

# Anywhere and Everywhere, Translating Captivity

----- Ashley Hunt

## translation.

I'm trying to be mindful in writing this, myself in one place, and you, the reader, in another. You might insist that this is always the task of writing, but I've been asked here to be more precise. The distinction of our respective places could be drawn in a number of ways, in terms of nation for example, as I am in the U.S. and the presumed reader will be in Estonia. It could also be drawn in terms of scale, me writing from New York and the intended audience in Tallinn. There are differences of demography and genealogy, where in New York is a pluralistic city and Tallinn is mostly homogenous. Most Estonians (though certainly not all) can claim an ancestral identity that considers itself "original" (which should be presumed to be no more stable or "pure" than any other ethnicity ever fantasizes itself to be), while none but a tragically small fragment of the U.S. population can make any such claim to this place—everyone else here is a visitor, a migrant, whose many myths of "pure" American origin are but sad (and sometimes violently imposed) fictions.

More interesting however would be our respective relationships to the Cold War. In both places, socialism and capitalism have been valorized and demonized, each held up as the heroic alternative to whichever system we despised. In Estonia, capitalism may have been imagined in secret as the heroic alternative to what was brutal and callously bureaucratic under Soviet rule; while in the U.S., for those who opposed capitalism, socialism was a heroic alternative to what was brutal and callously economic within so-called free markets, and to capitalism's anti-social efficiencies. Yet, while today, these systems are weighed down by their troubled histories, and although we can't help assess those histories from anywhere but within the hegemonic narrative of 21<sup>st</sup> century capitalism, I presume you and I can at least agree that values should be produced socially, democratically; by people on the basis of their own needs and creativity and with respect to human freedom; developed from the ground up, not by elites from behind closed doors, standing high above sending policy down like rocks we are told will not hurt us. This last part is important, since there is also a leveling of the differences between our two places, as the simultaneity of communication and the velocity of trade and travel increasingly erode the temporal and discursive distances that have separated them historically. And if writing is indeed about speaking from one place to another, then perhaps what we should concern ourselves with is not so much the difference of geographic place but the difference that remains culturally, even after physical and temporal distances wither in their significance.

Indeed, writing across difference is to translate, and on either side of an act of translation we should assume there to be the same capacities and limita-

tions, the same human needs, frailties and strengths, the same fears and desires, even if they direct or manifest themselves differently. This remainder is strictly cultural, nothing innate, and will include different understandings of institutions, state, economy and the functionings of power, as well as how much or little we should care about what happens to others or other parts of the world. The latter is also a question of ethics then, asking, how are these same human capacities called into subjective being and awareness by our respective societies, determining our disposition toward others with whom we do not identify—or against whom we define ourselves? Here we must ask: *What are our obligations beyond ourselves?*

Lastly, let me acknowledge the reader who is neither Estonian nor North American and apologize if I've caused you to feel left out. This essay connects to discourses and phenomena that are indeed global, belonging uniquely to no nation, meaning that this is not only about Estonia and the U.S., but is a basis for a much larger conversation, so you are most welcome. But allow me to leave the original distinction of place-to-place to serve us as our rhetorical frame, a question that may open up more questions along the way, place to place to place to place.

## the address begins with a question.

The question I was asked to consider for this essay is: *You have made cultural work about the privatization of prisons in the U.S., why should a citizen of Estonia care about this? A good question, no? Why should anyone outside the U.S. care about it, other than as some object of fascination, intrigue or spectacle? I will only assume the commonality I have outlined above in answering this, and will translate my concerns to you, while considering something of the way political practices—with imprisonment as our point of departure—translate themselves across borders and distance.*

## connections (a).

Representations of the U.S. often lend themselves to spectacle and a sense of exception, or are at least seen as some perversity too far away to worry about. Similarly, U.S. citizens can be found arrogant enough to think that the universe orbits around them alone. But I do not deem it arrogance to mention that every day, the U.S. becomes more expansive in its presence and influence over matters in every corner of the globe, often in places where it was never invited nor announced. The U.S. has many ways around objections, whether through the violence of "intervention" or the nuance of financial leverage. Regardless of whether the U.S. is present in a given place however, it is nonetheless busy exporting models of governance and political rule just as it exports products for markets, aggravating historical contradictions as a result: questions of sovereignty to be sure, but also, within individual nations, contradictions between governments and freedom, the public versus private, civic versus economic, markets versus rights, divisions of labor and the distribution of wealth.

