnered mixed responses among Virginia voters and in local news coverage.[101]

Perspectives on CRT among Virginia voters ranged from interested to ambivalent. Several voters interviewed by *The Washington Post* who favored Youngkin's position on CRT cited desires for parents to have more influence over their children's curriculum and an end to radical censorship, and one responded, "[w]e have to teach history as it was, and not what it's become … I just really wish that the racial stuff would stop because I feel like it's just polarizing everybody" (Schneider and Vozzella). Voters who expressed opposition to Youngkin's position against CRT did so by repeatedly claiming "nonsense," arguing that there was no "state mandate" requiring teachers to teach CRT and that "[t]eaching that racism is systemic in this nation is truth, not fabrication … There's evidence behind it, and I'm trying to teach evidence-based thinking," with another responding, "I'm sorry, but we just call that history" (ibid). Beyond the highly polarized perspectives, Matt Taibbi, who conducted extensive election reporting in Loudoun County, VA, reports, "I met people who didn't care about 'Critical Race Theory,' if they even knew what it was," but noted that these same voters "were still offended by the existence of a closed Facebook group – the 'Anti-Racist Parents of Loudoun County' – that contains six school board members and apparently compiled a list of parents deemed insufficiently supportive of 'racial equity efforts.'"[102] While local reporting echoed some of the polarized perspectives of local voters, coverage consistently restates the lack of a concrete grounding for the debate.

Local news repeatedly reported and, at times, emphasized that CRT is not being taught in Virginia schools (DeRosa; Bour), and in some cases focused specifically on Loudoun County, where the controversy first emerged in Virginia (Manchester; LoudounNow; Alas).[103] Instead, the issue in Virginia is presented as predominately one of K-12 education in broader terms, in large part centered on parental influences over what their children are learning, though the

incorporation of CRT can be tracked back through our discussion of the dueling messages to congress in Chapter 1 of this dissertation, and the associated inability to reconcile with the "system" in systemic racism.

The shift from addressing systemic racism in criminal justice, inspired by protests over George Floyd's murder by Minneapolis police officer Derek Chauvin, to terms of CRT education was foreshadowed by Trump's ban on diversity training for federal government workers (which Biden reversed) and Scott's rebuttal to Biden's congressional address. Trump's directive was articulated in a memo by Russell Vought, Director of the Office of Management and Budget: "The President has directed me to ensure that Federal agencies cease and desist from using taxpayer dollars to fund these divisive, un-American propaganda training sessions," and that, "all agencies are directed to begin to identify all contracts or other agency spending related to any training on 'critical race theory,' 'white privilege,' or any other training or propaganda effort that teaches or suggests either (1) that the United States is an inherently racist or evil country or (2) that any race or ethnicity is inherently evil," and must cut those expenditures immediately (Vought). The memo concludes with, "[t]he divisive, false, and demeaning propaganda of the critical race theory movement is contrary to all we stand for as Americans and should have no place in the Federal government" (ibid). While the memo's mandate was short-lived, its conceptual grounding in training/education and its terminology of un-"American" divisiveness appears in Scott's rebuttal to Biden's congressional address.

On his first day in office, Biden rescinded the ban on federal employee diversity training through executive order. Speaking to this decision, he outlines racial disparities in terms of economics and the impacts of COVID before arguing, "and it's not white Americans' fault, but just a fact," that the nation's younger generations are recognizing: "[T]oday's generation of

young Americans is the most progressive, thoughtful, and inclusive generation that America has ever seen, and they are pulling us toward justice in so many ways," including, "forcing us to confront systemic racism and white supremacy" (CNBC Television). Scott's congressional rebuttal several months later offers an example of the shift away from broad discussions of systemic racism and white supremacy and toward youth education specifically. In the moments immediately preceding Scott's claim that "America is not a racist country," he argues: "A hundred years ago, kids in classrooms were taught the color of their skin was their most important characteristic. And if they looked a certain way, they were inferior. Today, kids again are being taught that the color of their skin defines them, and if they look a certain way, they're an oppressor" (Kirkpatrick). The divergence in perspectives here between optimism and pessimism concerning the inclusivity of America's youth is stark but related in the sense that both Biden and Scott are participating in the development of a (grand) narrative for racism in the U.S. by asserting representative anecdotes.

Many participants in the debate on the question of systemic racism in the U.S. and CRT education specifically, including Biden and Scott, are participating in the development of a (grand/dominant) narrative from an accumulation of anecdotes. As one of the interviewees in *The Post* article points out, the argument for systemic racism is based on the accumulation of stories of discrimination in human organizational practices (labeled as systems) like criminal justice, education, housing, etc., which provide the evidentiary basis for a (grand) narrative of U.S. institutions as systemically racist. Biden is, at least in part, pulling from youth participation in and youth-led movements that have received much national attention in recent years (e.g., Black Lives Matter, Sunrise Movement). These offer a complementary set of anecdotes that are taken as representative of historical trajectories in the U.S., which provide the foundation for

establishing narratives: The U.S. is systemically racist and young people are uniting in

unprecedented numbers to address this issue. Combined, these narratives provide the terms for a

grand narrative of a progressive and youth-led racial justice moment that can be deductively

applied through terms like resistance. The emerging counternarrative likewise pulls from

selected anecdotes, taken as representative, which may shed light on the incorporation of CRT in

public (rather than predominately academic) discourses.

The argument for increasing division in terms of race pull from anecdotal evidence in an

attempt to establish a narrative of regression. Rep. John Ragan sponsored the 2021 legislation in

Tennessee that broadly restricts conversations on race, gender, and sexuality in schools

("Summary HB 0580 (SB 0623)" Amendment #2) and shared what has become an influential

anecdote in the debate: "Lest you think we don't have this problem in Tennessee, listen to the

following quotes forwarded from an e-mail to me concerning a seven-year-old girl in Williamson

County … The little girl told her mother, 'I'm ashamed that I'm white.' The daughter then asked

her mother, 'is there something wrong with me? Why am I hated so much?" (CBS News).

While Tennessee State Senator Heidi Campbell argues that no such reports were made and that

Ragan's claim was unsubstantiated, the Tennessee bill appears to have inspired several similar

proposals (Kruesi) and offers an insight into the narrative Scott is attempting to establish.

Further, CRT arguments, like Derrick Bell's in "Racial Realism," that black people will never

achieve equality under the law (as proponents argue it is systemically racist) serve as a

representative anecdote for the permanent victimhood of black people in the U.S. Together,

these selected anecdotes inform a narrative that CRT education is a divisive practice which, in

turn, feeds a grand narrative of a regressive moment in the historical trajectory of racism in the

U.S. In both cases, the progressive and the regressive (grand) narratives for the current national

racial moment pull from (variously veracious) anecdotes, taken as representative, and abstracted and generalized to the level of (grand) national narrative. Whether either one will "win" in the battle for a national (grand) narrative on U.S. racism, or whether the conversation will be largely tabled in the public discourse as new crises emerge, remains to be seen. Regardless, the shift toward CRT in the debate on systemic racism provides a valuable avenue for examining the relationship between narratives and systems and for demonstrating the significance of transitioning from systems theory to my proposed rhetorically informed spatial theory approach for understanding, navigating, and producing social organizational practices.

A core issue in the debate on CRT education is its foundational assertion that racism is systemic. Arguing against the individualization of racism and the neutral/objective language of systems of privilege, Stephanie M. Wildman and Adrienne D. Davis offer an explanation of what "system" means in terms of systemic racism and sexism:

Consider the use of terms like racism and sexism. Increasingly, people use -isms language as a way to describe discriminatory treatment. Yet this approach creates several serious problems. First, calling someone racist individualizes the behavior, ignoring the larger system within which the person is situated. To label an individual a racist conceals that racism can only occur where it is culturally, socially, and legally supported. It lays the blame on the individual rather than the forces that have shaped that individual and the society that the individual inhabits. For white people this means that they know they do not want to be labeled racist. They become concerned with how to avoid that label, rather than worrying about systemic racism and how to change it. (Delgado 573)

Richard Delgado and Jean Stefancic, in their critique of the "free" market logic of the First Amendment, offer a complimentary approach through the terminology of narratives and with a

focus on race and racism as a "principal illustration": "Racism is woven into the warp and woof of the way we see and organize the world – it is one of the many preconceptions we bring to experience and use to construct and make sense of our social world. Racism forms part of the dominant narrative, the group of received understandings and basic principles that form the baseline from which we reason," and further, "the dominant narrative changes very slowly and resists alteration. We interpret new stories in light of the old. Ones that deviate too markedly from our pre-existing stock are dismissed as extreme, coercive, political, and wrong" (Delgado 220). Both approaches offer a systems theory explanation for the perpetuation of racism in the U.S.

Definitions of racism and white supremacy in terms of systems necessarily employ a systems theory approach to understanding how social organizational practices *actually* work. As we recall, systems theory is grounded by several core principles: All phenomena act *as* systems and these systems are scalable, functionally/formally hierarchized, and governed by universal laws. These universal laws include an interdependence on functionalism, whereby system components operates in a specific role within the system and their behaviors can be tracked by effects on other components, and self-regulation, through which functionalist behaviors trend toward dynamic equilibrium for the purpose of maintaining the system. In Wildman and Davis's description, people operate within society-as-system, comprised of subsystems (e.g., cultural, social, legal) that hierarchize racial (and gendered) subsystems and through which individual behavior (e.g., racism, sexism) functionally maintains the system and its hierarchized stratifications. Delgado and Stefancic take this further with the individual as a sub-subsystem within the stratification of subsystems that are scalable to the Master system and organized in terms of the dominant narrative. In other words, the Master system and subsystems are the

material manifestations of the dominant narrative (organizing principle), including the individual who internalizes the schematic/code of the dominant narrative and functions/behaves to maintain the system when exposed to external stimuli. These observations track with the arguments against claims of systemic racism broadly and in terms of CRT education specifically.

As we have observed, people are engaged in battle over the establishment of *the* (grand) narrative on racism in the U.S. Opponents to claims of systemic racism are frequently concerned with the narrative of "America," with claims that CRT is un-"American" and that "America is not a racist country." Further, as with the conflict in Canada described on *Return to Thunderbay* podcast described in Chapter 1, critiques of racism in terms of system are often taken to implicate the individual. Hani Morgan describes a similar phenomenon in the U.S.: "Many Americans are threatened by CRT because of an inability to view themselves as separate from the social institutions that govern the United States. Indeed, they view themselves as the system and perceive calling social institutions racist as a personal attack on themselves" (38). This is unsurprising in light of Wildman, Davis, Delgado, and Stefancic's descriptions of the relationships between narratives, individuals, and systems, particularly through the use of race and racism at the level of "principle," or as a means of explaining (symbolic) action in general that is operationalized, materialized, and rationalized through systems. It appears as though the intractability of this conflict cannot be breached when systems are taken as the central metaphor of the debate. However, while CRT critiques systemic racism in terms of systems theory, its proponents also trace a path through complexity and establish a foundation for a rhetorically informed spatial theory approach for destabilizing the systems metaphor and the recourse to (grand) narratives.

Pessimistic interpretations of CRT operate at the level of systems, though the introduction of complexity offers a potential outlet to alternative perspectives. Arguing that racism cannot be systemically critiqued contemporaneously, Delgado and Stefancic lament the ineffectuality of waiting on solitary geniuses, who lack an "audience" (Delgado 221), and interminably slow paradigm shifts (ibid 224) to alter the trajectory of the history of ideas regarding race and racism in the U.S. However, as the authors note, changes in the sciences have "ushered in considerations of perspective and positionality" (217), and that this shift in the history of ideas must be taken into account for the production of new social organizational practices, specifically the First Amendment. Taking this shift into account in terms of Delgado and Stefancic's critique of the immovability of systems and narratives, the concept of emergence challenges the reliance on geniuses and paradigm shifts, as Johnson explains, "the 'great-man [or solitary genius] story ignores the distributed, communal effort that goes into any important intellectual advance, and the paradigm-shift model has a hard time explaining" how the major changes in the history of ideas actually occurred (*Emergence* 64).

The bottom-up approach offered by Johnson's non-hierarchal reading of emergence may offer a way out of pessimistic and systems theory-based interpretations of CRT. For example, Delgado and Stefancic's interpretation of Bell's "Racial Realism": "[T]hings will never get better, powerful forces maintain the current system of white-over-black supremacy" (Delgado 224) can be reoriented through terms of emergence, instead of linear systems, which direct attention to the myriad complex (symbolic) actions that result in "unexpected benefits and gains that in themselves justify the continued endeavor" (Bell 378) against oppressive human organizational practices.[104] While complexity (or complex systems) theory marks a significant departure from general systems theory for discussions of racism in the U.S., it is still susceptible

to CRT critiques in terms of hierarchic tendencies, a paradox of positionality, and a focus on maintaining the "whole" whereby deviant particip(ants) "are dismissed" (Delgado 220) or removed with surgical precision (Taylor 163), as discussed at length in Chapter 2. However, rather than an end, the introduction of complexity to CRT offers a bridge to a rhetorically informed spatial theory approach that is aided by CRT's emphasis on the significance of storytelling for destabilizing dominant narratives/systems.

Critical Race Theorists have emphasized the significance of stories to identity formation and have advocated for using stories to counter dominant narratives/systems. Delgado and Stefancic argue that individuals are shaped by narratives and stories and, in turn, shape reality in these terms: "In an important sense, we *are* our current stock of narratives, and they us. We subscribe to a stock of explanatory scripts, plots, narratives, and understandings that enable us to make sense of – to construct – our social world. Because we then live in that world, it begins to shape and determine *us*, who we are, what we see, how we select, reject, interpret, and order subsequent reality" (Delgado 221). The authors, as noted in a previous paragraph, argue that internalized, dominant narratives are difficult to shift and, as a result, individuals often reject stories that are discordant with these narratives. As a counter to this tendency, Bell uses fiction-writing strategies to craft counterstories, explaining, "I prefer using stories as a means of communicating views to those who hold very different views on the emotionally charged subject of race. People enjoy stories and will often suspend their beliefs, listen to the story, and then compare their views, not with mine, but with those expressed in the story" (qtd. in Martinez 53). Aya Y. Martinez describes Bell's counterstories "as a rhetorical form and genre that engage and intervene in American legal discourse conventions and work toward rewriting 'racist code(s) at the root of our legal system'" (Martinez 56; Banks 87), that "creat[e] at least the possibility of a

genuine rhetorical situation that demands response and forces dialogue" (Martinez 57). To reduce the risk of listeners rejecting stories that counter their internalized dominant narratives, Bell and Martinez use strategies from fiction writing to establish a dialogic rhetorical situation with the potential to destabilize (grand/dominant) narratives and undermine systems theory thinking. This marks an important step toward resituating narratives, including legal narratives, as situated anecdotes perpetuated by situated (symbolic) actions.[105]

I have argued in this dissertation that a rhetorically informed spatial theory approach can destabilize (grand) legal narratives, particularly those concerning policies and practices of incarceration. This work falls on the side of Forman Jr. and Hinton, who argue for an approach to mass incarceration research that accounts for the myriad, complex (symbolic) actions that led to policies and practices of mass incarceration that can't be accounted for through a single (grand) narrative explanation like systemic racism (see Chapter 1 for Hinton's critique of Alexander's argument in these terms). Instead, this approach elaborates the ambiguity of, for example, racial disparities in incarceration rates through a perspective that accounts for the dynamic simultaneity of stories-so-far as situated in place-as-spatio-temoral event.

As long as people continue to think and (symbolically) act through the perspective (metaphor) of systems, certain stories will be taken as representative and assume the level of (grand) narrative by which myriad motives and (symbolic) actions can be interpreted and rationalized. The systems will, in turn, require maintenance through rationalizing behaviors according to the terms of the systematizer(s) and organizing principles (the grandest of narratives) and exiling that which cannot be neatly rationalized. The humans in the "system," reduced to sheer motion, become merely compon(ants) in service of the all-important "whole." However, crucial to this spatial theory approach is the rhetorical emphases on symbolic action

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and listening, whereby the sheer motion of accumulating and weighing stories in terms of (grand) narratives is considered in terms of symbolic action and conscious non-identification. I believe that this approach provides an avenue for addressing the historical continuity of racism, colonization, and subordination as it destabilizes the rigidity of the systems metaphor and, in turn, reduces the state and other so-called systems to discrete individuals with their own stories-so-far. While the imagination of destabilizing the vast innerworkings of complex machinery makes change toward humanizing social organizational practices a seemingly insurmountable task, changing perspectives (metaphors) through a rhetorically informed spatial theory approach offers an imagination of collaborative coproduction of knowledge and human organizational practices in which we are always already engaged.

