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Insecure

Spring 2011

The Carceral Frontier

> The creation and re-creation of ever newer space relations for human interactions is one of capitalism's most signal achievements. The dramatic reorganization of the geographical landscape of production, exchange, and consumption with changing space relations is not only a dramatic illustration of capitalism's penchant for the annihilation of space through time but it also entails fierce bouts of creative destruction.
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> David Harvey, *The Enigma of Capital* (pg. 184)

On May 23, 2011 the U.S. Supreme Court delivered a 5-4 decision in Brown v. Plata, ruling that California's prison systems violate constitutional prohibitions against cruel and unusual punishment. According to Justice Kennedy, author of the majority opinion, the extreme conditions suffered by California prisoners are the result of the overcrowded prison system, which makes prisoner abuse all but unavoidable. These are abuses that will be curtailed, according to the court, given an appropriate reduction of the inmate population.

As of May 23 there were 143,435 inmates within the California prison system, 180% of the intended capacity. The court's decision gives Sacramento two years to cut the prison population by 33,630, which would bring the total to 109,805 inmates, or 137.5% of intended capacity. The political and judicial debates over the next few years in Sacramento will, without doubt, circulate around the issue of non-violent offenders and the often incommensurate sentences handed down for non-

violent felonies; the debates will just as certainly not circulate around doubts regarding the fact that a system which has been formally declared cruel and unusual—by America's highest court—can also be a system that improves following a rather meager decrease in size. In Justice Kennedy's words, "an inmate in one of California's prisons needlessly dies every six or seven days due to constitutional deficiencies" (Rutten). The extremities of prison malfeasance are acknowledged by Kennedy in order to pursue an argument predicated on reform, but the language of unconstitutional, inhuman abuse and the move towards a minimal inmate population reduction have no real correlation to one another. Is the decision intended to effect a proportional reduction in the number of illegal activities perpetrated on prison grounds? To moderately allay the illegality of the prison system itself, reaching some kind of compromise between outright constitutional violations and the necessary evils of mass incarceration? Kennedy's evocation of steady, barbarous prisoner deaths and his call for reform represent more of an aporia than an argument.

This rather blaring disconnect is, far from being a new revelation, actually a central element of penality as we know it. Foucault made it clear almost forty years ago: prisons and the notion of prison reform have gone hand-in-hand since the dawn of modern carceral institutions. Nowhere is this more evident than in the May 23 SCOTUS decision, which illustrates the extent to which carceral governance is able to mobilize the ideal of reform in order to protect itself. The precepts of mass incarceration have been upheld by the court through the complete embrace of reform ideology. Prison populations will be meagerly reduced in California, but is

there any question that cruel and unusual punishment will continue to be a fact of the California penal system?

The strange combination of radical psychological shock treatment (barely presentable as rehabilitation any longer) and progressive historical change (progressive in the sense that prisons are forward looking, always separated from the influence they seek to enact by the utopian, deferring nature of temporally based punishment) is commonplace in contemporary society—its strangeness concealed by its ubiquity as well as the allure of reform ideology. Reformation, under the banner of an historical and moral mandate, operates within the legally constituted, but lawless world of prison financing, construction, and administration, in which the relationship between cruel and unusual punishment and prisoner population can become a constant source of rhetorical leverage (intended to insure the real proliferation of prisons through the false appeals for prisoner rights). Accordingly, the nature of prison reform in the neoliberal era (i.e. the exponential spread of carceral methods, privatization, and dependence on backdoor financing) has relied upon a psychology that is not dissimilar to that of disaster capitalism as chronicled by Naomi Klein in *Shock Doctrine*. This psychology revolves around the fantasy—universal to be sure, but also American in ways I need not elaborate upon—of the frontier. It is my assertion that a distinct cultural obsession with frontiers as ahistorical utopias can be observed across political lines, through a cross section of apocalyptic fictions that conceive of distinct solutions to the problem of Foucault's carceral archipelago—solutions that at first glance seem like complete elision, but in reality are part and parcel of the frontier solution to social crises that we see

repeated again and again in neoliberal economic policies, disaster capitalism, and the justifications for carceral governance.