### **connections (b).**

When people quote Martin Luther King Jr., saying, “Injustice anywhere is a threat to justice everywhere,” I don’t hear the suggestion that we should all concern ourselves with matters we’re not connected to. I hear that we are much more connected than we think. Eventually, distinctions of nation, place, family and so forth reveal themselves as temporary and fragile, and injustice is insensitive to such fragility. Injustice grows and spreads across such designations with ease, despite the limits they would seem to impose, so that ultimately there is no difference between protecting someone else from the abuse of authority and you protecting yourself—in both cases you are fighting the abuse of authority.

### **prisons.**

First, let me talk generally about the place of prisons in society. Imprisonment as it exists today did not come with the invention of democratic societies. Rather, it is a hangover from the more totalitarian and brutal forms of government that had preceded them. Any presumption that imprisonment merely follows logically from modern civil legal practices—as a measured punishment, effective deterrent or rational enforcement of law—ignores this larger history and thus becomes quite dangerous as it conceals what histories the practice of imprisonment really connects us to.

It is true what Michel Foucault tells us about the modern prison drawing something of its philosophy from the monastic principles of isolation, reflection and time believed to be necessary for spiritual growth, which was claimed as a civilized replacement for the brutality of traditional corporal punishment. But we should also remember how Foucault qualifies this, that the result was never the expected end to the physical violence that had become increasingly unpopular. Rather, it simply relocated that violence out of sight, obscured behind prison walls. His point was that prisons never were the advancement toward a civilized, human dignity that is claimed for them to this day; they were instead a way for the state to maintain the same amounts of violence—in order to achieve the same levels of social control—that it had been accustomed to. The difference was that, within the prison, it would spark less public outcry, since behind its walls facts would remain secrets, hidden from public knowledge.

### **growth.**

The prison cell had already existed, most recently as the medieval dungeon, and the modern penitentiary was created by multiplying them, from a norm of ten or twenty to hundreds and thousands within a jurisdiction. What accounts for the introduction of such scale? Certainly, the prison’s growth was correlative with the scale of the factory, as the industrial revolution touched all institutions. But such a mass number of prisoners was historically unprecedented. Previously, any comparable mass of the captive and caged

had existed only in mass encampments of armies captured during wars, in refugee camps following population expulsions, or the normalized captive spatializations of slave societies. Yet, since the time Foucault describes, the penitentiary model has only continued to grow and become more normalized, to the point where now the world prison population is a record 9.2 million, with the U.S. setting historical records in both total number and percentage of prisoners per its inhabitants. Its prison system has grown 785% since 1970, from 280,000 prisoners to 2.2 million.

In an interview about this growth that I conducted with Californian historian, educator and activist, Ruth Wilson Gilmore, she told me:

...[W]henver there has been prison expansion in Western Society, it’s come after a major crisis, where a lot of people have been pushed out of old relations of domination and subordination.<sup>1</sup>

Gilmore gives the example of the British Enclosure Movements, where the liberation of peasants from Feudal bondage—accompanied by modernizing property law—pushed them off their historical lands and into cities. She then offers the example of the emancipation of slave populations in the U.S. following its civil war, where along with liberation came displacement, where millions of people had to find new places and ways to live. In both of these instances, peoples whose place in society had been totally controlled were released from the legal structure of that control, and were faced with the crisis of what to do next.

Concurrently, the larger society faced even greater crisis, as the hierarchical order it had been based upon was now threatened. Each was stripped of the accustomed practices that had kept its lowest people down and guaranteed that their function within that order be fulfilled—be it free labor, human property or chattel, or the symbolic ordering of identity and difference. What came in response to this larger societal crisis was the birth of these two countries’ first mass prison populations, which allowed that same order and its evolving productive functions to be maintained, while rationalized in terms of the law of that time. In post-Magna Carta civil society, this meant the articulation of new legal codes: in Britain the “Poor Laws”; and in the U.S., the “Black Codes” and “Jim Crow” segregation laws.

Gilmore concludes with a third crisis, which in the U.S. begins after World War II and comes to a head in the 1960s. Here, people organized themselves to achieve their release from the Black Codes and Jim Crowe, again producing a crisis in the social order. In response, these overt apartheid laws were replaced with ones appearing emptied of racial content, while carefully targeted and prone to selective enforcement. This saw the invention of the “war on drugs,” which accounts for at least half of today’s radical prison growth, and the more general “war on crime” as we know it, resulting in 47% of the U.S. prison population being African American (while making up only 13% of the overall population).

In each of these three cases, Gilmore shows not only an historical correlation between crisis in a social order and the scale of its imprisonment, which can be applied comparatively to any other society's history, but more so, just as Foucault teaches us that the original penitentiaries of France merely concealed the violence of the state, we can begin to understand that prisons are foundationally one of an arsenal of modern institutions into which social, political and economic histories, their inequalities, coercions and arrays of violence, are concealed.