To illustrate this work, we applied our rhetorically informed spatial theory methodology to archival research and explored opportunities for practicing this methodology in civic discourse through deliberative democracy. Chapter 3 examined the history of incarceration in South Carolina, focusing specifically on the establishment of the SCP as spatio-temporal event with attention to the exiled excess in the stories recounted in the archival records and in the archives-as-place. To account for this exiled excess and to elaborate the ambiguity of this work, resisting the recourse to (grand) narrative about incarceration in South Carolina (and/or beyond) in general and abstract terms, we engaged in two heuretic experiments to explore opportunities for applying a rhetorical spatial theory methodology to the method of archival research. In Chapter 4, we worked through opportunities for practicing this methodology through deliberative democracy. Deliberative democracy presents an opportunity for practicing this rhetorically informed spatial theory approach to engage in civic discourse and how expanding these practices in prisons provide incarcerated populations with not only the potential to engage in participatory

governance but also the opportunity to practice communication and listening and to recognize that their stories matter. Beyond these two opportunities for applying the methodology I propose in this dissertation, the following two sections outline the contributions it can make to rhetorics studies and to composition pedagogy.

Rhetorics at the Intersections of Complexity and Space

Systems, specifically complex adaptive systems, are a key concept in contemporary rhetorical theory, particularly in engagements with ecologies and posthumanism, and these renderings have implications for conceptions of space, place, and time. My goal here is not to rehash the issues with applications of systems thinking to social practices, but instead to focus on how these rhetorical approaches might lend themselves to a humanizing spatial theory approach that engages all possible participants (or, particip[ants] using the oft-cited complexity metaphor) as epistemological co-producers through stories-so-far.

Rhetorical engagements with ecologies and posthumanism have done substantial work toward decentering discrete elements in established epistemological frameworks and blurring the humanist binary of human/non-human. The discrete elements of the rhetorical situation have been called into question, which has led to destabilizing of the notions of exigence, rhetor, and audience through an emphasis on flows (Edbauer) and blockages (Mays). Through the adoption of the vocabulary of ecologies, as well as of posthumanism since these conversations frequently overlap, rhetoric scholars have worked to destabilize the human/non-human binary, decenter individual humans as discrete sources of knowledge production, and deprivilege established, disciplinary perspectives in epistemological work (Lynch and Rivers; Stormer and McGreavy; Boyle; Jensen, "I Am Spam: A Posthuman Approach to Writer's Block"; Fleckenstien; Birdsall and Drew; Edbauer; Rice; Mays; Clarke). Work in this vein has raised significant concerns in

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terms of space, place, and time with key terms like embodiment, embeddedness, entanglement, environment, and a central premise calls for careful considerations of the mutual intra-actions (Barad) by which the material environment, including human beings, are in-formed (Boyle). No longer can the myth of the discrete individual hold sway, the time has come.

Crucial to all of these explorations are the roles of rhetorics and of the rhetoric scholar. To use an established spatial metaphor in rhetorical theory, I find myself, at this point, seeking a common ground (or commonplace) to collect the stories-so-far of how rhetoric has been conceived in broad terms. In his reflection on the history of the Rhetoric Society of America, David Blakesley provides me with this much needed footing:

> In many of our theoretical models of rhetoric there appear two types: the use of persuasive resources or strategies (*rhetorica utens* or performance) and the study of rhetoric itself as an art of inquiry, of invention, or of the many ways that language and symbol systems shape human relations (*rhetorica docens*). Rhetoric elaborates ambiguity (theory, invention) but it also exploits it (practice, application). (Mountford et al. 57)

Rhetorical texts at the intersections of ecologies and posthumanism appear to be geared toward exploring the associations/relationships in complex, networked systems *as* rhetorical, both in the sense of direct practices of persuasion and in the sense of attunement to the dizzying scale of relations in every sense-able moment (Boyle; Rickert).[106] The role of the rhetoric scholar appears to be tracing relations to give voice to posthuman ecologies (Rice), making "cuts" to analyze the role of rhetoric in associations within and across ecologies (Mays), practicing ethical sense-abilities to all possible relations (Boyle), and varying combinations of these and others, all of which are contingent on the persistent destabilization between observer-observed, self-other,

body-environment, human-nonhuman, etc. This work, as well as engagements with animal studies, new materialism, etc. are highly significant for elaborating the ambiguity of previously underexplored relations for rhetorical invention and, more specifically, for calling attention to human/environment relationships in a time of serious environmental crises. While, as I've worked through at length, dehumanizing terminology is always a risk with "system" as a central metaphor, the application of rhetorical terminology to complex systems forces motion/action into dialectical symmetry and has the potential to ironically undermine the dehumanizing terminology of systems.

Addressing this potential directly, while opening a trajectory for rhetorics' utility to a humanizing spatial theory approach, Caroline Gottschalk Druschke introduces trophic rhetorics as a means to further collapse the observer/observed binary and the distinction between rhetorica utens and rhetorica docens in rhetorical studies. Building from Amerindian methods and methodologies, particularly Eduado Viveiros de Castro's "controlled equivocation" and Marisol de la Cadena's "co-labor," and from ecology sciences, Druschke argues for a shift toward trophic rhetorics to open new possibilities for rhetorical engagement. Trophic, which in ecological sciences is used to explain scaled energy transfers in predator-prey relationships, provides Druschke with an orientation toward rhetoric that "attends to the role that something we might call rhetoric plays in the relationships that hold populations and communities together in certain places and certain times." "This trophic orientation," she continues, "opens the door to renewing our definition of rhetoric *from an emergent collective noun that gives voice to material ecosystems to a connective verb composed of physical, palpable, symbolic, affective, and chemical relations*" (ibid). In other words, Druschke's trophic rhetorics orientation calls attention to the relationality between stories that cause collections in places, and which shape the

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power geometries of space, in terms of action (symbolic and "physical") and motion and taking both into account through their own terms without conflation (through dehumanization or anthropomorphizing). It is through this relational orientation that she argues for rhetoricians to consciously and rigorously engage consubstantiality across ontological difference between observer and observed in the co-production of rhetorical knowledge.

Through the methodology of controlled equivocation and the method of co-labor, Druschke advocates for rhetoricians to focus more clearly on their roles as co-producers of knowledge in research relationships and to engage the political potential of their work. Countering the prominent view of the role of the rhetorical ecologist as a translator of the "voice" of an ecosystem, or as offering explanations for observed relationships, Druschke argues for a methodology of controlled equivocation as "a correction to the frequent failure to recognize that, rather than offering competing representations of the same world, translation (or communication) puts multiple, real worlds in relation, though always with remainder." She uses the method of co-labor to operationalize this methodology, as it "offers a practice of controlled equivocation: the active co-creation of knowledge between researcher and researched (human animal, other-than-human animal, spirit, mineral, and otherwise) that emerges from always-only-partial connections across ontological difference" (ibid). In other words, Druschke appears to be articulating something similar to the rhetorically informed spatial theory approach proposed in this dissertation, though explicitly accounting for non-humans, whereby situated stories-so-far are privileged over (grand) narratives, conscious non-identification attends to commonalities, differences, and the exiled excess, and knowledge production is taken as situated and relational.[107] From this foundation of active collaboration and relational participation for knowledge production, Druschke highlights the political utility of this work.

Druschke calls for rhetoricians "to engage the responsibility to expand the horizons of rhetorical studies to relate with those ambient ecologies, networks, and assemblages, not just speak about or give voice to them. This move," she argues, "will make for stronger impacts outside our discipline." As an example, she cites the numerous occasions during her research when she used her "rhetorical training to intervene in management and decision-making," and concludes with the political potential of rhetoric studies to "open[] up promising and even essential possibilities for the inclusion of other beings and things" in deliberations on "negotiating life in common" (ibid). Druschke's emphasizes rhetoric as the relationality that connects stories in places in time, the attunement to the excess of perspectives (either beyond communicative capacity or epistemological norms), and the blurring of boundaries between rhetorica utens and rhetorica docens through collaborative knowledge production and political responsibility. These emphases reinforce the benefits that rhetorics offer to our spatial theory approach in terms of dynamic simultaneities of perspectives and stories-so-far, while also providing an avenue for further exploring communication across ontological differences through Krista Ratcliffe's rhetorical listening in terms of conscious non-identification. Additionally, Druschke's advocacy for using rhetorical training in direct political engagements aligns with the possibilities that I introduce in this dissertation for a rhetorically informed spatial theory methodology to foster a more deliberative democracy.

The following section offers the final story-so-far of this dissertation. I describe my approach to engaging my students in a rhetorically informed spatial theory approach to deliberative democracy in a composition and rhetoric classroom. Through this approach, students engage with community members as co-producers of knowledge on local controversies and practice action-oriented civic engagement.

Composition, Rhetoric, and Deliberative Democracy: Students Making Arguments about Arguments and Proposing Actions

Over the course of the 2020/2021 school year, I introduced rhetorical listening and deliberative democracy into my composition and rhetoric, or First-Year Composition (FYC), classroom. This culminated in an opportunity to contribute this approach to the department's FYC curriculum and, I hope, will offer a foundation for establishing a deliberative democracy center (similar to the one Bill started) in partnership with Barbara's CCPL sometime in the future.

As I mentioned in Chapter 4, Barbara introduced me to deliberative democracy and supported me in exploring how this work might be integrated at Clemson, which materialized further when I met Martín Carcasson. I had been considering approaches to integrating deliberative democracy on campus when everything went online due to Coronavirus restrictions. In May, I received an e-mail from NIF advertising a webinar, "Taking Face-to-Face National Issues Forums Online," and I eagerly signed up, hoping for inspiration. During the call, Martín was one of the speakers and introduced himself as the director of Colorado State University's (CSU) Center for Public Deliberation (CPD) and I immediately took down his name and contact information. I spoke with Barbara and she strongly recommended that I reach out: Martín had established a robust center at CSU and might have some suggestions for getting something started at Clemson.

I reached out to Martín expressing my interest in the work he'd done with the CSU CPD and expressed my desire to start something similar. He shared some resources to help orient me to the work he was doing, including an hour-long video that I watched with my dad and his girlfriend while I was visiting on vacation (a video they promise they'd enjoyed, though less than

I had). Martín and I met via videoconference later in the summer to discuss the mechanics of his center and how I might get something similar going at Clemson. He explained that the center was integrated in the speech communication department and had curriculum support (not to mention enthusiastic student interest), and he shared his speech communication coursebook and several other resources on deliberative democracy in practice. In another fortuitous chance meeting, I'd attended an Association of American Colleges and University webinar (I attended quite a few webinars during COVID), "Democracy Despite Disruption: Improving Student Voter Engagement through Pedagogy," that not only addressed uses of deliberative democracy, but featured a Clemson University instructor, Bridget Trogden, who was heavily involved in civic engagement efforts on campus. With the stars aligning, I reached out to Bridget to share what I'd learned from Martín and to learn more about the possibility of institutionalizing CCPL at Clemson. After speaking with Bridget, my naïve optimism (of course I could just start a center, why not?) collided with constraints that I hadn't acknowledged. I had no time, resources, or funding to start a center, but Bridget encouraged me to pursue avenues that were available to me in that moment. This led me to integrate deliberative democracy into my FYC course, something I had all the time and resources to accomplish, at least at a limited scale.

While integrating deliberative democracy in my classroom was a much more feasible project, there were some challenges. First, the coursebook that Martín had shared with me was geared toward speech communication students and needed some reworking to be applicable to FYC. After I had worked through these revisions, I realized a second challenge. With the other assignments that I'd developed and that were required for the FYC curriculum, we would only have half of a semester to work through deliberative democratic theory and students would still need to produce a long-form paper and a group multimodal presentation. I came up with three

ideas for addressing this challenge: (1) Introducing rhetorically listening during the first weeks of the semester to orient student toward a deliberative approach to argument analysis; (2) Asking students to make an argument about the intractability of their selected controversy using principles from deliberative inquiry for the long-form paper; and (3) Having students create multimodal issue guides that propose action items for addressing their selected controversy.

I quickly realized that incorporating rhetorical listening, in terms of laying-to-let-lie, standing under, and conscious non-identification, complimented two notetaking strategies that I'd already integrated into my class: The hupomnemata and the rhetoric dictionary.[108] Students are introduced to the hupomnemata through Foucault's description of the ancient Greek notetaking strategy, which is not intended as a memory aid or confessional journal, but instead as "a material record of things read, heard, or thought, thus offering them up as a kind of accumulated treasure for subsequent rereading and meditation" ("Self Writing" 209), and as a strategy for "captur[ing] the already-said, to collect what one has managed to hear or read, and for a purpose that is nothing less than the shaping of the self" (211). Through this exercise, students collect these fragments and are asked to read, re-read, meditate on, and converse with these fragments (210) to better understand how they make connections between distinct ideas and how their unique identities are informed by these moments that they found interesting enough to record. This prepares them for the self-reflection required for rhetorical listening.

The second notetaking exercise, the rhetoric dictionary, asks students to track key terms (again, those they find interesting, though they are provided with some guiding prompts) for the purpose of conceptual articulation. "A study of conceptual articulation … involves identifying the commonalities and differences that exist between divergent applications of a common concept," and practicing this work of conscious non-identification by, "[i]dentifying these

commonalities and differences invites scholars [and students] to examine the context-specific histories, theories, and materials that inform how a concept is used despite the fact that such specificities are collated under a common heading" (Jensen, *Reimagining Process* 2). In other words, the rhetoric dictionary attunes students to both commonalities and differences, not for the purpose of asserting an argument that aligns with either perspective, but to stand under the complexity of discourse and to recognize concepts as situated stories-so-far that are articulated in specific places and times. Combined, these two notetaking strategies provide a robust foundation for approaching arguments through strategies of rhetorical listening, which better prepares students for a deliberative orientation for argument analysis during the second half of the semester.

The first thing we discuss as we move into our deliberative projects is the concept of wicked problems. A wicked problems approach, credited to design and planning scientists Horst W. J. Rittel and Melvin M. Webber in a 1973 article in *Policy Sciences*, is another approach that marks a clear disappointment with the previously prevailing systems theory approach to social issues and a transition to complexity that has been taken up speech communications and deliberative democracy theorists, educators, and practitioners (thus, an excellent avenue for analysis in this dissertation). Lamenting critiques on professionalism and the rise of activism through the 1970s, Rittel and Webber root the causes of these challenges in "the classical paradigm of science and engineering—the paradigm that has underlain modern professionalism," or, it appears, general systems theory, "is not applicable to the problems of open societal systems … We shall want to suggest that the social professions were misled somewhere along the line into assuming they could be applied scientists—that they could solve problems in the ways scientists solve their sort of problems. The error has been a serious one" (160). The wicked

problems approach is offered as a means for addressing this "error" in approaching social issues

and marks a clear transition to a complex systems framework: "The term wicked is used to

characterize problems in complex social systems that are 'ill-formulated,' involve uncertainty

and confusing information, and many decisionmakers and affected parties with different and

'conflicting values,' and promise 'ramifications for the whole system' that 'are thoroughly

confusing'" (Ferkany and Whyte 421). While the language of systems in this approach

continues to trouble us (it's causing something like a tic at this point of writing), the

incorporation of wicked problems into communication research has an effect similar to that

described in the last section whereby the emphasis on (symbolic) action troubles the

action/motion dialectic productively and allows us to proceed with the hope of reorienting our

perspective away from systems. This work can be aided by looking at the wicked problems

approach in terms of the comic frame.