To analyze contemporary apocalyptic, post-apocalyptic, or frontier imagining narratives is to address the specific kind of societal coping, in which a looming disaster—social, ecological, technological, etc.—is treated in a manner that Slavoj Zizek memorably calls "catastrophic but not serious." His definition of this seemingly universal perspective is focused on an epistemological distinction between knowledge and belief:

> an extraordinary social and psychological change is taking place right in front of our eyes—the impossible is becoming possible. An event first experienced as real but impossible (the prospect of a forthcoming catastrophe which, however probable it may be, is effectively dismissed as impossible) becomes real and no longer impossible (once the catastrophe occurs, it is "renormalized," perceived as part of the normal run of things, as always already having been possible). The gap which makes these paradoxes possible is that between knowledge and belief: we *know* the (ecological) catastrophe is possible, probable even, yet we do not *believe* it will really happen. (328)

Zizek's "renormalization" is of particular importance to our argument, because it describes the psychology through which the anticipation, then the occurrence of catastrophe is folded back into an historical narrative that it was, prior to the catastrophe, ideologically excluded from. So when prisoners continue to die in California; when the limited enforcement of prison population is finally seen as wholly lacking following some massive hepatitis epidemic within the system (among one of many possibilities), the previously obscured machinations of prison financing and management will be addressed publicly with cataclysmic rhetoric, but not taken seriously. The connection I'm attempting to trace between the utopian

basis of apocalyptic fiction—much of which depicts rhetorically motivated frontier lands, where the cessation of law allows for the clear expression of political, or economic, or pedagogical ideology—is predicated on the notion of historical "renormalization" and the cultural elisions that precede it.

George Slusser, writing about *Walden* and the specifically American genre of survivalist fiction, portrays millennial and apocalyptic fiction to as intentionally isolating its subjects in order to *normalize* apocalypse—to put it the always imminent cataclysm in one's pocket, so to speak, whether in the form of paperback novel or millennial pamphlet. Amy Frykholm, who writes on the monstrously popular, eleven part Left Behind series of Christian apocalyptic fiction—and is herself a former evangelical Christian who claims to have "read her way out of evangelicalism"(5)—makes an observation related to Slusser's: the *Left Behind* series, unlike the vast majority of conservative Protestant storytelling, doesn't posit an unworldly, patently "post-apocalyptic" scenario: "What does the story of rapture and tribulation mean if it is no longer an antiwordly and antimodern formula? What does the story signify to its readers if not alienation and isolation?" (36).

Mary Shelley's *The Last Man*, first published in 1826, tried to answer this question. The novel tells the story of a plague that nearly destroys humanity at the close of the 21st century. It received very little critical attention until the 1960s, and is now relevant in ways that have yet to be fully examined[1]. As in many modern tales

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[1] The connection between Romantic and post 9-11 visions of catastrophe is a similarly unplumbed topic. Narratives in both periods respond strongly to cultural counterrevolutions occurring in their respective time periods (the Thermidorian

of apocalypse, a scientific cause for the apocalypse is never granted by Shelley. Also like contemporary end time fiction, the cataclysmic event is not represented through storms, earthquakes, volcanoes, meteors, etc. Mary Shelley's cataclysm occurs in the bodies of the human race:

> Hear you not the rushing sound of the coming tempest? Do you not behold the clouds open, and destruction lurid and dire pour down on the blasted earth? See you not the thunderbolt fall, and are deafened by the shout of heaven that follows its descent? Feel you not the earth quake and open with agonizing groans, while the air is pregnant with shrieks and wailings,—all announcing the last days of man?
>
> No! none of these things accompanied our fall! (229)

What makes Shelley's invocation of a biological apocalypse so interesting are the immediate cultural concerns to which she is responding—issues that, by and large, do actually concern physical ruptures within the natural world. Prior to Charles Lyell's Principles of Geology in 1830, the predominant theories of geological change were represented in Georges Cuvier's 1825 *Discours sur les revolutions de la surface du globe*, which postulated a theory of successive, violent changes in the earth's basic geological makeup (Snyder, 445). Scientists and pseudo-scientists alike advocated for cataclysmic geological theories, like those put forth by Cuvier. *The Last Man*, published in 1826, responds to these widespread concerns over a looming geological catastrophe by creating the metaphor of the source-less plague. As a kind of social commentary, Shelley's literary alchemy serves as a critique that, recalling

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Reaction and neoliberalism). Perhaps the history of neoliberalism is the history of a successful counterrevolution without an idealistic, ethical retort. Obviously it is reductive to view Romanticism as a tacitly successful counter-counter-revolution and responses from the left in our own time as essentially unsuccessful counter-counter-revolutions, but for our purposes it forms an interesting parallel.