### **this was a crime.**

I expect that you might ask, and you should, "But what of the accountability of individuals? You speak of these social processes but isn't it the crimes of individuals that get them locked up?" This is such an important question. For to oppose prisons without resolving it first, or without realizing that it may always be a contradiction alive for you, your opposition will be only ideological and not wholly reasoned.

Accordingly, in relation to what we call "crime," we can compare Gilmore's three examples to see how generally, the theoretical values of law are directed selectively into applied law in ways that can only be understood as political. This can easily be done to achieve unequal results, permitting attacks and controls on specific communities of people without having to appear so on the surface. Just like the prison wall conceals physical violence, so can the naming of crime and the designations of law-breaking conceal the construction of that law, its politics and its historical application.

In another interview I conducted, Norwegian criminologist, Nils Christie, answered the following when I asked, "What is crime?":

... [I]t is so important to understand it is not a clear entity. It is a result of a lot of interaction, a lot of talks, a lot of perceptions, before you come to the conclusion that *this* was a crime. You can use simple experience from daily life: when your family members should do something you dislike, your kids take some money—most kids do that now and then—from the parents' pockets. You could think, well, this was not a right thing, maybe she needs more pocket money. You could say that this was a protest action, she wants attention. Or you might, if you came from the outside and it wasn't your child, you just observed the child, you could think, "This was a theft." What was the meaning of that particular act? That varies immensely. And this is from the small things to the large things. We know of course that killing, that might be seen as murder, it might be seen as patriotic acts. ... And it's so important to keep that sort of freedom in the picture, because then you can understand that you can meet these acts in other ways than the standardized ways of punish and imprisonment.<sup>2</sup>

By the end of his response, Christie is not only complicating our understanding of crime, according to which relative degrees of familiarity or estrangement are what move someone from the category of misbehaving (like a child, neighbor or friend) to the category criminal (the stranger, the Other, the dangerous); he is also critiquing the conditioned presumption that prison is the logical and only response to the acts we decide we do not like.

Consider that the majority of acts that receive prison as their punishment are committed not out of choice but out of a lack of choice—a lack of opportunities and alternatives for survival which lead to chronic desperation and pain. Even with the most serious acts, in every society I know of, our socializing systems are so broken from neglect, alienating in their scale, and unloving in their disciplinary structures, that by time the most reprehensible acts have been committed, we have no idea what many layers of missed opportunities to satisfy needs, respond to desperation, dress wounds and sooth tempers, might have reversed the course that lead to the act (not to mention treating illness and mental illness, both of which are rampant and untreated in prisons). The rhetoric of crime buries such complex chains of action and reaction within the abstract figure of the criminal, and sutures artificially the ugliness of an act to that person's (or a group of people's) perceived "nature." Prisons, as a conditioned response, only feed these tendencies in society—multiplying pain and desperation, reducing one's ability to fulfill to their own needs in a reasonable manner, and sewing irreversible resentment and mistrust. Why we connect the daily acts of individuals to larger structures of neglect and injustice is not to merely ignore, justify or accept harmful behavior in one's community, but rather, to get to the bottom of it—to see what histories lie behind the behavior, the rhetoric and the institutions, while recognizing how our own seemingly natural responses are conditioned politically. The vast majority of the desperate in any given society are always the dominated, the excluded, the othered; and prisons, as a normalized institution, are always the space that conceals this: *As the practices of racial, economic, ethnic, or citizen (versus non-citizen) based prejudices are given discursive expression in law, so they are given spatial expression in the prison.*

### **capacity.**

But let us assume for argument's sake that prisons and jails could represent some modicum of justice, shouldn't this be considered? The jail cell where the drunk sobers up or where a violent rage cools off, isn't that a good thing? Unfortunately, outside of the smallest, most intimate towns and nostalgic television shows, such jail cells, if they ever did exist, do so no longer. Ultimately, the difference between what we might consider a "civil jail" on the one hand, and a gulag on the other, is not in the *kind* of institution it is, but is in *how it is used*. In other words, they are one in the same institution, allowing always the same capacity for misuse. Once you have the capacity for domination, even in the name of something other than domination—be it an

army, a police force or a prison—all it takes is for someone who is interested in domination to take control of that capacity and then have all the tools they need, or the self-fulfilling logic of the institution masks how it is already domination. Prisons in this way are an objective capacity for the mass containment of people, which, while it may carry the image of justice, holds at least latently within it the internment and disappearance for which such places were originally invented.