The wicked problems approach to addressing complex social issues offers an opening for

students to approach argument analysis through the comic frame. The comic frame offers a

broader range of terminological resources for engaging with conflict, through which issues of

sectarianism, or univocal approaches to defining and addressing conflict, can "be met *actively,*

positively," as the "comic frame relieves the pressure towards opportunism by a broadening, or

maturing, of sectarian though" (Burke, *Attitudes Toward History* 102). This broadening can be

seen in terms of symbolically, rather than systematically, interconnected *sects*: "Since all aspects

of living tend to become tied together by its symbolic bridges, each portion involves the whole"

(ibid 103). This helps students to navigate away from the non-conscious

identification/disidentification work that often manifests through crafting arguments, by which

students are often inclined to pick sides in a debate, reinforcing their position and debunking

their opponents. Instead, the comic frame and the wicked problems approach, coupled with strategies for rhetorical listening, encourages invention as students work to craft arguments about the interactions of arguments that lead to seemingly intractable problems.

For the long-form paper during the deliberatively oriented half of the course, students are asked to investigate a local controversy and analyze the interactions of the competing arguments through a wicked problems and deliberative approach. Considering the problems, rather than the people making arguments, as wicked is crucial to the wicked problems approach (Carcasson and Sprain 48), and invites analyzing conflict through the comic frame: "Deliberative interventions work to transform conflicts animated by good versus evil 'wicked people' narratives to ones that redefine perceived adversaries as collaborators facing a shared wicked problem" (ibid). In other words, a deliberatively oriented wicked problems approach engages students in investigating how the imaginative possibilities of solutions to complex social issues are bureaucratized through material realities and brought into conflict through sectarianism and trained incapacities. Students approach this work through investigating technical spheres of argument, outlined in Carcasson's coursebook, in terms of trained incapacities, sectarianism (e.g., religious spheres of argument), and terministic screens (which is aided by their ongoing work with the rhetoric dictionary). This work helps students to analyze arguments at the level of terms to begin to investigate the intractability of the conflict, while the introduction of value hierarchies and tensions help them to further engage diverse, situated perspectives.

Investigating value hierarchies and tensions is crucial to a deliberative approach to argument analysis and helps students to account for and navigate diverse, situated perspectives. Carcasson and Sprain identify value hierarchies as a contributor to the wickedness of social problems: "Democratic life is immersed with paradox, as many of the primary American values

such as freedom, equality, justice, and security reveal critical tensions within and between them that impact almost all public issues … [Deliberative Inquiry (DI)] presumes that groups are not necessarily distinguished by which values they hold—most audiences share common values—but rather how they rank them" (49), employing Chaïm Perelman and L. Olbrechts-Tyteca's terminology of "value hierarchies," whereby people scale their preferred values in specific situations as the "simultaneous pursuit of these values leads to incompatibilities, oblig[ing] one to make choices" (82). This approach helps students recognize that situatedness of arguments as value hierarchies invariably shift in the face of various (wicked) problems, while also attending to the commonalities (in terms of values) and differences (in terms of ordering) in the arguments they are analyzing. Through attention to value hierarchies, trained incapacities, and situated perspectives, students are prepared to make an argument about the nature of the conflict, which prepares them for their final project of the semester.

For their final project, students develop a multimodal, NIF-style issue guide that presents their research on and three action items for addressing their selected, local controversy (wicked problem). Focusing on trained incapacities and value hierarchies, students have drawn attention to the tensions among the situated perspectives that highlight the wickedness of the controversy they have chosen to research. In their issue guide, students are asked to evaluate these tensions in terms of tough choices, tradeoffs, and common ground (see Figure 5.1 for an example). This is where the work of identifying commonalities and differences, in terms on non-conscious identification, or passionate impartiality in DI parlance (Carcasson and Sprain 58), also plays a role in rhetorical invention for creating action items. With each proposed action to address the wicked problem, students identify the tough choices and tradeoffs that stakeholders must negotiate, while highlighting the common ground of shared values among the diverse

perspectives. Further, students develop their action items with the goal of fostering a more deliberative dialogue on approaches for addressing the wicked problem, rather than as solutions, as "[s]ocial problems are never solved. At best they ore only re-solved—over and over again" (Rittel and Webber 160). This is also why students propose three action items, as "identifying more than two approaches to addressing [a wicked] problem," helps stakeholders "get beyond entrenched opinions," though the actions must represent a variety of approaches, as presenting two extremes and a middle ground risk a bias "to the middle view" (Carcasson 84), and thereby reduce the likelihood of deliberative dialogue as participants tend to favor of the seemingly obvious choice. Through these two assignments, students engage critically and deliberatively with a local controversy and, because they are analyzing the issue at the level of situated perspectives, the recourse to generalize and abstract their arguments to the level of (grand) narrative about the controversy has yet to manifest in my classroom.

Clemson's Return to Campus with COVID-19

How can Clemson create the most effective return to campus?

How can Clemson create the most effective return to campus?

Universities around the country are struggling with how to determine the most effective way to return their students and faculty to their campus. In the early stages of COVID-19, there was not enough information to make a concrete decision.

Universities were faced with a challenging decision and received criticism from many people. A lot of people have different opinions on what should be done in regards to campus return. Each stakeholder has different values and priorities and came up with solutions that fit their personal interests, but because these were conflicting, it has resulted in a wicked problem. There is no perfect solution.

Clemson's Three Approaches

This issue guide presents three approaches that could be used for returning to campus. Each option offers advantages and drawbacks and reflects different priorities which forces Clemson to consider what's most important. We developed these approaches through researching student opinions, other universities, and by interviewing Clemson students.

Option 1: Prioritize the health and safety of students and faculty and the local community

Option 2: Ensure that students are receiving high quality education and academic assistance

Option 3: Ensure that the financial needs of both students and institutions are being met

Approach 1: Prioritize the health and safety of students and faculty and the local community

This approach prioritizes student and faculty health and safety above all else. The people who hold this approach believe that in the midst of a pandemic, there should be no question as to what is at top priority. No student, faculty, or community member should be at risk because of the decisions made by Clemson. Colleges can be hot spots for COVID spread. They are typically crowded, with students packed into dorms and classrooms. By not returning to campus, students would be less likely to come into contact with each other, automatically reducing the risk for transmission. Furthermore, college students are not especially known for their ability to make responsible decisions. College students have been shown to disobey orders to not gather safely, as Clemson students did in April 2020 by holding a party in Clemson's downtown. By not returning to campus, these risks would be diminished. However, there are also measures that could be taken to allow for a safe return back to campus. No matter the case, the health and safety of Clemson students, faculty, and the community should be top priority.

No   **Yes**
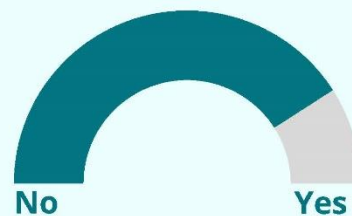
Did you have any concerns coming back to campus with COVID-19?

" **I was concerned whether things would go back to normal or not** "

What Should We Do?

Clemson University should implement safety measures for COVID-19. For example: hybrid learning, mask-wearing requirements, social distancing requirements, weekly testing, frequent cleaning, etc.

Drawback:
Students may not receive an adequate education while online.
Certain aspects of social engagement and interaction, a core part of the college experience would be diminished.

Clemson University should continue remote learning for the 2020-2021 academic year

Drawbacks:
This could cause enrollment to drop.
It would be hard to maintain the strong sense of community that Clemson possesses.

Clemson should allow students to choose whether they want to be on campus or not.

Drawbacks:
It could be hard to manage the tuition aspect, do students who stay off campus have significant reductions in tuition because they are missing out on some opportunities?

Approach 2:

Ensure that students are receiving high quality education and academic assistance

This approach prioritizes the education of students at Clemson. A lot of students feel that their education was compromised due to most classes being online in fall 2020 and spring 2021 semesters Many students feel that being on campus and having face to face contact with their professors allows them to learn more and improves their motivation.

Do you feel that online classes have had an impact on your ability to learn in class?

100%

100% of Responses Said Yes

If so, was the impact positive or negative?

100%

100% of Responses Said Negative

"It just didn't seem like some of my professors cared if I did good or not. It took one of my professors days to email me back about a question I had."

What Should We Do?

The decision to take either online or in-person classes should be up to the students who are actually taking the classes

Drawbacks:
Finding professors willing to teach both online and in-person classes
Students have to readjust their learning skills to fit in-person teaching after over a year of learning online

Clemson could completely reopen campus and allow students to take in-person classes just like it used to.

Drawbacks:
Decreased safety for students and faculty at Clemson and its surrounding community
Many students may still not feel comfortable returning to campus during a pandemic
Clemson would either lose students or have to continue supplying online classes as well as in-person classes.

Approach 3:

Ensure that the financial needs of both students and institutions are being met

This approach asserts that the primary goal for Clemson should be to meet the financial needs of both its students and the institution itself.

The people who believe in this approach feel that economic factors are of utmost importance. The COVID-19 pandemic has brought about a lot of financial hardship for the country. These economic factors affect both the university and the students and faculty. In the past year, 22 million Americans have filed for unemployment. This has led to an increase in financial distress for many families. Tuition to attend university is expensive, and due to the pandemic, a lot of students need increased financial support. Now, this might not be a problem in a normal year, as the university brings in a lot of money, but the pandemic has affected colleges around the country as well.

For instance, at Northwestern University, because instruction was moved remotely in March, the university lost $25 million just in refunds for student room and board. This does not include what universities would lose if learning continued to be online for the fall semester. Many universities believe that they have an obligation to provide assistance for vulnerable members in their community, but their funds are not unlimited. Therefore, the main priority for this approach is to find a harmonious balance that allows for students to receive the financial assistance they need, while also bringing in revenue for the university to be run.

What Should We Do?

What should be done?	Consequences and Drawbacks
Clemson University froze tuition for the 2020-2021 school year. Clemson University should not increase tuition for the 2021-2022 school year. (This is currently being deliberated).	Clemson may find itself in a precarious spot financially if it cannot raise enough money to cover the cost of maintenance and operation. Several other colleges have been issuing debt in the form of bonds in order to raise funds.
Clemson students should pay the same tuition as previous years.	Students with financial drawbacks might not be able to attend There are limited activities on campus, why should you pay extra money?
Clemson should create a board that includes selected students, faculty, administration, and community members to help decide financial decisions.	Some perspectives could directly or indirectly result in a bias, depending on who is on the board.

Summary

Clemson had three approaches to consider; however, no approach was perfect...

Clemson's Wicked Problems

Clemson must prioritize the safety of its students and faculty and the local community--however, at what cost to the value and quality of education?

Clemson must ensure that students receive a quality education--however, at what cost to safety?

Clemson must ensure that students get the financial aid they need to cover the cost of their education especially when the economy has been so negatively impacted--however, at what detriment to the university's ability to continue operating?

For more information, visit these resources:

https://www.pewresearch.org/fact-tank/2020/10/26/americans-are-divided-on-whether-colleges-that-brought-students-back-to-campus-made-the-right-decision/

https://www.npr.org/2020/09/16/913500758/as-campuses-become-covid-hotspots-colleges-strain-under-financial-pressures

https://www.northwestern.edu/coronavirus-covid-19-updates/developments/financial-implications-of-covid-19.html

https://old.reddit.com/r/Clemson/comments/ikdyev/students_disregarding_masks/

https://www.wsj.com/articles/should-colleges-reopen-in-the-fall-11588719228

https://www.help.senate.gov/imo/media/doc/Going%20Back%20to%20College%20Safely%20Opening%20Statement%206-4-2020.pdf

https://www.usatoday.com/story/news/education/2020/04/08/coronavirus-quarantine-stay-at-home-police-enforce-social-distancing-clemson/5119575002/

Figure 5.1. Example of a Student Group's Issue Guide (reprinted with permission). This student group focused on the wicked problem of students returning to Clemson's campus during the COVID pandemic and chose to present their issue guide as an infographic. This group researched national and local conversations on their controversy and proposed action items, and associated tradeoffs, that negotiated the value tensions among local stakeholders. In the reflection assignment following this project, one student from this group observed, "[t]he arguments being made were not necessarily 'bad arguments' in that they were fallacious. It was just that taking one approach often meant harming the other approach's goal—almost as if it were a zero sum [sic] game" (reprinted with permission). Through this approach, students not only work to identify fallacies while analyzing arguments, but also are attuned to how the arguments interact and lead to a seemingly intractable conflict (e.g., zero-sum game logic) while proposing actions that are intended to navigate this intractability by generating further deliberation among stakeholders.

Through this deliberative orientation, facilitated by strategies of rhetorical listening, students practice a rhetorically informed spatial theory approach to argument analysis with strategies for navigating their own civic engagement in local controversies. Rather than deferring to (grand) narratives that circulate in the public discourse, students focus on the stories-

so-far quality of the situated perspectives expressed in arguments about the controversy in terms of trained incapacities and value hierarchies, which are not immovable, but instead can be negotiated through a more deliberative approach to dialogue. While there are certainly many commonalities between the issues that students approach in class and issues that have assumed roles national narratives (e.g., names of buildings on campuses, statues, etc.), my hope is that this approach to argument analysis helps students to balance these with the differences and attend to what is missing in these battles for (grand) narrative supremacy, the exiled excess, onto which the analysis strategies we cover in class can shed some light. Additionally, the recursive and generative approach to developing strategies for action, I hope, will help students to participate constantly in processes of deliberative and rhetorical invention for addressing the myriad wicked problems that they will encounter in their personal, professional, and civic experiences.

NOTES

[1] For the full episode, see, Menaker, Will, et al. *Chapo Trap House*. 542, https://youtu.be/_ejV-XVa8ks. Accessed 20 July 2021. For more of Daniel Bessner's, a historian of US foreign relations, see http://danielbessner.com/.

[2] The JUSTICE Act failed to receive the 60 votes needed in the Senate to advance to debate. See, Carney, Jordain. "Democrats Block GOP Police Reform Bill amid Senate Stalemate." TheHill, 24 June 2020, https://thehill.com/homenews/senate/504303-democrats-block-gop-police-reform-bill-amid-senate-stalemate.

[3] Siskin roots the development of the disciplines to the organizational choices manifest in the first edition of *Encyclopedia Britannica* in the late-eighteenth century, in which "[m]aterials from all the sciences and arts were… 'digested' into substantial 'Treatises or Systems,'" arguing that "the consolidation of alphabetically organized material into an array of subject-specific 'arrangements'… anticipated the modern curriculum. In effect, the encyclopedia became the home of protodisciplinary systems" (56).

[4] Siskin opens the Prologue with an epigraph quoting physics Professor Leonard Susskind: "I think we can ask the most primitive question: What is a system? Now I don't think we can answer it. It's a sort of undefinable. You start with the idea of a system" (1). Addressing Susskind in terms of the Galileo Galilei quote that also appears as an epigraph here: "We have discovered four wandering stars, known or observed by no one before us… We will say more in our System of the World," Siskin claims that the wide and varied discussions of systems have never approached a definition and that, "[i]n fact, the more we say about system—the less likely we are to answer the 'what' question with a definition" (ibid). Instead, and contradicting Susskind, Siskin argues that an "undefinable" can be best approached with "careful attention to what *kind of thing* we assume it to be," and that instead of starting with "the idea of a system" and "get stuck with the problem of a fixed definition; start with system as a particular kind of thing that can be explained" (ibid). Siskin opts for genre as the kind of thing and thereby focuses his analysis not on achieving a definition of systems, but instead on tracking its consistent and shifting characteristics overtime and its interactions with other kinds of things.

[5] Ong contrasts system to method, explaining that while system was "quite as visually satisfying as method," system "was a much more maneuverable concept," that lacked the "patience and painstaking labor—the inability of anyone, except perhaps Euclid, to produce even one perfectly organized or methodized science" suggested by method (237). He links this shift in terminology to the "epidemic of systems" in the early-eighteenth century through the accessibility of systems that was lacking in the concept of method (236).

[6] Siskin uses "genre" rather than metaphor as his primary term for analyzing the influence of systems.

[7] I understand that this analysis is not "thorough" as I have not exploited all of the possibilities offered by an analysis of system as metaphor, in terms of the other master tropes, but that is not my purpose here. Instead, I have decided that an overview of the key terms that I have selected is sufficient to demonstrate the transition from system as metaphor to system as reality across a variety of disciplines.