Zizek's criticism of contemporary religious and technological millennialism, questions the cataclysmic, but not serious treatment of a perceived threat to humankind. Of course, *The Last Man* was largely unsuccessful in its time. It's of a plague that exclusively affects human beings shifts the epistemological burden of apocalypse from knowing (i.e. the knowledge that geological ruptures were imminent around the world) to belief (i.e. the rather transparent depiction of the plague as somehow related to the moral failings of our species)—and in so doing, lost that eminently attractive quality of apocalyptic, which elides the true and evident causes of a looming disaster by employing the utopian rhetoric of cataclysmic erasure and renewal.

Y: The Last Man is a graphic novel published between 2003 and 2009 that, unlike its nineteenth century forebear, achieved some level of mass appeal. Written by Brian Vaughan and Pia Guerra. *Wizard* magazine ranks it as one of the top ten comic books of the past decade, and the property is currently being adapted into a mainstream film by director D.J. Curuso. As further proof of its cultural cache, its creator (Vaughan) was one of the lead writers on the massively popular serial television show *Lost*. Tapping into the post-9-11 zeitgeist, the comic book's cataclysmic themes and setting center around the mysterious, simultaneous death of all the male organisms on earth, save a twenty-two year old liberal arts graduate (an English major, to be exact) named Yorick and his pet monkey. Like *The Last Man*, *Y: The Last Man* (the obvious reference to Shelley exists in the title alone) gives no definite explanation for the plague that wipes out *man*kind. It is circumstantially linked to scientific experiments being conducted in the field of human genetics and

cloning in the comic's final issues, but even in these issues the true source of the plague is left intentionally ambiguous. The death of all males serves to move the plot forward in interesting, often titillating ways. It so happens that every woman encountered by Yorick is preternaturally attractive, and that his importance as the last human male on earth compels him to journey across the world, engaging in various James Bond-like escapades. In other words, the plague opens up a frontier for Yorick—a frontier in which the naïve fantasies of the privileged and educated, but unambitious reader of comic books (here I refer to the protagonist *and* the average reader of *Y—The Last Man*, as Yorick constantly references the medium) can be played out on the grandest of stages.

Yorick's politics, which are decidedly left-centrist, are important to understanding just how this frontier-ideology, common to post-apocalyptic fictions, functions within the story. His mother is a Democratic member of Congress, and her policy stances are pulled directly—unintentionally or otherwise—from the Democratic Consensus of the 1990s. Furthermore, Yorick is steeped in the language of identity politics, a point the reader of the comic book is generally meant to regard as comical—his racial tolerance, anti-homophobia, privileged feminism, etc., are viewpoints construed as basically inconsequential following the death of all men, despite the fact they also remain incredibly relevant to the text, which depicts racial violence, transgendered characters, and many different types of homosexual relationships. We are undoubtedly meant to interpret Yorick's liberal stance—and the comedy with which it is imbued by Vaughan and Guerra—as being an essential component of the "unintended messiah" gene coursing through Yorick's fictional

DNA. Tellingly, however, the limits of the liberal-centrist are reached a few times within the text.