[8] Gabriel Almond's reference to "systems theorists" comes as a witty counterargument: "If we think of some of our contemporary, behaviorally oriented systems theorists as arrogant, it is instructive to read once again the remarks of the thirty-year-old Hamilton in *Federalist* No. 1… [a]nd in *Federalist* No. 9," and heralds the creative innovations made by the newly systems theory trained political scientists: "And again, we have a generation of political theorists searching for an explanatory, predictive, and manipulative political theory" (872).

[9] Legal historian Sara Mayeux attributes this "urgency," as "partly in response to Barry Goldwater's demagoguery, during the 1964 campaign, on the issue of law and order" which she argues led to efforts of democratic co-optation of law and order throughout the remaining years of the twentieth century, and partly in response to "a rising tide of disorder in American cities—epitomized by the 1964 Harlem riots and later, in 1965, by the Watts uprising" (75).

[10] Mona Lynch and Anjuli Verma begin the first chapter, "The Imprisonment Boom of the Late Twentieth Century: Past, Present, and Future," of the *Oxford Handbook of Prisons and Imprisonment* by citing Blumstein and Cohen's essay as evidence of the unpredictability of the rise of mass incarceration: "Even the most renowned criminologists of the era had no idea it was coming. Most famously, Alfred Blumstein and Jacqueline Cohen" whose article was published "just as the ascent in incarceration rates began" (3). The authors include Franklin E. Zimring's characterization of the article as "the most important and certainly the most ironically timed" (ibid).

[11] For more on the expansion of the concepts of mass incarceration and prisons in terms of "prison nation," see, Richie, Beth E. *Arrested Justice: Black Women, Violence, and America's Prison Nation*. New York Univ. Press, 2012. For more in terms of the "prison industrial complex," see, Davis, Angela. *Prison-Industrial-Complex*. Ak Press, 2000 and True Leap Press. "Black Liberation and the Abolition of the Prison Industrial Complex: An

Interview with Rachel Herzing." *True Leap Press*, 2016, https://trueleappress.files.wordpress.com/2016/08/black-lib-and-pic-abolition.pdf.

[12] Danielle Sered, in *Until We Reckon*, highlights the relationship of government, which she links to taxpaying families, spending on "security": "One of the only things we spend more on than prisons is war" (7).

[13] In Chapter 3, I track the decision to establish the first penitentiary in South Carolina during September 1866 and the arguments made are remarkably similar to Wacquant's observations here. The divergence, then, may be less attributable to Blumstein, et al. versus Wacquant's temporal perspectives and instead to the former's trained incapacities as systems theorists and social scientists.

[14] Hinton attributes the phrasing, "statistical discourse," to Khalil Gibran Muhammad, see Muhammad, Khalil Gibran. *The Condemnation of Blackness: Race, Crime, and the Making of Modern Urban America*. Harvard University Press, 2019.

[15] Schenwar and Law echo Gilmore's argument here: "Mass carceral systems reinforce the notion that we can't take care of ourselves and each other—that we need an authoritative system of control and punishment looming over our communities to be safe and secure," and taking the point a step further in their advocacy for the abolition of the carceral apparatus in all of its manifestations: "In reality, however, we all have internal resources (and, if we work together with our communities, external resources) that we can bring to bear in times of crisis. People have been solving all kinds of problems for millenia without the prison industrial complex" (Schenwar and Law 212).

[16] Significantly, Blumstein does argue that "[t]he differential involvement in crime may diminish if the United States moves more vigorously toward eliminating the inequalities in its society," though he does not dwell on this point, instead adding, "but trends in recent years do not make one optimistic that this will happen very quickly" (254).

[17] See "The Log Lady Introduction" to "Dispute Between Brothers." *Twin Peaks: Season 2*, directed by David Lynch, Paramount Pictures, 2007.

[18] See, Dick, Philip K. *Selected Stories of Philip K. Dick*. Houghton Mifflin Harcourt, 2013.

[19] Jeffery T. Walker calls for criminologists to integrate non-linear, complex systems science to improve criminological research, with a proposal of Ecodynamics Theory for neighborhood-level crime research. See Walker, Jeffery T. "Advancing Science and Research in Criminal Justice/Criminology: Complex Systems Theory and Non-Linear Analyses." *Justice Quarterly*, vol. 24, no. 4, Dec. 2007, pp. 555–81. *DOI.org (Crossref)*, https://doi.org/10.1080/07418820701717110. See also, Lepri, Bruno, et al. "The Tyranny of Data? The Bright and Dark Sides of Data-Driven Decision-Making for Social Good." *Transparent Data Mining for Big and Small Data*, edited by Tania Cerquitelli et al., vol. 32, Springer International Publishing, 2017, pp. 3–24, for the authors' analysis of the incorporation of place-based analysis in criminal profiling and predictive policing using data modelling. For more on data-driven spatial mapping and predictive policing, see Drawve, Grant, et al. "Enhancing Data-Driven Law Enforcement Efforts: Exploring How Risk Terrain Modeling and Conjunctive Analysis Fit in a Crime and Traffic Safety Framework." *American Journal of Criminal Justice*, vol. 44, no. 1, Feb. 2019, pp. 106–24. *DOI.org (Crossref)*, https://doi.org/10.1007/s12103-018-9449-3 and Jefferson, Brian Jordan. "Digitize and Punish: Computerized Crime Mapping and Racialized Carceral Power in Chicago." *Environment and Planning D: Society and Space*, vol. 35, no. 5, Oct. 2017, pp. 775–96. *DOI.org (Crossref)*, https://doi.org/10.1177/0263775817697703. For a discussion on technological surveillance in digitally networked urban environments, in terms of individuals, dividuals, and re-assembling and potential applications in law, see Iveson, Kurt, and Sophia Maalsen. "Social Control in the Networked City: Datafied Dividuals, Disciplined Individuals and Powers of Assembly." *Environment and Planning D: Society and Space*, vol. 37, no. 2, Apr. 2019, pp. 331–49. *DOI.org (Crossref)*, https://doi.org/10.1177/0263775818812084. For a discussion on the application of complexity theory to legal theory to empirically analyze and manage the complexity of law (e.g., Tax Code), see Ruhl, J. B., and Daniel Martin Katz. "Legal Complexity." *Iowa Law Review*, vol. 101, no. 191, 2015, pp. 191–244. Also of potential interest is a 1985 article in which Michael C. Jackson explores the capacity for hard science aims of "explaining, predicting and controlling natural systems" (135), to be applied to the "soft" sciences through a systems approach, with some discussion on subjectivity in terms of "whole systems," see Jackson, Michael C. "Social Systems Theory and Practice: The Need for a Critical Approach." *International Journal of General Systems*, vol. 10, 1985, pp. 135–51.

[20] For more on the uses of data-based risk assessment models in pretrial bail determinations, see Koepke, John Logan, and David G. Robinson. "DANGER AHEAD: RISK ASSESSMENT AND THE FUTURE OF BAIL REFORM." *WASHINGTON LAW REVIEW*, vol. 93, 2018, pp. 1725–807. For uses of "data-driven, systems-based [approaches] to improving public defense," see Metzger, Pamela, and Andrew Guthrie Ferguson. "Defending Data." *SOUTHERN CALIFORNIA LAW REVIEW*, vol. 88, 2015, pp. 1057–124. For the use of data in facial

modelling for improving sentencing practices, see Funk, Friederike, et al. "Modelling Perceptions of Criminality and Remorse from Faces Using a Data-Driven Computational Approach." *Cognition and Emotion*, Sept. 2016, pp. 1–13. *DOI.org (Crossref)*, doi:10.1080/02699931.2016.1227305.

[21] The title of this chapter comes from an interview with Josmar Trujillo, New York City "anti-policing organizer and scholar," discussing community policing practices, including neighborhood watch organizing (Schenwar and Law 153). Amidst the publicity of community policing as an effort to build better relationships between officers and the communities they patrol, Trujillo states plainly: "[P]olicing is still happening, so you still feel like you're in an open-air prison" (ibid 160).

[22] For more on the uses of data to formulate, largely racially biased, networks of suspected criminals, see, Ferguson, Andrew G. *The Rise of Big Data Policing: Surveillance, Race, and the Future of Law Enforcement*. New York University Press, 2017.

[23] Interestingly, the *Financial Times* covered the 2021 Milken Institute Global Conference in Beverly Hills, "organized by the one-time junk bond kind, Michael Milken" (Indap et al.). During the event, described as the "usual celebration of economic Darwinism," Howard S. Marks, co-founder of Oak Tree Capital, is quoted: "It's gotten harder to steal stuff" (ibid). Through the lens of incarceration research, this piece highlights the need identified by Wacquant for a close examination of the definition of crime in terms of class. For more on the Milken Jamboree, see Indap, Sujeet, et al. "Financiers Find Safe Space for Milken Jamboree at The Beverly Hilton." *Financial Times*, 22 Oct. 2021, https://www.ft.com/content/5d840a5c-fa0c-4d08-9574-59f0d3e8c703.

[24] Arner argues that the universalizing of emergent capital as "the good," undermines "the idea of the university" which is "to resist thought's hegemony—the necessary consequence of any universally accorded, single good, single notion for profit—not be annihilating received structures but by preserving and presenting them in all of their history and multiplicity" (1032).

[25] For more on the state in terms of organizing space, see Jacobs, Jane. *The Death and Life of Great American Cities*. Vintage Books ed, Vintage Books, 1992 and Scott, James C. *Seeing like a State: How Certain Schemes to Improve the Human Condition Have Failed*. Yale UP, 2008.

[26] As a Catholic philosopher, Maritain maintains that definitions of earthly sovereignty are fallacious: "In the eyes of a sound political philosophy there is no sovereignty, that is, no natural and inalienable right to *transcendent* or *separate* supreme power in political society. Neither the Prince nor the King nor the Emperor were really sovereign, though they bore the sword and the attributes of sovereignty. Nor is the State sovereign; nor are even the people sovereign. God alone is sovereign" (24).

[27] For Deleuze and Guattari's discussion of "apparatus of capture" and "primitive accumulation," see Deleuze, Gilles, and Félix Guattari. *A Thousand Plateaus: Capitalism and Schizophrenia*. University of Minnesota Press, 1987.

[28] For more on Foucault's antiessentialist and transactional approach to the concept of the state, see Foucault, Michel. *Power: The Essential Works of Foucault*. Edited by James D. Faubion, New Press, 2000 and Foucault, Michel. *The Birth of Biopolitics: Lectures at the Collège de France, 1978-79*. Translated by Graham Burchell, Paperback ed, Palgrave Macmillan, 2008.

[29] In presentation to the Edinburgh International Political Science Association (IPSA) Congress in 1976, Almond and coauthor Stephen J. Genco, critique the commitment to hard sciences and systems thinking in political science and propose an alternative that aligns with complex systems thinking, see Almond, Gabriel A., and Stephen J. Genco. "Clouds, Clocks, and the Study of Politics." *World Politics*, vol. 29, no. 4, July 1977, pp. 489–522.

[30] Arendt discusses the government's monopoly on violence briefly: "[I]t is the freedom (and in some instances so-called freedom) of society which requires and justifies the restraint of political authority. Freedom is located in the realm of the social, and force or violence becomes the monopoly of government" (31). She then discusses the Greek understanding of prepolitical violence, which belongs to the household, as the realm of necessity, versus the polis, as the realm of political freedom. To achieve the freedom of the polis, heads of household maintained a recourse to violence as the means to conquer necessity, as in the case of violence and force used against slaves to ensure the survival of the members of the house.

[31] For more of Lefebvre's triads and his "discussion and critique of the theory of representations" (Soja 69), see, Lefebvre, Henri. *La Présence et l'absence: Contribution à La Théorie Des Représentations*. Casterman, 1980.

[32] For more on situated knowledge and the relationship between observer and thing observed, see, Haraway, Donna. "Situated Knowledges: The Science Question in Feminism and the Privilege of Partial Perspective." *Feminist*

Studies, vol. 14, no. 3, 1988. *DOI.org (Crossref)*, https://doi.org/10.2307/3178066, and Glenn, Cheryl. *Rhetorical Feminism and This Thing Called Hope*. Southern Illinois University Press, 2018.

[33] For Tuan's discussion of experiencing time in reverse, in terms of "home," see pp. 127-28. Massey also uses an anecdote of returning home to demonstrate the conflict between the experience of travelling backwards in space-time and the constantly shifting reality of home as place, see pp. 123-25.

[34] To illustrate what he means by representative anecdotes, Burke includes an example from behaviorism: "For instance, the behaviorist uses his experiments with the conditioned reflex as the anecdote about which to form his vocabulary for the discussion of human motives" (*Grammar of Motives* 59). However, in terms of scope, this anecdote offers a reductive vocabulary for human motives: "though notably *informative*, is not *representative*, since one cannot find a representative case of human motivation in animals, if only because animals lack that property of linguistic rationalization which is so typical of human motives" (ibid).

[35] Massey argues that the spatialization of the story of modernity demonstrates the European project of "modernity's preconditions in and effects of violence, racism, and oppression," which rationalized states' colonial projects, see pp. 63-64.

[36] For a discussion on confession in terms of Foucault's theories of power relationships, and composition portfolio assignments, see Jensen, Kyle. *Reimagining Process: Online Writing Archives and the Future of Writing Studies*. Southern Illinois University Press, 2015, pp. 73-78.

[37] To arrive at her concept of non-identification, Ratcliffe discusses limitations with Burke's concept of identification, which Ratcliffe argues: "demands that differences be bridged," for the sake of developing common ground (53). It is through this critique that she turns her focus to metonymy, with the capacity to simultaneously engage commonalities and difference, as the driving trope for rhetorical listening. In response, Kyle Jensen proposes a tropological calculus as a means for expanding the capacities of rhetorical listening through "a liquid attitude" that resists drive toward a perfection of terms, e.g., through metonymy, and which maintains its dynamism in rhetorical invention, see Jensen, Kyle. "Rhetorical Listening in Principle: A Burkean Apology." *JAC*, vol. 32, no. 1/2, 2012, pp. 185–219. On a loosely related note, for a discussion on the role of listening in the mutually constitutive process of identity formation in terms of posthumanism, specifically the postsexual subject, see Birdsall and Drew.

[38] See, Foucault, Michel. "The Life of Infamous Men." *Power, Truth, Strategy*, edited by Meaghan Morris and Paul Patton, Feral Publications, 1979, pp. 79-80.

[39] See, Levine, Jonathan. "Motherload." *Nine Perfect Strangers*, S1 E6, Hulu, 8 Sept. 2021.

[40] According to 2020 Census data, Bishopville has a population of 3,024 and the residents' poverty and education rates are higher and lower respectively than the state average ("Bishopville City").

[41] The USC Political Collections Archive was a small room in the library and was largely empty during my trip. However, over the course of, I think, two days an older man was sitting at the table behind me. As the documents I was studying were from the 1960s, the archivist gave me permission to *carefully* use my handheld scanner, a neat little tool I had picked up before studying marginalia in several prison libraries for my MA Thesis. One of the days, I can't remember which, the older gentleman quietly called for my attention and I turned around, startled; the room had always been relatively silent aside from the gentle ruffling of papers. He asked me about the contraption and I explained it to him. He expressed an intermingling of thrill and exasperation: "Is it new?" I explained that I'd had it for about five years. "You mean I could have been using one of those for years!" in an irritated whisper as he held his pencil over his note paper. Several months later, I had a similar experience upon discovering that my smartphone was capable of taking photos that automatically converted the files to Optical Character Recognition PDFs, which would have been an enormous time saver. A lesson: Secondary research prior to entering the archives includes new digital recording technologies!

[42] I found very few sources that dealt with the South Carolina Penitentiary specifically, but I did examine the following secondary sources in some detail, though I have worked (as much as possible) to not let the authors' central arguments direct my approach to the primary documents. See, Hindus, Michael Stephen. *Prison and Plantation: Crime, Justice, and Authority in Massachusetts and South Carolina, 1767-1878*. The University of North Carolina Press, 1980, and see, The South Carolina Historical Association. *The Proceedings of the South Carolina Historical Association 1934-1942*.

[43] For a detailed history on the South Carolina Department of Archives and History (SCDAH), see, Lesser, Charles H. *The Palmetto State's Memory*. South Carolina Department of Archives & History, 2009, https://scdah.sc.gov/sites/default/files/Documents/About%20Us/palmetto-state-memory.pdf.

[44] Here we can observe the early, Enlightenment systems thinking in the design and operations of prisons that can be viewed as a precursor to the mid-20th century systems theory conception of criminal justice and incarceration. The recourse to other prisons in the South as model "systems," parallels Foucault's observations that, "[t]he prison form antedates its systemic use in the penal system," while, "[t]he 'models' of penal detention—Ghent, Gloucester, Walnut Street—marked the first visible points of this transition, rather than innovations or points of departure" (231).

[45] Again, we see the early systems thinking in the move toward "[a] justice that is supposed to be 'equal,' a legal machinery that is supposed to be 'autonomous,' but which contains all the asymmetries of disciplinary subjection," and, as Foucault observes and the case of the establishment of the SCP illustrates, "this conjunction marked the birth of the prison" (Foucault 231-232).

[46] The *Abbeville Press*, on Sept. 7th, reprinted the *Charleston News* article in full and *The Yorkville Enquirer* cites the article in brief on Sept. 6th: "The Charleston *News* urges the establishment of a penitentiary in South Carolina" ("Mere-Mention"). For the *Abbeville Press* article, see *Charleston News*. "A Penitentiary Wanted." *Abbeville Press*, 7 Sept. 1866, https://historicnewspapers.sc.edu/lccn/sn85042527/1866-09-07/ed-1/seq-2/. Library of Congress, Chronicling America.

[47] The following sources are included in this cut-up experiment: *Abbeville Press*, 7 Sept. 1866, pg. 2. https://historicnewspapers.sc.edu/lccn/sn85042527/1866-09-07/ed-1/seq-2/; *Abbeville Press*, 21 Sept. 1866, pg. 2. https://historicnewspapers.sc.edu/lccn/sn85042527/1866-09-21/ed-1/seq-2/; *The Anderson Intelligencer*, 13 Sept. 1866, pg. 2. https://historicnewspapers.sc.edu/lccn/sn84026965/1866-09-13/ed-1/seq-2/; *The Anderson Intelligencer*, 20 Sept. 1866, pg. 2. https://historicnewspapers.sc.edu/lccn/sn84026965/1866-09-20/ed-1/seq-2/; *The New South*, 29 Sept. 1866, pg. 2. https://historicnewspapers.sc.edu/lccn/sn83025760/1866-09-29/ed-1/seq-2/; *Edgefield Advertiser*, 12 Sept. 1866, pg. 2. https://historicnewspapers.sc.edu/lccn/sn84026897/1866-09-12/ed-1/seq-2/; *Edgefield Advertiser*, 19 Sept. 1866, pg. 1. https://historicnewspapers.sc.edu/lccn/sn84026897/1866-09-19/ed-1/seq-1/; *Edgefield Advertiser*, 26 Sept. 1866, pg. 2. https://historicnewspapers.sc.edu/lccn/sn84026897/1866-09-26/ed-1/seq-2/; *The News Tri-Weekly*, 15 Sept. 1866, pg. 2. https://historicnewspapers.sc.edu/lccn/sn84026922/1866-09-15/ed-1/seq-2/; *The News Tri-Weekly*, 22 Sept. 1866, pg. 2. https://historicnewspapers.sc.edu/lccn/sn84026922/1866-09-22/ed-1/seq-2/; *The Southern Enterprise*, 27 Sept. 1866, pg. 2. https://historicnewspapers.sc.edu/lccn/sn85027003/1866-09-27/ed-1/seq-2/; *The Carolina Spartan*, 27 Sept. 1866, pg. 2. https://historicnewspapers.sc.edu/lccn/sn83025802/1866-09-27/ed-1/seq-2/; *Charleston Daily News*, 24 Sept. 1866, pg. 1. https://historicnewspapers.sc.edu/lccn/sn84026994/1866-09-24/ed-1/seq-1/; *The Daily Phoenix*, 1 Sept. 1866, pg. 2. https://historicnewspapers.sc.edu/lccn/sn84027008/1866-09-01/ed-1/seq-2/#; *The Daily Phoenix*, 5 Sept. 1866, pg. 2. https://historicnewspapers.sc.edu/lccn/sn84027008/1866-09-05/ed-1/seq-2/#; *The Daily Phoenix*, 6 Sept. 1866, pg. 2. https://historicnewspapers.sc.edu/lccn/sn84027008/1866-09-06/ed-1/seq-2/#; *The Daily Phoenix*, 11 Sept. 1866, pg. 2. https://historicnewspapers.sc.edu/lccn/sn84027008/1866-09-11/ed-1/seq-2/#; *The Daily Phoenix*, 13 Sept. 1866, pg. 3. https://historicnewspapers.sc.edu/lccn/sn84027008/1866-09-13/ed-1/seq-3/#; *The Daily Phoenix*, 20 Sept. 1866, pg. 3. https://historicnewspapers.sc.edu/lccn/sn84027008/1866-09-20/ed-1/seq-3/#; *The Fairfield Herald*, 19 Sept. 1866, pg. 1. https://historicnewspapers.sc.edu/lccn/sn84026923/1866-09-19/ed-1/seq-1/; *The Fairfield Herald*, 26 Sept. 1866, pg. 1. https://historicnewspapers.sc.edu/lccn/sn84026923/1866-09-26/ed-1/seq-1/; *The Lancaster Ledger*, 12 Sept. 1866, pg. 2. https://historicnewspapers.sc.edu/lccn/sn84026900/1866-09-12/ed-1/seq-2/; *The Yorkville Enquirer*, 6 Sept. 1866, pg. 2. https://historicnewspapers.sc.edu/lccn/sn84026925/1866-09-06/ed-1/seq-2/#; *The Yorkville Enquirer*, 13 Sept. 1866, pg. 2. https://historicnewspapers.sc.edu/lccn/sn84026925/1866-09-13/ed-1/seq-2/#; *The Yorkville Enquirer*, 20 Sept. 1866, pg. 2-3. https://historicnewspapers.sc.edu/lccn/sn84026925/1866-09-20/ed-1/; *The Yorkville Enquirer*, 27 Sept. 1866, pg. 2. https://historicnewspapers.sc.edu/lccn/sn84026925/1866-09-27/ed-1/seq-2/#.

[48] Mackey notes that the only people excluded from voting on the initiation of and delegates to the 1868 convention were "those who had been justly disqualified by their participation, directly or indirectly, in the crime of treason" (Woodruff iv).

[49] It is important to note that I have found some discrepancies in the identifications of delegates races between the *Yorkville* list and a list published by A. A. Taylor in *The Journal of Negro History* from October 1924. However, after repeatedly seeing *Yorkville*'s identifications confirmed by other articles and papers, and in light of the fact that Taylor's source was a *New York Tribune* article, instead of a local paper, I am taking the *Yorkville* list as accurate at this time.

[50] The list includes a second butcher who wasn't selected by Lee. He is a man named Ben Williams who, I find it interesting, received the same sentence for the same charge, riot and assault, on the same day as Smart Grant, the other butcher.

[51] Another interesting observation, it appears that Wm J. Hastie confused the two Thomas Williams, indicated by a no. 1 and no. 2 in the original list. It appears he sent Thomas Williams no. 1, with only a one-year sentence, as opposed to Thomas Williams no. 2, requested by Lee, with a three-year sentence. Neither have a listed occupation.

[52] I've attempted to hunt down reference to this Bill in the journals of the house and senate during the 1868 regular session and in the subsequent message from the governor to the General Assembly, but I have had no luck. In a future iteration of this project, I plan to revisit the SCDAH to go through the governors', J. L. Orr and R. K. Scott (Orr's successor), papers from this period to see how this legislation was addressed.

[53] Beyond the mandate of "unbroken silence," including a specification outlawing laughter (*Message No. 1* 86), for incarcerated people and guards (ibid 84), incarcerated people were not allowed to "receive or transmit any letter or paper, except under the inspection of the Superintendent (ibid 87). This, of course, is not unique and clearly adheres to the Auburn model, based on the penitentiary in Auburn, NY, which substituted silent labor for perpetual solitary confinement. One exception to the silence policy is the ability to approach the governor when he is on the premises (ibid 110–11). However, according to Captain Samuel Green's testimony, the chief guard of SCP at the time, this policy is inconsistently enforced (ibid 113).

[54] E. W. M. Mackey, who distributed the petition, wasn't present for testimony during Canby's inquiry. His father, A. G. Mackey, president of the 1868 convention, was excused as a witness. Interestingly, however, E. W. M. Mackey does appear in the section of Orr's message outlining pardons, as a defendant in a case of battery against a newspaper reporter for the Charleston *Mercury* who had published "an assault upon the private as well as public character of his father," whereby Mackey had, "proceeded to avenge the injury by inflicting the battery" and subsequently sentenced to a $100 fine. The fine was pardoned as the act was deemed "natural and commendable" (*Message No. 1* 195). For a lively discussion on whether or not to grant *Mercury* reporters access to the convention proceedings, see Woodruff pp. 30-31.

[55] In a future iteration of this project, I'm considering examining further penitentiary archival holdings in terms of labor and self-sufficiency in the context of eighteenth-century utopian factory communities, including Claude Nicolas Ledoux's Saline Royale (Royal Saltworks).

[56] Interestingly, Williams's claim that he was tied hand-to-foot in his cell overnight is not addressed as a sanctioned punishment by any of the witnesses, including penitentiary officials, and I would need to do further research to see if this was an officially sanctioned US army/navy punishment at the time.

[57] Siding with Lee, the report of the inquiry commission likewise cites Northern and border state's authority in terms of regulations for punishment, highlighting harsher punishments (including the lash) outlined in a report made to the New York legislature the previous year (ibid 125).

[58] A receipt dated April 10th, 1869, for what appears to be medium paper amounting to $2.00, is signed Gen. C. J. Strolbrand Supt. With "Engineer and Architect" crossed out, see, Stokes, E. R., et al. *South Carolina Penitentiary to E. R. Stokes Dr. 1869*. Receipt, South Carolina Penitentiary, 10 Apr. 1869. South Carolina Department of Archives and History, Box 1, Folder 1 A S.C. State Penitentiary. S 132063 Central Correctional Institution Superintendent's Files of CCI.

[59] See also, Taylor 196-197 and Worsham, Lynn, and Gary A. Olson. "Changing the Subject: Judith Butler's Politics of Radical Resignification." *The Politics of Possibility: Encountering the Radical Imagination*. Ed. Gary A. Olson and Lynn Worsham. Paradigm, 2007. pg. 9.

[60] See, Forman Jr., James. *Locking Up Our Own: Crime and Punishment in Black America*. First paperback edition, Farrar, Straus and Giroux, 2018, pg. 46.

[61] For this and many other excellent songs, see, the Bunny, Pat. "From Here to Utopia." *Bandcamp*, 21 Oct. 2014, https://patthebunny.bandcamp.com/track/from-here-to-utopia. For a related project that uses storytelling powerfully, see, Ramshackle Glory. "Who Are Your Friends Gonna Be?" *Bandcamp*, 7 July 2012, https://ramshackleglory.bandcamp.com/album/who-are-your-friends-gonna-be.

[62] Garrison discusses the uniqueness, and positive value, of D.C.'s ANCs and, in answer to the question of whether these could be successfully instated in other large cities, offers the following explanation/invitation: "As brave and provocative as District of Columbia's experiment with small-bore elected neighborhood governance is, it may well be that the circumstances in this federal district are sufficiently idiosyncratic such that the model would not work in other U.S. jurisdictions… Since it is highly unlikely that a city council would voluntarily test out such an approach,

the forced experiment in District of Columbia is likely to be the only example available to study. Bring on the researchers!" (165).

[63] Walter E. Washington was the first mayor elected following the passage of the Home Rule Act and he was sworn in by Thurgood Marshall, the first black Supreme Court Justice. However, Washington had been serving as a ceremonial mayor prior to the act's passage, which according to Forman Jr, "infuriated Representative McMillan, who protested by sending a truckload of watermelons to Washington's office" (19). Interestingly, Thurgood Marshall Jr. is mentioned in Shane Bauer's *American Prison*, which, in part, covers Bauer's experiences as an undercover reporter/prison guard at Winn Correctional Center in Louisiana, a private prison run by Corrections Corporation of America (CCA). At the annual shareholders' meeting, which Bauer was allowed to attend by buying a single stock for $34, he saw Thurgood Marshall Jr., who serves on the CCA board: "The shareholder booklet I was handed when I entered says one of the reason the company appointed [Marshall Jr.] was 'his contribution to the Board's cultural diversity'" among a group comprised primarily of "old white men" (285). While Marshall Jr. declined Bauer's interview request, he offers the following speculation: "How does the son of a great civil rights lawyer end up on the board of a private prison company? According to the shareholder booklet, he is paid an $80,000 'retainer' plus $120,000 in stocks every year" (285–86). However, this rationale might be overly simplistic (or at least terminologically screened) in conversation with Forman Jr.'s *Locking Up Our Own*, and especially without Marshall Jr.'s perspective on the matter.

[64] Advocating for criminal justice reforms that center compassion, mercy, and forgiveness, Forman Jr. includes a proposal for "restoring voting rights to people who have served their sentences (or, better yet, allowing people to vote while incarcerated)" (236). Additionally, Bernie Sanders brought the issue to national attention in 2019 during the Democratic primary and was met with substantial skepticism and derision from pundits and other primary candidates, see, Ember, Sydney, and Matt Stevens. "Bernie Sanders Opens Space for Debate on Voting Rights for Incarcerated People." *The New York Times*, 27 Apr. 2019. *NYTimes.com*, https://www.nytimes.com/2019/04/27/us/politics/bernie-sanders-prison-voting.html.

[65] It is important to note that Marc Mauer calls Clegg's analysis of felony enfranchisement into question (556–57). See also, Clegg, Roger, and Marc Mauer. "Should Ex-Felons Be Allowed to Vote?" *Legal Affairs*, 1 Nov. 2004, http://www.legalaffairs.org/webexclusive/debateclub_disenfranchisement1104.msp.

[66] See also, Austermuhle, Martin. "'I May Be Incarcerated, But My Voice Still Matters.': Resident At D.C. Jail Wins Local Election." *DCist*, 16 June 2021, https://dcist.com/story/21/06/16/dc-jail-incarcerated-joel-caston-wins-anc-election-ward7/.

[67] In his interview with *The Georgetown Voice*, Castón emphasizes his plans to address "gender disparities in the jail," issues with financial literacy among the incarcerated (a program he'd already been working on through teaching classes and by writing a series on investment basics, called "Currency Catcher"), and plans for "establish[ing] the seat as a mainstay in Ward 7 politics, encouraging other inmates to run after he leaves office" (Cuccia).

[68] *The Georgetown Voice* article cites D.C. Department of Corrections (DOC) statistics from April 2021: "86 percent of those incarcerated through the DOC were Black, a notable overrepresentation of a population that makes up 46 percent of the District. Only 7.3 percent of inmates identified as white, compared to 46 percent of D.C.'s population" (Cuccia).

[69] Mark Haugaard likewise argues for the inseparability of reason and emotion, specifically in "late, liquid, modern" thinking: "socio-ontological epistemic bias and socio-ontological transformations are no longer assumed to have a rational logic, even relative to the interests of elites. Rather they entail emotion, irrationality and cognitive selection based upon the arbitrary preferences of subjective tastes, shaped by the cacophony of Internet virtual reality" (1). See, Haugaard, Mark. "Power, Emotion, Cognitive Bias and Legitimacy: An Editorial." *Journal of Political Power*, vol. 12, no. 1, Jan. 2019, pp. 1–3. *DOI.org (Crossref)*, https://doi.org/10.1080/2158379X.2019.1573614.

[70] From a qualitative, empirical study, Saam's central argument counters the claim that emotion-work in deliberation makes democracy more inclusive, but instead, "owing to variations in the participants' kinds of emotional capital, an emphasis on emotional expression actually serves to *perpetuate social inequality rather than eliminate it*. Emotional expression is a very ambivalent form of communication" (755–56).

[71] Rhetorical listening, especially in conversation with Haraway's situated knowledges, might also offer a way to mitigate the issues presented by expert knowledge, which, according to Ryan Walter's readings of Dryzek and Young in terms of Foucault through historical nominalism, "present problems for deliberative democracy, not only because they are likely to carry greater status than other knowledges but also because they have ontological effects

in creating the things they speak about" (531-32). See, Walter, Ryan. "Foucault and Radical Deliberative Democracy." *Australian Journal of Political Science*, vol. 43, no. 3, Sept. 2008, pp. 531–46. *DOI.org (Crossref)*, https://doi.org/10.1080/10361140802267290. See also, Haraway, supra note 30.