In one instance, Yorrick visits a small town that is being run—efficiently and harmoniously—by a group of female ex-convicts. His discovery of this fact (I have included PDFs of the scene at the end of the paper) is jarring, and the reader is treated to a number of diatribes against criminality and the undeserved freedom that has been granted to these women as a result of the male-centric plague. The implications of this scene are numerous. A cataclysmic tale about the death of all men on earth stakes an entire issue on a discussion of prison and prison reform. What has been removed from the text is perhaps the most obvious feature of the comic's carceral episode: hundreds of thousands of dead male prisoners. The plague is not only an invitation to Yorick to explore his sexual fantasies and spy-story ambitions; it is, in a perhaps reductive sense, this graphic novel's solution to prison overcrowding. The apparent cataclysm hypothesized within the text becomes, through the ellipses of frontier fiction, an example of how apocalyptic fiction serves to normalize disaster by placing it within the context of erasure, recreation, and reform.

As opposed to being an abstract concept appropriate solely to discussions of fiction, narrative erasures and frontier re-creations have a tremendous amount in common with the political economy outlined in Naomi Klein's dissection of shock therapy economics in *Disaster Capitalism*. Disaster capitalism serves, for our purposes, as a link between the omission of prisons and other "serious" (following

Zizek) crises, and the financial and political importance of carceral governance to the repetition of neoliberal suppression and exploitation. It makes sense, therefore, to at least briefly outline Klein's argument surrounding the deployment of what she terms "frontier economics." Describing the economic mandates imposed upon Russia in the early 1990s and Iraq following the U.S. invasion, frontier economics rely upon the policies of shock therapy economics disseminated by Milton Friedman and the Chicago School of economic liberalism. First and foremost, the frontier is a lawless state. Lawlessness, it goes without saying, is especially useful for those looking to subvert social safety nets and public institutions in order to benefit private interests. A frontier is not, accordingly, a new beginning. Within the frontier, old practices and ideologies reassert themselves and justify their reassertion through the fantasy of re-creation and the rhetoric of the "fresh start." No one understands this more than Paul Kremer, head of the Coalition Provision Authority (CPA) following the invasion of Iraq in 2003, who took the basic element of the Bush presidency—that governance is the efficient dispersal of subcontracting rights within the private sector—and applied it to the restructuring of Iraq. As in the U.S., where the core functions of the nation state—incarceration, war, border control, and so on—were more and more coming under the management of private firms, the new Iraqi infrastructure would be an Iraqi affair in principle, and in reality a scheme to benefit private U.S. firms by "efficiently" managing a type of economic exploitation that intentionally hamstrung the development of Iraqi industry, job production, and social services. One of the more blaring examples of this barely-concealed exploitation is narrated by Klein: "The White House was so focused on

unveiling a shiny new Iraqi economy that it decided, in the early days of the occupation, to launch a brand-new currency, a massive logistical undertaking…at a time when 50 percent of the [Iraqi] people still lacked drinking water, the traffic lights weren't working and crime was rampant" (Klein, 346).

The legality of such an action relies on the vacuum created by something like a natural disaster, or in this case a war. Kremer and the CPA, like all good practitioners of disaster capitalism, seek to maintain this vacuum in order to maintain the appearance of law, without having to provide any of the services that actually legitimate a system of governance in the minds of those it governs. When the CPA was found guilty of fraud and forced to pay damages under the False Claims Act in March 2006, the company responded by claiming it was not a part of the U.S. government and, accordingly, not subject to the False Claims Act. This event, far from signaling a failure of the model of exploitation envisioned under Kremer, actually reveals the very essence of frontier ideology, in this case functioning within the realm of global economics. As Klein forcefully states, "if the CPA wasn't subject to U.S. law either, it meant that the contractors weren't subject to any law at all—U.S. or Iraqi…In this way, Iraq represented the most extreme expression of the anti-state counterrevolution—a hollow state where, as the courts finally established, there was no there, there" (358).

As in apocalyptic fiction, the illusion of the frontier is always a kind of projected, rhetorically driven anachronism. There was no frontier in Iraq; a "lawless" state in only ever a cultural palimpsest, constructed on top of, or beside

previous laws, social formations, and economies. When applied outside the realm of fiction, the artificial "opening of the frontier" masks the moral and social void of profit-driven life by, tellingly, putting its fictional roots to work. In other words, the narrative appeal of post-apocalyptic, frontier-creating fiction—which has been at the forefront of popular culture across all political and social groups—and the obscuration of neoliberal trespasses are not unrelated phenomena. The occupation in Iraq was indeed a "radical experiment in hollow governance" (Klein, 354); the occupation was also a not so radical example of the failure of apocalyptic and utopian fictions, not in terms of creating new, legitimate spaces for social formations—which, as anachronisms usually motivated by nostalgia or present concerns, they never do anyway—but in terms of masking its explicitly ideological machinations: "One of Bremer's economic edicts specifically prohibited Iraq's central bank from offering financing to state-owned enterprises (a fact not reported until years later). The reason for this effective boycott of Iraqi industry was not practical...but ideological" (Klein, 349).