[72] Simone Chambers uses the term artifice to describe deliberative democracy theorists' aversions to rhetoric, discussing both "strategic" or manipulative rhetoric and rhetoric as style. In turn, she argues for a distinction between plebiscitary rhetoric, or "interest in power over truth and [a] strategic stance toward communication" and other rhetorical expressions, and that this particular flavor of rhetoric is rife in political discourse. By contrast, she argues, that instead of throwing the rhetorical baby out with the bathwater, "we should be thinking about deliberative rhetoric as a potential counterweight to plebiscitary tendencies" (328).

[73] In another telling example of this approach to rhetoric, Young explains: "Rhetoric always *accompanies* argument, by situating the argument for a particular audience and giving it embodied style and tone" (79; emphasis added).

[74] Ratcliffe contends that Burke's argument in *A Rhetoric of Motives* is that "*all* language use has a persuasive function: for example, when a person explains an idea, that person is trying simultaneously to explain the idea and to persuade an audience to accept the explanation" (1).

[75] Beyond focusing on Burke's identification in terms of consensus, it could be interesting to read the Habermasian communicative action approach to deliberative democracy in terms of Quintillian and Cicero's approaches to stasis theory.

[76] The Habermasian-counter-Habermasian dialectic here is wildly oversimplified, as Bächtiger, et al. point to Habermas's transition toward the second approach in later theoretical work, but it functions here simply as convenient nomenclature. In an expanded version of this chapter, I will search for something that's less reductive.

[77] For a breakdown of disenfranchisement laws, see, "Felon Voting Rights." *National Conference of State Legislatures*, 28 June 2021, https://www.ncsl.org/research/elections-and-campaigns/felon-voting-rights.aspx.

[78] Berk cites Carole Pateman's 2012 American Political Science Association Presidential Address, during which she claimed, "that modern variants of democratic theory (in particular, deliberative democracy) don't offer a persuasive account of the relationship between deliberation and institutional structures" (302).

[79] Schmidt notes that she uses "participatory" and "deliberative" interchangeably for her project, though she notes the scholarly research that marks an explicit divide between the two approaches in democratic theory. Her decision is based on her observations that "the prison council encompassed both through prison-wide engagement and consultation, open elections, deliberative meetings, and a greater representation and advocacy, especially for prisoners" (40).

[80] This is Berk's reading of Charles Stastny and Gabrielle Tyrnauer's "cautious[] embrace [of] the unfulfilled promise of what they call 'prison democracy'" (Berk 280). See Stastny and Tyrnauer.

[81] All of the content for this section was collected during a single, personal interview, conducted over Zoom, in November 2021, see, DiMascio.

[82] Bill explains that this work was being conducted through their "Justice Program." Currently, according to The Edna McConnell Clark Foundation homepage, the foundation is "investing all its assets within the next decade to leave a lasting impact on children and families living in poverty" ("Home").

[83] While the ESP is largely in a state of disrepair, tours are still held at the facility. Additionally, during the fall, they open the prison as a haunted house. While on a trip to Philadelphia for a different project, I was able to attend the haunted house version of the ESP and was a little bit startled by some of the choices the event organizers had made. Beyond being fascinated by the magnitude of this old, stone fortress, the haunted house tour had us walking through various themed rooms, which is a very common practice. They had set up an African tribe room (designed with all the fetishizing tropes, including cannibalism, in black light and neon), a mad scientist room (for experimenting on incarcerated people), and the cells, near the end of the tour, were populated by violent and deranged inmates in striped uniforms. For some extra cash, visitors could go to the Al Capone themed speakeasy and check out his finely furnished cell. I remember leaving and feeling that this had been a very racially coded experience, though without the contextualization to make it productive versus exploitative. Don't get me wrong, I love a good haunted house attraction, and I have yet to attend one that wasn't at least a little problematic ("redneck" zombies, offensive accounts of inbreeding, and wildly outrageous depictions of mental illness). However, something about this on taking place at an actual prison, rather than in a mall or some empty lot off the highway, made the history of these tropes inescapable and incredibly uncomfortable. I hope to return to take their regular tour at some point to see if this coding is particular to Halloween, or if it's built into the narrative generally.

[84] Interestingly, at the beginning of our conversation, I noted my optimism at the conversations on incarceration that I'd been encountering in my research, with authors like Schenwar and Law and Sered proposing alternatives to incarceration and joining the abolitionist and radical reform voices who, I feel, are gaining more traction in our contemporary moment, with books like Alexander's *The New Jim Crow* spending "nearly 250 weeks on *The New York Times* bestseller list" ("About the Author"). However, Bill's perspective is sobering, especially considering his long history of working inside of prisons and witnessing the conditions first-hand for an extended period of time.

[85] For government articles and perspectives on community corrections, see, "Community Corrections." *National Institute of Justice*, https://nij.ojp.gov/topics/corrections/community-corrections. Accessed 24 Feb. 2022. See, Schenwar and Law for a critique of community corrections. For a contrasting perspective, see, Bagaric, et al. Here, the authors claim that the use of technology could "result in the closure of nearly all prisons in the United States," in the interest of financial savings, though these proposals strike me as a techno-draconian approach (and not at all what the Clark Foundation had in mind from Bill's description).

[86] At this point, Bill described an intensive workshop hosted by the Kettering Foundation, specifically, "a gnarly Brit," named, John, no Robert, yeah, Bob Kingston, "who always jumped on everybody for every little mis queue." Another story for another time.

[87] According to Bill, New York has a "weakened" version of this sort of program, though it only applies to a few prisons near the city and has far less influence. Additionally, the PPS focused on the state prisons because of the high turnover rate at the county jails.

[88] Bill shared the story of the handheld fans advocacy in some detail, explaining that the prison in Dallas, PA was very old, poorly ventilated, and the heat was unbearable in the summer. After receiving some complaints from the incarcerated people, so he spoke with the superintendents, but it was a tough sell: They didn't want any battery powered devices that could be fashioned into tattoo guns. But Bill got the issue on the agenda for the statewide corrections officials' meeting, "[t]hinking there's no way in hell they're going to approve it," but to his surprise, they did.

[89] This story came far later in the conversation, but I thought it was important to include here in the section discussing the operations of the prisons more generally. While I'm working to minimize my editorial impact in this section, the story in which this conversation is situated will not be included in this dissertation, but instead will be saved for a later iteration of this project.

[90] Bill mentions a volunteer with PPS who was also running restorative justice programming in the prisons, as well as his own work trying to integrate deliberation into a large restorative justice forum in one of the prisons. In a later iteration of this project, I would like to go into this in more depth. For more on the relationship between restorative justice and deliberative democracy, see Archibald, Bruce P. "Let My People Go: Human Capital Investment and Community Capacity Building Via Meta/Regulation in a Deliberative Democracy - A Modest Contribution for Criminal Law and Restorative Justice." *Cardozo Journal of International and Comparative Law*, vol. 16, no. 1, 2008, pp. 1–85; Braithwaite, John. "Deliberative Republican Hybridity Through Restorative Justice." *Raisons Politiques: Études de Pensée Politique*, no. 59, 2015, pp. 17–33; Dzur, Albert W. "Public Restorative Justice: The Participatory Democratic Dimensions of Institutional Reform." *Raisons Politiques: Études de Pensée Politique*, no. 59, 2015, pp. 51–71; and Parkinson, John, and Declan Roche. "Restorative Justice: Deliberative Democracy in Action?" *Australian Journal of Political Science*, vol. 39, no. 3, Nov. 2004, pp. 505–18. *DOI.org (Crossref)*, https://doi.org/10.1080/103614042000295101.

[91] Bill recalls telling Dave Mathews this story over lunch, and he "almost dropped his spoon, he was so excited."

[92] For more on the Poor People's Campaign, see, "Poor People's Campaign." *Poor People's Campaign*, https://www.poorpeoplescampaign.org. Accessed 26 Feb. 2022.

[93] For more on SC's Citizens Center for Public Life (one of the Public Policy Institutes that Bill described), see, "Citizens Center for Public Life." *Citizens Center for Public Life*, https://sites.google.com/a/ccplife.org/citizens-center-for-public-life/. Accessed 26 Feb. 2022.

[94] Unless otherwise noted, all of the quotes in this section are from a single interview that I conducted with Barbara on November 19, 2021, see, Brown.

[95] For an example, see the final pages of the guide cited here, "Free Speech & the Inclusive Campus: How Do We Foster the Campus Community We Want? (Downloadable PDF)." *National Issues Forums*, 25 Aug. 2020, https://www.nifi.org/en/catalog/product/free-speech-inclusive-campus-how-do-we-foster-campus-community-we-want-downloadable.

[96] At this point, Barbara explains that her and the incarcerated participants would pass around articles that were inspired by their conversations, particularly those that related to the prison experience specifically, and went into the burgeoning research on the impact of nutrition on re-entry. She also discusses a proposal made by the inmates to start a culinary school at the prison, as the current food preparation standards are considered below standard by the incarcerated participants. However, this proposal failed, for the time being, due to safety concerns on the part of the prison administration. For more on nutrition in SC prisons, see, Collins, Shayda A., and Sharon H. Thompson. "What Are We Feeding Our Inmates?" *Journal of Correctional Health Care*, vol. 18, no. 3, July 2012, pp. 210–18. *DOI.org (Crossref)*, https://doi.org/10.1177/1078345812444875.

[97] Speaking to rhetoric in terms of style, Barbara explains that she uses plain language in the sessions, which "puts everybody at ease" in the forums, and she worked to make sure that incarcerated participants who referred to specialized or academic theories would explain their thoughts in simpler language so that no one felt excluded, blaming any confusion on herself: "I don't quite get everything you're saying, let's talk a little more."

[98] See, Johnston, Joseph D. "Greg the Babysitter." *Steven Universe*, S3 E16, Cartoon Network, 29 July 2016.

[99] See, Miller, Christopher. "Aniq." *The Afterparty*, S1 E1, Apple TV, 28 Jan. 2022.

[100] See, Ong, Walter. "System, Space, and Intellect in Renaissance Symbolism." *Bibliothèque d'Humanisme et Renaissance*, vol. 18, no. 2, 1956, pg. 239.

[101] The Reuters Virginia gubernatorial election coverage from Nov. 3rd makes no mention of CRT. See, Murphy, J. Kim. "Republican Glenn Youngkin Wins Virginia Governor Election." *Reuters*, 3 Nov. 2021. *www.reuters.com*, https://www.reuters.com/business/cop/republican-glenn-youngkin-wins-virginia-governor-election-2021-11-03/.

[102] Taibbi notes that other voters whom he spoke with were opposed to the $500,000 spent by the county on an "equity assessment" by the consulting agency, Equity Collaborative. The county spending perspective mentioned tracks with exit polling that reported economic concerns as a top priority among Virginia voters, with education a not-to-distant second (Schneider and Vozzella).

[103] Christopher Rufo, conservative activists and senior fellow with the public policy think tank, Manhattan Institute, is credited with initiating the controversy against CRT. For examples, see Wallace-Wells, Benjamin. "How a Conservative Activist Invented the Conflict Over Critical Race Theory | The New Yorker." *The New Yorker*, 18 June 2021, https://www.newyorker.com/news/annals-of-inquiry/how-a-conservative-activist-invented-the-conflict-over-critical-race-theory; LastWeekTonight. "Critical Race Theory: Last Week Tonight with John Oliver (HBO)." *YouTube*, 21 Feb. 2022, https://www.youtube.com/watch?v=EICp1vGlh_U.

[104] Tom Mackaman's interview with Adolph Reed, Jr. offers examples of Reed's critique of CRT as reductionist and of *The New York Times'* 1619 Project in terms of pessimism. See, Mackaman, Tom. "An Interview with Political Scientist Adolph Reed, Jr. on the New York Times' 1619 Project." *World Socialist Web Site*, 20 Dec. 2019, https://www.wsws.org/en/articles/2019/12/20/reed-d20.html.

[105] For an example of a CRT approach to storytelling in terms of precedent and evidence in trial, see, Torres, Gerald, and Kathryn Milun. "Translating Yonnondio by Precedent and Evidence: The Mashpee Indian Case." *Critical Race Theory: The Cutting Edge*, edited by Richard Delgado, Temple University Press, 1995, pp. 48–55.

[106] This infrastructural metaphor may bely too solid a boundary between rhetorical approaches to ecologies and posthumanism (as well as many other applications of "intersectional," see Mackaman).

[107] For more on situated, partial perspectives in science research, see, Haraway, supra note 30. For a rhetorical perspective on the relational co-production of knowledge, see, Glenn, supra note 30.

[108] It is important to note that I've borrowed both of these notetaking strategies, the hupomnemata and the rhetoric dictionary, from taking Jensen's rhetoric courses while working toward my MA at UNT. As always, thank you Dr. Jensen.

REFERENCES

"§ 1–1001.08. Qualifications of Candidates and Electors; Nomination and Election of Delegate,
Chairman of the Council, Members of Council, Mayor, Attorney General, and Members
of State Board of Education; Petition Requirements; Arrangement of Ballot. | D.C. Law
Library." *Council of the District of Columbia*,
https://code.dccouncil.us/us/dc/council/code/sections/1-1001.08. Accessed 5 Feb. 2022.

"A Penitentiary." *The Carolina Spartan*, 27 Sept. 1866,
https://historicnewspapers.sc.edu/lccn/sn83025802/1866-09-27/ed-1/seq-2/. Library of
Congress, Chronicling America.

"About." *National Issues Forums*, 18 June 2014, https://www.nifi.org/en/about.

"About ANCs." *DC.Gov*, https://anc.dc.gov/page/about-ancs. Accessed 5 Feb. 2022.

"About the Author." *The New Jim Crow*, https://newjimcrow.com/about-the-author. Accessed 24
Feb. 2022.

"Affairs in the Penitentiary." *The Yorkville Enquirer*, 30 Jan. 1868,
https://historicnewspapers.sc.edu/lccn/sn84026925/1868-01-30/ed-1/seq-1/. Library of
Congress, Chronicling America.

Agamben, Giorgio. *Sovereign Power and Bare Life*. Stanford University Press, 1998.

Alas, Horus. "Youngkin Celebrates Win with Supporters during 'thank You' Tour Stop in
Ashburn." *LoudounTimes.Com*, https://www.loudountimes.com/news/youngkin-
celebrates-win-with-supporters-during-thank-you-tour-stop-in-ashburn/article_271e20c2-
454f-11ec-ad84-6b7a639bf3ee.html. Accessed 8 Mar. 2022.

Alexander, Michelle. *The New Jim Crow: Mass Incarceration in the Age of Colorblindness*.
Revised edition, New Press, 2012.

Almond, Gabriel A. "Political Theory and Political Science." *American Political Science Review*, vol. 60, no. 4, Dec. 1966, pp. 869–79. *DOI.org (Crossref)*, https://doi.org/10.2307/1953762.

Anderson, Sarah, et al. *The Souls of Poor Folk*. Apr. 2018, https://www.poorpeoplescampaign.org/wp-content/uploads/2019/12/PPC-Audit-Full-410835a.pdf.

Arendt, Hannah. *The Human Condition*. 2nd ed, University of Chicago Press, 1998.

Arner, Michael. "The Teleology of Complexity: A Response to Mark C. Taylor." *JAC*, vol. 24, no. 4, 2004, pp. 1024–38.

"Art. V.--The State, in Its Relations with the Church." *Quarterly Review*, Dec. 1839, pp. 97–153.

Austermuhle, Martin. "D.C. Clears The Way For Incarcerated Felons To Vote, Joining Only Two States That Allow It." *DCist*, 9 July 2020, https://dcist.com/story/20/07/09/dc-incarcerated-felons-vote-voting-rights/.

Bächtiger, André, et al. "Disentangling Diversity in Deliberative Democracy: Competing Theories, Their Blind Spots and Complementarities*." *Journal of Political Philosophy*, vol. 18, no. 1, Mar. 2010, pp. 32–63. *DOI.org (Crossref)*, https://doi.org/10.1111/j.1467-9760.2009.00342.x.

Banks, Adam J. *Race, Rhetoric, and Technology: Searching for Higher Ground*. Lawrence Erlbaum ; National Council of Teachers of English, 2006. *Open WorldCat*, http://public.eblib.com/choice/publicfullrecord.aspx?p=274548.

Barad, Karen. "Posthumanist Performativity: Toward an Understanding of How Matter Comes to Matter." *Material Feminisms*, Indiana University Press, 2008, pp. 120–54.

Barkow, Rachel E. *Prisoners of Politics: Breaking the Cycle of Mass Incarceration*. The Belknap Press of Harvard University Press, 2019.

Bauer, Shane. *American Prison: A Reporter's Undercover Journey into the Business of Punishment*. Penguin Press, 2018.

Bell, Derrick. "Racial Realism." *Connecticut Law Review*, vol. 24, no. 2, 1992, pp. 363–80.

Berk, Christopher D. "On Prison Democracy: The Politics of Participation Ina Maximum Security Prison." *Critical Inquiry*, vol. 44, no. 2, Winter 2018, pp. 275–302.

Bernard-Donals, Michael. "Archival Subjects and the Violence of Writing." *Abducting Writing Studies*, edited by Sidney I. Dobrin and Kyle Jensen, Southern Illinois University Press, 2017, pp. 123–41.

Birdsall, Kate, and Julie Drew. *Wanting Ourselves: Writing (And) The Postsexual Subject*. Edited by Sidney I. Dobrin, Parlor Press, 2015, pp. 99–132.

"Bishopville City, South Carolina." *United States Census Bureau*, https://data.census.gov/cedsci/profile?g=1600000US4506310. Accessed 19 Dec. 2021.

Blumstein, Alfred. "Prison Populations: A System out of Control?" *Crime and Justice*, vol. 10, Jan. 1988, pp. 231–66. *DOI.org (Crossref)*, https://doi.org/10.1086/449147.

Blumstein, Alfred, and Jacqueline Cohen. "A Theory of the Stability of Punishment." *The Journal of Criminal Law and Criminology (1973-)*, vol. 64, no. 2, June 1973, p. 198. *DOI.org (Crossref)*, https://doi.org/10.2307/1142990.

Blumstein, Alfred, and Soumyo Moitra. "An Analysis of the Time Series of the Imprisonment Rate in the States of the United States: A Further Test of the Stability of Punishment Hypothesis." *The Journal of Criminal Law and Criminology (1973-)*, vol. 70, no. 3, 1979, p. 376. *DOI.org (Crossref)*, https://doi.org/10.2307/1142580.

BOP: First Step Act Overview. https://www.bop.gov/inmates/fsa/overview.jsp. Accessed 20
    Aug. 2021.

Bour, Hayley Milon. "Youngkin Makes Education His Final Pitch to Loudoun Voters." *Loudoun*
    Now, 2 Nov. 2021, https://loudounnow.com/2021/11/02/youngkin-makes-education-
    final-pitch-to-loudoun-voters/.

Boyle, Casey Andrew. *Rhetoric as a Posthuman Practice*. The Ohio State University Press,
    2018. *Open WorldCat*, http://www.scranton.edu/academics/wml/bookplates/index.shtml.

Brown, Barbara. Personal Interview, 19 Nov. 2021.

Brown, Matthew. "Kamala Harris Agrees with Tim Scott That America Not a 'racist Country'
    but Says Must 'Speak Truth' on Racism." *USA TODAY*, 29 Apr. 2021,
    https://www.usatoday.com/story/news/politics/2021/04/29/kamala-harris-responds-tim-
    scott-saying-america-not-racist-country/4886682001/.

Burke, Kenneth. *A Grammar of Motives*. Univ. of California Press, 1969.

---. *A Rhetoric of Motives*. Univ. of California Press, 1969.

---. *Attitudes Toward History*. 3rd ed. with a new afterword, University of California Press, 1984.

---. *Language as Symbolic Action: Essays on Life, Literature, and Method*. Univ. of California
    Press, 1966.

Butler, Judith. *Bodies That Matter: On the Discursive Limits of "Sex."* Routledge, 1993.

Carcasson, Martín. *SPCM 207: Public Argumentation Coursebook for Fall 2019 For All*
    Sections. 2019.

Carcasson, Martín, and Leah Sprain. "Beyond Problem Solving: Reconceptualizing the Work of
    Public Deliberation as Deliberative Inquiry." *Communication Theory*, vol. 26, 2016, pp.
    41–63.

Carson, E. Ann. *Prisoners in 2019*. NCJ, 255115, Bureau of Justice Statistics, Oct. 2020, pp. 1–

    38, https://bjs.ojp.gov/content/pub/pdf/p19.pdf.

CBS News. "The Trials of Critical Race Theory | CBS Reports." *YouTube*, 4 Nov. 2021,

    https://www.youtube.com/watch?v=WOqxuVVbTrQ.

Chambers, Simone. "Rhetoric and the Public Sphere: Has Deliberative Democracy Abandoned

    Mass Democracy?" *Political Theory*, vol. 37, no. 3, June 2009, pp. 323–50.

Cheliotis, Leonidas K. "The Ambivalent Consequences of Visibility: Crime and Prisons in the

    Mass Media." *Crime, Media, Culture: An International Journal*, vol. 6, no. 2, Aug. 2010,

    pp. 169–84. *DOI.org (Crossref)*, https://doi.org/10.1177/1741659010378629.

Childers, Mary, and bell hooks. "A Conversation about Race and Class." *Conflicts in Feminism*,

    edited by Marianne Hirsch and Evelyn Fox Keller, Routledge, 1990, pp. 60–81.

Clarke, Bruce. "Evolutionary Equality: Neocybernetic Posthumanism and Margulis and Sagan's

    Writing Practice." *Writing Posthumanism, Posthuman Writing*, edited by Sidney I.

    Dobrin, Parlor Press, 2015, pp. 275–97.

Clegg, Roger, et al. "The Bullet and the Ballot? The Case for Felon Disenfranchisement

    Statutes." *American University Journal of Gender, Social Policy & the Law*, vol. 14, no.

    1, 2006, pp. 1–26.

CNBC Television. "President Joe Biden Signs Executive Orders on Racial Equity." *YouTube*, 26

    Jan. 2021, https://www.youtube.com/watch?v=it0KuAxtM_M.

"Constitution Annotated: Analysis and Interpretation of the U.S. Constitution." *Congress.Gov*,

    https://constitution.congress.gov/constitution/. Accessed 5 Feb. 2022.

Cuccia, Annemarie. "Joel Castón, Georgetown Prison Scholar, Is the First Incarcerated Person in

    D.C. Government." *The Georgetown Voice*, 25 July 2021,

https://georgetownvoice.com/2021/07/25/joel-caston-georgetown-prison-scholar-is-the-first-incarcerated-person-in-d-c-government/.

Daugherty, Renée A., and Sue E. Williams. *The Role of Public Deliberation in Leadership: Crossing Boundaries to Reach Diverse Perspectives*. Association of Leadership Educators, 2002, pp. 28–32, https://www.leadershipeducators.org/resources/Documents/2002%20ALE%20Conference%20Proceedings%20.pdf.

"DC Council Approves Voting in Prison Ahead of November Election." *The Sentencing Project*, 8 July 2020, https://www.sentencingproject.org/news/dc-council-approves-voting-prison-ahead-november-election/.

de Greiff, Pablo. "Deliberative Democracy and Punishment." *Buffalo Criminal Law Review*, vol. 5, no. 2, Jan. 2002, pp. 373–403.

Delgado, Richard, editor. *Critical Race Theory: The Cutting Edge*. Temple University Press, 1995.

DeRosa, Katharine. "Youngkin Wins Governor Seat, Flips Virginia Red." *The Commonwealth Times*, 3 Nov. 2021, https://commonwealthtimes.org/2021/11/03/republican-candidate-glenn-younkin-flips-gubernatorial-election-red/.

DiMascio, William. Personal Interview, 18 Nov. 2021.

Druschke, Caroline Gottschalk. "A Trophic Future for Rhetorical Ecologies." *Enculturation*, Feb. 2019, http://enculturation.net/a-trophic-future.

Dzur, Albert W. "Democratic Innovation in Criminal Justice." *Democracy Inside: Participatory Innovation in Unlikely Places*, Oxford University Press, 2018, pp. 67–91.

---, editors. *Democratic Theory and Mass Incarceration*. First edition, Oxford University Press, 2016.

Dzur, Albert W., and Rekha Mirchandani. "Punishment and Democracy: The Role of Public Deliberation." *Punishment & Society*, vol. 9, no. 2, Apr. 2007, pp. 151–75. *DOI.org (Crossref)*, https://doi.org/10.1177/1462474507074747.

Edbauer, Jenny. "Unframing Models of Public Distribution: From Rhetorical Situation to Rhetorical Ecologies." *Rhetoric Society Quarterly*, vol. 35, no. 4, Fall 2005, pp. 5–24.

Eisenstein, Sergei. *Film Form: Essays in Film Theory and The Film Sense*. Edited & translated by Jay Leyda, Meridian Books, 1957.

Ercan, Selen A., and John S. Dryzek. "The Reach of Deliberative Democracy." *Policy Studies*, vol. 36, no. 3, May 2015, pp. 241–48. *DOI.org (Crossref)*, https://doi.org/10.1080/01442872.2015.1065969.

"'Exterminate All the Brutes': Filmmaker Raoul Peck Explores Colonialism & Origins of White Supremacy." *Democracy Now!*, 4 May 2021, https://www.democracynow.org/2021/5/4/documentary_series_exterminate_all_the_brutes.

"FACT SHEET: Launching the Data-Driven Justice Initiative: Disrupting the Cycle of Incarceration." *Whitehouse.Gov*, 30 June 2016, https://obamawhitehouse.archives.gov/the-press-office/2016/06/30/fact-sheet-launching-data-driven-justice-initiative-disrupting-cycle.

Ferkany, Matt, and Kyle Powys Whyte. "The Importance of Participatory Virtues in the Future of Environmental Education." *Journal of Agricultural and Environmental Ethics*, vol. 25,

no. 3, June 2012, pp. 419–34. *DOI.org (Crossref)*, https://doi.org/10.1007/s10806-011-9312-8.

Fleckenstien, Kristie S. "Cyborg Vision for Cyborg Writing." *Writing Posthumanism, Posthuman Writing*, edited by Sidney I. Dobrin, Parlor Press, 2015, pp. 254–74.

Forman Jr., James. *Locking Up Our Own: Crime and Punishment in Black America*. First paperback edition, Farrar, Straus and Giroux, 2018.

Foucault, Michel. *Discipline and Punish: The Birth of the Prison*. 2nd Vintage Books ed, Vintage Books, 1995.

---. "Self Writing." *The Essential Works of Michel Foucault 1954-1984*, edited by Paul Rabinow and Robert Hurley and Others, vol. 1, The New Press, 1994, pp. 207–22, https://www.sas.upenn.edu/~cavitch/pdf-library/Foucault_Self_Writing.pdf.

Gabriel, Trip. "Glenn Youngkin's Journey From the Heights of Finance to the Top Tier of G.O.P. Politics." *The New York Times*, 15 Nov. 2021. *NYTimes.com*, https://www.nytimes.com/2021/11/03/us/elections/glenn-youngkin.html.

Garrison, David F. "District of Columbia's Elected Advisory Neighborhood Commissions: An Unlikely Experiment in Governance at the Grassroots." *State and Local Government Review*, vol. 43, no. 2, Aug. 2011, pp. 159–66. *DOI.org (Crossref)*, https://doi.org/10.1177/0160323X11416074.

Gilmore, Ruth Wilson. *Golden Gulag: Prisons, Surplus, Crisis, and Opposition in Globalizing California*. University of California Press, 2007.

Glenn, Cheryl, and Jessica Enoch. "Drama in the Archives: Rereading Methods, Rewriting History." *College Composition and Communication*, vol. 61, no. 2, Dec. 2009, pp. 321–42.

Greenberg, David F. "Imprisonment and Unemployment: A Comment." *Journal of Quantitative Criminology*, vol. 5, no. 2, 1989, p. 6.

Hall, Stuart. "When Was the 'post-Colonial"? Thinking at the Limit." *The Post-Colonial Question*, edited by I. Chambers and L. Curti, Routledge, 1996, pp. 242–60.

Hastie, Wm J. *Calendar of Prisoners Confined in Jail of Charleston District under Sentence to the Penitentiary*. 26 Nov. 1867. South Carolina Department of Archives and History, Box 1, Folder 1 A S.C. State Penitentiary. S 132063 Central Correctional Institution Superintendent's Files of CCI.

---. *List of Prisoners Transferrred from Jail of Charleston District to the South Carolina Penitentiary on the Order of T. B. Lee Supt. S.C.P. by Wm J. Hastie J.C.D.* 1867. South Carolina Department of Archives and History, Box 1, Folder 1 A S.C. State Penitentiary. S 132063 Central Correctional Institution Superintendent's Files of CCI.

Hauser, Gerard A., and Chantal Benoit-Barne. "Reflections on Rhetoric, Deliberative Democracy, Civil Society, and Trust." *Rhetoric and Public Affairs*, vol. 5, no. 2, Summer 2002, pp. 261–75.

Heyck, Hunter. *Age of System: Understanding the Development of Modern Social Science*. 1st ed., Johns Hopkins University Press, 2015.

Hinton, Elizabeth. *From the War on Poverty to the War on Crime: The Making of Mass Incarceration in America*. 1st ed., Harvard University Press, 2016.

"Home." *The Edna McConnell Clark Foundation*, https://www.emcf.org/. Accessed 24 Feb. 2022.

Indap, Sujeet, et al. "Financiers Find Safe Space for Milken Jamboree at The Beverly Hilton."

    Financial Times, 22 Oct. 2021, https://www.ft.com/content/5d840a5c-fa0c-4d08-9574-

    59f0d3e8c703.

James, Nathan. *Risk and Needs Assessment in the Federal Prison System*. R44087,

    Congressional Research Service, 10 July 2018, p. 21. *Zotero*,

    https://fas.org/sgp/crs/misc/R44087.pdf.

Jensen, Kyle. "I Am Spam: A Posthuman Approach to Writer's Block." *Writing Posthumanism,*

    Posthuman Writing, edited by Sidney I. Dobrin, Parlor Press, 2015, pp. 234–53.

---. *Reimagining Process: Online Writing Archives and the Future of Writing Studies*. Southern

    Illinois University Press, 2015.

---. "The Panoptic Portfolio: Reassessing Power in Process-Oriented Writing Instruction." *JAC*,

    vol. 30, no. 1/2, 2010, pp. 95–141.

Johnson, Steven. *Emergence: The Connected Lives of Ants, Brains, Cities and Software*.

    Scribner, 2004.

---. *The Ghost Map: The Story of London's Most Terrifying Epidemic-- and How It Changed*

    Science, Cities, and the Modern World. 2007.

Journal of the House of Representatives of the State of South Carolina Being the Special Session

    of 1868. John W. Denny, Printer to the State, 1868,

    https://www.google.com/books/edition/Journal_of_the_House_of_Representatives/EnZM

    AAAAYAAJ?hl=en&gbpv=0.

Journal of the Senate of the State of South Carolina, Being the Extra Session of 1866. Julian A.

    Selby, Printer to the State, 1866, https://hdl.handle.net/2027/chi.095880136.

Kantorowicz, Hermann. "The Concept of the State." *Economica*, no. 35, Feb. 1932, pp. 1–21.

Kirkpatrick, T. J. "Republican Rebuttal to Biden's Speech: Tim Scott's Full Transcript." *The New York Times*, 29 Apr. 2021. *NYTimes.com*, https://www.nytimes.com/2021/04/29/us/politics/tim-scott-rebuttal-transcript.html.

Korff, Jay. "Inmate Joel Caston Becomes First Incarcerated Person to Win Elected Office in DC." *WBFF*, 15 June 2021, https://foxbaltimore.com/news/local/inmate-joel-caston-becomes-first-incarcerated-person-win-elected-office-dc.