Connecting frontier economics to the subject of carcerality (and its subsequent elision in the world of much contemporary narrative art) involves a Loic Wacquant, in *Punishing the Poor: The Neoliberal Government of Social Insecurity,* writes that "the symbolic considerations drive material changes" when it comes to contemporary modes of incarceration (184). The changing methods and motivations behind modern prison construction outlined earlier reveal a severe disconnect behind the rhetoric of prison profitability and the economic reality of prison labor and management: prisons are, by and large, not economically beneficial

to the state or to surrounding communities, and yet the rhetoric of profitability is still used to justify and fund them. For us to at least begin to account for this conflation of symbolic and material concerns, I contend that we must first fully understand just what the "profitability" of prisons really means. When we closely examine just one element of that assumed profitability, the machinations of prison financing and construction, we notice certain inconsistencies within the neoliberal agenda pursued by carceral big government. Breaking down the skewed logic of the perceived relationship between prison financing and the economic realities of mass incarceration (i.e. how they are sold to state legislatures and, in turn, how they symbolically function within the body politic), we might reconstruct the crucial moment in which the modern carceral "management" of disenfranchised populations is enacted within the financial boardroom.

First, let's make a preliminary distinction between the profit that is generated as a result of "backdoor" prison financing and the profit that is generated, or is assumed to be generated, after the prison is built, either by an increase in jobs, the work that is performed by the prisoners, or the rhetoric of the "economic boon" that is often attached to the existence of prisons (specifically in rural areas, where studies have proven the markedly negative impact of new prisons). Simply stated, the cost of prison maintenance is 16 times the cost of construction. In addition (ignoring for a moment the moral implications of putting incarcerated men and women to work) most prisons operate on a calamitous work infrastructure that is largely the result of the fact that no matter what a legislative or judicial bodies claim, prisons are not factories. Low worker skill, horrible work conditions, and

microscopic wages, among other factors, make the promise of prison work efficiency a practical, as well as a humanitarian impossibility. What prisons do efficiently manage is the social effect of financial deregulation and welfare degradation that has occurred in the neoliberal period: a disenfranchised inner city population who cycle in and out of prison, and a gated, isolated, hyper-surveyed population of suburbs and exurbs for whom the tough on crime mentality has become a way of life. What follows is a brief account of the financial schemes that feed the bipartite structure of the neoliberal state.

Until the mid 1980s, American prisons were primarily built on either pay as you go models, or through *general obligation bonds*, backed by the full faith and credit of the issuer. Approval of a general obligation bond usually requires taxpayer approval in the form of a bond referendum. (No state has built a prison with a general obligation bond since the turn of the century.) The shift in the 1980s was a shift to funding via *private revenue bonds,* bonds that do not require a public referendum and are not nearly as secure as the general obligation bonds. Private revenue bonds allow for more freedom in the way of backdoor financing. Mario Cuomo in 1980 issued a private revenue bond for the purposes of building a prison, siphoning the revenue potential of a wholly separate public institution in order to do so. To make the private revenue bond's potential for illicit financing even more clear, the separate institution utilized by Cuomo to justify the prison construction was an institution for public low income housing. A tremendous amount of debt normally accrues when private revenue bonds are used to finance prisons (owing to the stinted capacity for economic output inherent to prisons), but as long as the

state does not renege fully on the commitment represented by the bond (in this case, that would mean closing down the prison), independent credit rating agencies will not lower the state's bond rating. The movement from general obligation to revenue bonds is one of the ways decisions about prison constructing and financing are pushed beyond the control of voters. In addition, the modes of modern prison financing compels private prison construction firms, always looking for ways to push the debt of prison construction back onto the public sector, to finance and construct new prisons and, in turn, lease them back to the state (Pranis, 84).

In 2004, a Willacy county woman's prison demonstrated the fractured methods of prison financing. The prison, being pressured by the Texas Commission on Jail Standards to fix its problems with plumbing and severe overcrowding, borrowed approximately 1.5 million dollars. The amount was not enough to fully address the commissions findings, and officials were essentially going to have to shut down the prison and transport the prisoners elsewhere. In order to avoid this, Willacy county decided to borrow three times the initial 1.5 million in order to build a new high capacity supermax that could be marketed to the federal government and, if all went according to plan, paid for by the work performed there—essentially mimicking the private revenue bond model of prison construction. The Willacy prison debacle shows how tremendously difficult it is to close a prison financed through backdoor methods (Pranis, 87). If a prison is not built and maintained with capital funds or financed through general obligation bonds, states facing a situation in which a prison needs to be closed—normally for problems of overcrowding or, in the case of a notorious Louisiana juvenile facility known as Tellulah in 1995, abusive

conditions—risk damaging their bond ratings. Prisons must be filled in these instances to secure financial fidelity, but not to the wellbeing of the prison population or the tax paying public. Instead, the financial fidelity is maintained in order to secure a high bond rating—for the purpose of building future, equally uneconomical prisons.

Note here Wacquant's invocation of the symbolic force of mass incarceration: "Making the inmate or his kin pay, reducing services within custodial establishments to a bare minimum, generalizing unskilled work inside penitentiaries: for now, these measures are pursued less for their financial fallout, which is negligible compared to the pharaonic expenditures demanded by the policy of penalization of poverty, than for the message they send to prisoners and their families as to the rest of the population." The contemporary methods of prison financing are not responsive to anything like a rise in crime. They are the product of an assumed financial necessity. Perversely, the feedback loop that exists between lower class communities and prisons protects the state's investment, ensuring a deferral of the debt that is constantly accruing as a result of the generally uneconomical nature of prison work. Wacquant intends to put "in the spotlight the distinctive paradox of neoliberal penality," whereby "the state stridently reasserts its responsibility, potency, and efficiency in the narrow register of crime management at the very moment when it proclaims and organizes its own impotence on the economic front" (xviii), and I hope to associate my analysis of prison financing with that mission. Phenomena such as the policing and surveillance of civilian populations, the rise in prisonfare and workfare achieved alongside the

degradation of welfare, the rise of "million dollar blocks" and the success of prisons in containing a large, predominantly male portion of disenfranchised communities—these realities cannot be considered apart from the financial and economic justifications, methodologies, and fictions mobilized in the name of prison construction.

The enigma of such a strategy is that its failure seems almost assured—and, perversely, self-assured. Sectarian violence will rise up once people realize the perverse kinds of policies being enacted on them in the name of democracy, just as prisons will lose all semblance of rehabilitative value once its mechanism for getting public money into private hands is not only recognized, but accepted as a paradigm. The humanistic failures and rhetorical successes of prison reform, like the pursuit of lawless, corporate oligarchy, compliment David Harvey's recent analysis of the 2007 Mortgage crisis: "Financial crises serve to rationalise the irrationalities of capitalism. They typically lead to reconfigurations, new models of development, new spheres of investment and new forms of class power" (*EoC*, 11). I think it's a failure, perversely enough, to view the inadequacies of backdoor prison financing and its sister, disaster capitalism, as actual inadequacies. They do, in fact, serve the very purposes for which they are designed (not by any one individual or group, I would argue, but by elements native to late capitalism), producing crises, exploiting the fallout via shock economics, and finally narrativizing—or normalizing—its apparent "failure" through the rhetoric of frontier opportunity and risk. As Marx famously outlines for us, "Use values must…never be looked upon as the real aim of the capitalist…the occult quality of being able to add value to itself" (*Capital I*, part II chap IV). If the

restless nature of profit making is the result *and* the cause of value's occult malleability, neoliberal governance is the economic and rhetorical equivalent of a kingdom ruled by occult narratives. Utopian fictions masquerading as apocalyptic morality tales and presenting new and untainted frontiers have been a staple of Western society since the beginning of the neoliberal era. Examined through the turbid lens of disaster profiteering and financially dominated political economies, they might begin to be seen as part and parcel of capital's mystical kernel[2].