Kruesi, Kimberlee. "Tennessee Bans Teaching Critical Race Theory in Schools." *AP NEWS*, 25 May 2021, https://apnews.com/article/tennessee-racial-injustice-race-and-ethnicity-religion-education-9366bceabf309557811eab645c8dad13.

Le Dem, Gaspard. "Advocates Denounce Election Results in ANC 7F07 - WCP." *Washington City Paper*, 18 Dec. 2020, http://washingtoncitypaper.com/article/504544/advocates-denounce-election-results-in-anc-7f07/.

Lefebvre, Henri. *The Production of Space*. Blackwell, 1991.

LoudounNow. "GOP Sweeps State Offices, Flips House; Local Dems Hang On." *Loudoun Now*, 2 Nov. 2021, https://loudounnow.com/2021/11/02/polls-closed-counting-underway/.

Lynch, Mona, and Anjuli Verma. *The Imprisonment Boom of the Late Twentieth Century: Past, Present, and Future*. Edited by John Wooldredge and Paula Smith, Oxford University Press, 2018, pp. 3–28.

Lynch, Paul, and Nathaniel A. Rivers, editors. *Thinking with Bruno Latour in Rhetoric and Composition*. 1st ed., Southern Illinois University Press, 2015.

Manchester, Julia. "Youngkin Wins Virginia Governor's Race." *TheHill*, 3 Nov. 2021, https://thehill.com/homenews/campaign/579436-youngkin-wins-virginia-governors-race.

Maritain, Jacques. *Man and the State*. Catholic University of America Press, 1998.

Martinez, Aja Y. "Derrick Bell and Counterstory as Allegory/Fantasy." *Counterstory: The Rhetoric and Writing of Critical Race Theory*, Conference on College Composition and Communication ; National Council of Teachers of English, 2020, pp. 53–79.

Massey, Doreen B. *For Space*. SAGE, 2005.

Mauer, Marc. "Voting Behind Bars: An Argument for Voting by Prisoners." *Howard Law Journal*, vol. 54, no. 3, 2011, pp. 549–66.

Mayeux, Sara. "The Idea of 'The Criminal Justice System.'" *American Journal of Criminal Justice*, vol. 45, no. 1, 2018, pp. 55–93.

Mays, Chris. "From 'Flows' to 'Excess': On Stability, Stubbornness, and Blockage in Rhetorical Ecologies." *Enculturation*, June 2015.

McMahon, Ryan. *Return to Thunder Bay*. 1, https://podcasts.apple.com/ca/podcast/a-post-truth-town/id1438924421?i=1000498809477. Accessed 7 May 2021.

"Mere-Mention." *The Yorkville Enquirer*, 6 Sept. 1866, https://historicnewspapers.sc.edu/lccn/sn84026925/1866-09-06/ed-1/seq-2/. Library of Congress, Chronicling America.

Message No. 1 of His Excellency Gov. J. L. Orr, with Accompanying Documents, Prepared for the Called Session of the Legislature, July, 1868. Phoenix Book and Job Power Press, 1868, https://www.google.com/books/edition/Message_to_the_General_Assembly_of_South/VntDAQAAMAAJ?hl=en&gbpv=0.

Michel, Laura. "Pennsylvania Prison Society." *Encyclopedia of Greater Philadelphia*, Rutgers University, 2016, https://philadelphiaencyclopedia.org/archive/pennsylvania-prison-society/.

Montellaro, Zach, and Brittany Gibson. "Youngkin Wins, Flipping Virginia Red." *POLITICO*, 3 Nov. 2021, https://www.politico.com/news/2021/11/02/virginia-governor-race-polls-close-518625.

Morgan, Hani. "Resisting the Movement to Ban Critical Race Theory from Schools." *The Clearing House: A Journal of Educational Strategies, Issues and Ideas*, vol. 95, no. 1, Jan. 2022, pp. 35–41. *DOI.org (Crossref)*, https://doi.org/10.1080/00098655.2021.2025023.

Mountford, Roxanne, et al., editors. *Reinventing Rhetoric Scholarship: Fifty Years of the Rhetoric Society of America*. First edition, Parlor Press, 2021.

Mueller, Derek N. *Network Sense: Methods for Visualizing a Discipline*. The WAC Clearinghouse ; University Press of Colorado, 2017.

Murray, Jeffrey W. "Kenneth Burke: A Dialogue of Motives." *Philosophy & Rhetoric*, vol. 35, no. 1, 2002, pp. 22–49.

@Neighbors4JDC. "Thank You @DCCorrections for Preparing This Video on Candidates Running for ANC7F07 Commissioner to Inform Residents for This First Ever ANC Election. We Are Overcome Watching This Powerful & Inspiring Video. Learn More: Https://Neighborsforjusticedc.Org/Takeaction/." *Twitter*, 7 June 2021, https://twitter.com/Neighbors4JDC/status/1402043796431454209.

Ong, Walter. "System, Space, and Intellect in Renaissance Symbolism." *Bibliothèque d'Humanisme et Renaissance*, vol. 18, no. 2, 1956, pp. 222–39.

Orr, James L. "The Governor's Message: Gentlemen of the Senate and House of Representatives." *The News Tri-Weekly*, 8 Sept. 1866,

https://historicnewspapers.sc.edu/lccn/sn84026922/1866-09-08/ed-1/seq-2/. Library of

Congress, Chronicling America.

Osborne, Thomas Mott. *Prisons and Common Sense*. J.B. Lippincott Company, 1924,

https://babel.hathitrust.org/cgi/pt?id=uc1.$b268846&view=1up&seq=8&skin=2021.

---. *Society and Prisons: Some Suggestions for a New Penology*. Yale University Press, 1916,

https://babel.hathitrust.org/cgi/pt?id=mdp.39015018642457&view=1up&seq=8&skin=20

21.

"Our History." *The Edna McConnell Clark Foundation*, https://www.emcf.org/about-us/our-

history/. Accessed 22 Feb. 2022.

Paviour, Ben, et al. "Republican Glenn Youngkin Wins Virginia's Governor Race, Dealing

Democrats a Blow." *NPR*, 3 Nov. 2021. *NPR*,

https://www.npr.org/2021/11/02/1049026183/virginia-governor-election-mcauliffe-

youngkin.

Perelman, Chaïm, and L. Olbrechts-Tyteca. *The New Rhetoric: A Treatise on Argumentation*.

Translated by John Wilkinson and Purcell Weaver, University of Notre Dame Press,

1969.

Pfaff, John F. *Locked In: The True Causes of Mass Incarceration--And How to Achieve Real

Reform*. Basic Books, 2017.

"President Donald J. Trump Is Committed to Building on the Successes of the First Step Act –

The White House." *WhiteHouse.Gov*, 1 Apr. 2019,

https://trumpwhitehouse.archives.gov/briefings-statements/president-donald-j-trump-

committed-building-successes-first-step-act/.

Prigogine, Ilya, and Isabelle Stengers. *Order Out of Chaos: Man's New Dialogue with Nature*.

    Bantam Books, 1984.

"Proceedings of the Reconstruction Convention." *The Yorkville Enquirer*, 23 Jan. 1868,

    https://historicnewspapers.sc.edu/lccn/sn84026925/1868-01-23/ed-1/seq-2/. Library of

    Congress, Chronicling America.

Prokop, Andrew. "What Glenn Youngkin's Virginia Win Means for Democrats." *Vox*, 3 Nov.

    2021, https://www.vox.com/2021/11/3/22752593/virginia-governor-results-youngkin-

    wins.

Protevi, John. *Edges of the State*. 2019.

Pycroft, Aaron, and Clemens Bartollas. *Applying Complexity Theory: Whole Systems*

    Approaches to Criminal Justice and Social Work. Policy Press, 2014. *Open WorldCat*,

    http://site.ebrary.com/id/10878542.

QUEDEAR. *Cut-Ups　William S. Burroughs*. 2011. *YouTube*,

    https://www.youtube.com/watch?v=Rc2yU7OUMcI.

Ratcliffe, Krista. *Rhetorical Listening: Identification, Gender, Whiteness*. Southern Illinois

    University Press, 2005.

"Remarks by President Biden in Address to a Joint Session of Congress." *The White House*, 29

    Apr. 2021, https://www.whitehouse.gov/briefing-room/speeches-

    remarks/2021/04/29/remarks-by-president-biden-in-address-to-a-joint-session-of-

    congress/.

Rice, Jenny. "How Can an Ecosystem Have a Voice?" *Forum: Bruno Latour on Rhetoric*, vol.

    47, no. 5, Rhetoric Society Quarterly, 2017, pp. 431–37.

Rickert, Thomas, et al. "An Interview with Mark C. Taylor." *JAC*, vol. 24, no. 4, 2004, pp. 805–19.

Rickert, Thomas J. *Ambient Rhetoric: The Attunements of Rhetorical Being*. University of Pittsburgh Press, 2013.

Rittel, Horst W. J., and Melvin M. Webber. "Dilemmas in a General Theory of Planning." *Policy Sciences*, vol. 4, no. 2, June 1973, pp. 155–69.

Rowan, Mike. "Democracy and Punishment: A Radical View." *Theoretical Criminology*, vol. 16, no. 1, Feb. 2012, pp. 43–62. *DOI.org (Crossref)*, https://doi.org/10.1177/1362480611410238.

Saam, Nicole J. "Recognizing the Emotion Work in Deliberation. Why Emotions Do Not Make Deliberative Democracy More Democratic: Recognizing the Emotion Work in Deliberation." *Political Psychology*, vol. 39, no. 4, Aug. 2018, pp. 755–74. *DOI.org (Crossref)*, https://doi.org/10.1111/pops.12461.

Schenwar, Maya, and Victoria Law. *Prison by Any Other Name: The Harmful Consequences of Popular Reforms*. The New Press, 2021.

Schmidt, Bethany Elena. *Democratising Democracy: Reimagining Prisoners as Active Citizens Through Participatory Governance*. University of Cambridge, Aug. 2020.

Schmitt, Carl. *The Concept of the Political*. Translated by George Schwab, Expanded ed, University of Chicago Press, 2007.

Schneider, Gregory S., and Laura Vozzella. "Republican Glenn Youngkin Wins Virginia Governor's Race." *Washingtonpost.Com*, Nov. 2021, p. NA-NA.

Scott, Tim. "A Bill to Improve and Reform Policing Practices, Accountability and Transparency." *Tim Scott: United States Senator Serving South Carolina*,

https://www.scott.senate.gov/imo/media/doc/JUSTICEActText.pdf. Accessed 18 May
2021.

Sered, Danielle. *Until We Reckon: Violence, Mass Incarceration, and a Road to Repair*. The
New Press, 2019.

Siskin, Clifford. *System: The Shaping of Modern Knowledge*. 2017.

Smith, Gavin J. D., et al. "The Challenges of Doing Criminology in the Big Data Era: Towards a
Digital and Data-Driven Approach." *The British Journal of Criminology*, vol. 57, no. 2,
Mar. 2017, pp. 259–74. *DOI.org (Crossref)*, https://doi.org/10.1093/bjc/azw096.

Soja, Edward W. *Postmodern Geographies: The Reassertion of Space in Critical Social Theory*.
Verso, 2011.

---. *Thirdspace: Journeys to Los Angeles and Other Real-and-Imagined Places*. Blackwell, 1996.

Stastny, Charles, and Gabrielle Tyrnauer. *Who Rules the Joint? The Changing Political Culture
of Maximum-Security Prisons in America*. Lexington Books, 1982.

"State, n." *OED Online*, Oxford University Press. *Oxford English Dictionary*,
https://www.oed.com/view/Entry/189241? Accessed 27 Feb. 2020.

"State Penitentiary." *The Daily Phoenix*, Saturday Morning, 1 Sept. 1866, p. 4. Library of
Congress, Chronicling America.

Stormer, Nathan, and Bridie McGreavy. "Thinking Ecologically About Rhetoric's Ontology:
Capacity, Vulnerability, and Resilience." *Philosophy & Rhetoric*, vol. 50, no. 1, 2017, p.
1. *DOI.org (Crossref)*, https://doi.org/10.5325/philrhet.50.1.0001.

"Summary HB 0580 (SB 0623)." *Tennessee General Assembly*,
https://www.capitol.tn.gov/Bills/112/CCRReports/CC0003.pdf. Accessed 11 Mar. 2022.

Taibbi, Matt. "The Red-Pilling of Loudoun County, Virginia." *TK News by Matt Taibbi*, 3 Nov.

    2021, https://taibbi.substack.com/p/the-red-pilling-of-loudoun-county.

Taslitz, Andrew E. "The Criminal Republic: Democratic Breakdown as a Cause of Mass

    Incarceration." *Ohio State Journal of Criminal Law*, vol. 9, no. 1, 2011, pp. 133–93.

Taylor, Mark C. *The Moment of Complexity: Emerging Network Culture*. University of Chicago

    Press, 2009.

*The Challenge of Crime in a Free Society: A Report by the President's Commission on Law

    Enforcement and Administration of Justice.* United States Government Printing Office,

    Feb. 1967, p. 342. *DOI.org (Crossref)*,

    https://www.ojp.gov/sites/g/files/xyckuh241/files/archives/ncjrs/42.pdf.

"The Credible Messenger Approach." *Credible Messenger Justice Center*,

    https://cmjcenter.org/approach/. Accessed 4 Feb. 2022.

"The Penitentiary." *The Edgefield Advertiser*, 12 Sept. 1866,

    https://historicnewspapers.sc.edu/lccn/sn84026897/1866-09-12/ed-1/seq-2/. Library of

    Congress, Chronicling America.

Tietge, David. "Complexity Theory and Evolutionary Discourse." *JAC*, vol. 24, no. 4, 2004, pp.

    973–89.

Tuan, Yi-Fu. *Space and Place: The Perspective of Experience*. 8. print, Univ. of Minnesota

    Press, 2001.

Ulmer, Gregory L. *Heuretics: The Logic of Invention*. John Hopkins University Press, 1994.

---. "The Object of Post-Criticism." *The Anti-Aesthetic: Essays on Postmodern Culture*, edited

    by Hal Foster, The New Press, 2002, pp. 83–110.

Vitanza, Victor J. "From Heuristic to Aleatory Procedures; or, Toward 'Writing the Accident.'"

    Inventing a Discipline: Rhetoric Scholarship in Honor of Richard E. Young, edited by

    Maureen Daly Goggin, National Council of Teachers of English, 2000, pp. 185–206.

von Bertalanffy, Ludwig. *General Systems Theory: Foundations, Developments, Applications*.

    1st ed., George Braziller, Inc., 1969.

---. *Perspectives on General System Theory: Scientific-Philosophical Studies*. Edited by Edgar

    Taschdjian, Braziller, 1975.

Vought, Russell. *Training in the Federal Government*. Memorandum for the Heads of Executive

    Departments and Agencies, M-20–34, Executive Office of the President Office of

    Management and Budget, 4 Sept. 2020, p. 2, https://www.whitehouse.gov/wp-

    content/uploads/2020/09/M-20-

    34.pdf?fbclid=IwAR1r7Ej2V0gZ8pNhIEjLtHDDNlfeYvBkzEgUfbrU3cXfot7RP2XKPw

    nCDe4.

Wacquant, Loïc J. D. *Punishing the Poor: The Neoliberal Government of Social Insecurity*.

    Duke University Press, 2009.

Walsh, Joe. "Glenn Youngkin Wins Virginia Governor's Race, Shifting State To GOP Control."

    Forbes, https://www.forbes.com/sites/joewalsh/2021/11/03/glenn-youngkin-wins-

    virginia-governors-race-shifting-state-to-gop-control/. Accessed 8 Mar. 2022.

Weber, Max. "Politics as a Vocation." *Max Weber: Essays in Sociology*, edited by H. H. Gerth

    and C. Wright Mills, Moulin Digital Editions 2014, Oxford University Press, 1946, pp.

    1–48.

Woodruff, Joseph. *Proceedings of the Constitutional Convention of South Carolina Including the*

    Debates and Proceedings. Denny & Perry, 1868,

https://www.google.com/books/edition/Proceedings_of_the_Constitutional_Conven/YfQ

oAAAAYAAJ?hl=en.

Young, Iris Marion. *Inclusion and Democracy*. Oxford University Press, 2000. *Open WorldCat*,

http://site.ebrary.com/id/10273266.