[2] I think this also provides a lens for examining and potentially reframing postmodern literature, one that prioritizes, for example, the termination of the gold standard in the American treasury system over the influence of post-structural insights into language.

ten years on the edge
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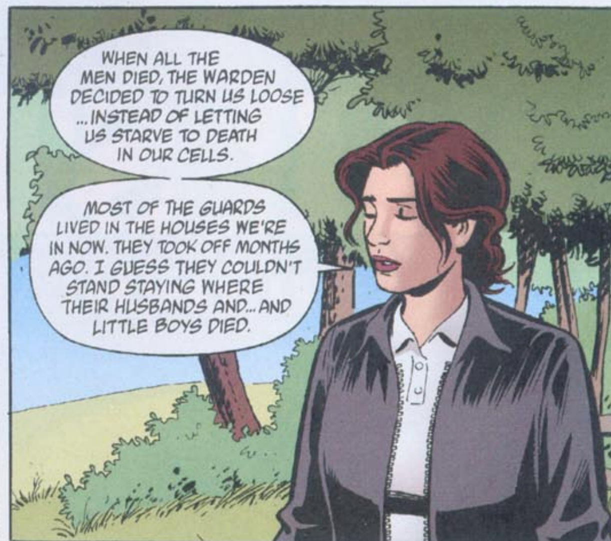

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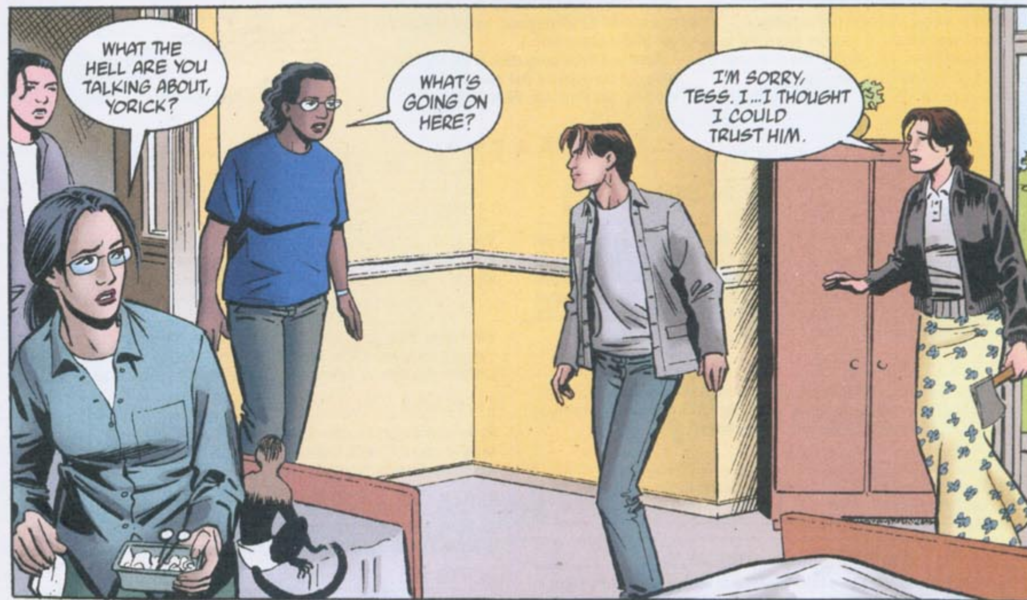
THEY'RE CRIMINALS!


WHAT THE HELL ARE YOU TALKING ABOUT, YORICK?
WHAT'S GOING ON HERE?
I'M SORRY, TESS. I...I THOUGHT I COULD TRUST HIM.

TELL HER.
I DON'T KNOW WHAT YOU'RE--
TELL HER WHAT YOU DID. OR I WILL.

...
ARMED ROBBERY.

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