### **privatization.**

Privatization is a mode of transferring things that are public—property, processes, management, values—into the deeds, ledger books and coffers of private individuals. In relation to prisons, privatization is a rhetorical-economic mode of converting such capacities for mass containment away from civic management and into a field of profit production. If we return again to Foucault's argument that the prison is always already a concealment of things from a public, then going from public management to private ownership means moving the transparency and accountability of imprisonment one step further away from what little public oversight is already in place to limit the realization of such dangerous capacities. Privatization of prisons is not only a problem because of the perversity of human captivity blended with profit, but because it allows prison systems to multiply without having to be accountable to public processes, whereby all of the historical tendencies embedded within this institution can flourish unconsidered.

### **two kinds of bureaucrats.**

Ironically, in all of this prison growth, the public who I'm speaking so much in defense of is the same public who is demanding harsher punishment for crimes. And who can trust the public with punishment? After all, doesn't the public seem to enjoy punishment, and haven't publics overseen some of the most gruesome disfigurements of justice? Yes. But the bureaucrat is worse, for the bureaucrat appropriates all administration of justice that would otherwise be developed and dispersed throughout streets and houses, and generalizes its most gruesome perversions into common, mundane, institutional practice. With the public, the violence of punishment would at least be an anomaly, a flare up of horrific, terrorizing hysteria to be sure, but the same thing reduced to the banal, the procedural, is worse.

And worse than this bureaucrat is another type of bureaucrat: the corporate administrator, who—while the civil servant bureaucrat is at least accountable to a public at some point—is instead accountable only to a board of profiteers, so expert in their profiteer-ability that, as a board, they are elected to represent a class of profiteers: people whose notion of the private is not merely the rights of private individuals to own some piece of life which the king, prince, czar or state cannot steal, or a sphere of liberty into which an FBI or secret police cannot invade, see or listen; their private is appropriated

social value; its redirection away from any sort 'public good'; against which the public becomes an abstraction in service to wealth accumulation. Here, the private transforms from a protected space of civil rights (a political definition) into one of untouchable growth and unlimited economic expansion, such that it takes on its own force, its own "right of way," its own logic, through which it might grow into something, reify, manifest itself as a space. For as we know, all processes—economic, social, political—*spatialize*, or produce space in their activity, spaces which in turn allow them to persist and function. Perhaps this is the what the market is, no? Maybe that's not so bad though? As long as they deal in things that are harmless, or which provide some innocent good, that's alright, no? Of course, prison privatization is where these same corporatized bureaucrats are accountable in their livelihood to professional profiteers, not in selling vacuum cleaners, but this last remaining, modernized form of human captivity which is the prison. And we know that the first rule of capitalism that sustained profits require growth. As much as technology is creating this increasing closeness between our respective places, it is also the intermingling of our markets. Privatization is among the family of the free market: while it converts public resources to private value, privatization is also what happens when the free market wants to rule over more than itself. The market grows hungry for more market when there is none left ("saturation") and looks to other domains of life to cultivate, to re-encode previous systems of values with the values of profit.

### **markets.**

Now you say, "But we knew this already! We said from the beginning that there seems something wrong with the privatization of prisons, only it's not happening here so it is not our concern!"

But what if we said it's already happening?

Although the U.S. leads the way, the entire world prison population is growing every year, and following close behind the free market reforms and structural adjustments exported by the U.S. and its economic allies are bits and pieces of the U.S.' political crime control movement. This pays big money to lecturing police chiefs, private consultation firms and corporations selling weapons, armor and high security building materials and leasing security personnel. Like lawyers who chase after auto accidents, these interests peddle criminalization and imprisonment as the "cutting edge" methods to deal with the social problems that will certainly arise from the economic and political reforms pushed by the IMF and World Bank, as they unsettle local economies, undermine rights and create new crises.

Private prison companies are one such interest: multi-national corporations who live off state building contracts, and are utilized when the state can't get voters to approve paying for new prisons. Politicians need to keep up with the prison growth they've engineered, and so the state uses private capital to build prisons and outsources their management, leaving tax payers with the

bill once they can no longer say “no.” As long as there is prison growth, there will in this way be privatization. Wherever there is prison growth, privatization is lobbied, and an interesting research project would be to see what firms have already lobbied Estonia to build a private prison; it will only take that one politician who finally decides (or gets paid enough to decide) “we now need to privatize our prisons.” How will you stop it?

### **anywhere everywhere.**

So whose concern is this? Who should be concerned with prison growth and privatization, and for who else, where else, might it be a threat to justice? Nils Christie pointed out to me that the massive prison growth of the U.S. is followed only by that of Eastern Europe. Russia has the closest incarceration rate to that of the U.S, and is followed by the Baltic States and South Africa, which have average incarceration rates more than double that of Western Europe. He continues:

And you can ask, yeah, what’s wrong? ... [T]hat is the question of our values. Do we accept that our society represents us with that large amount of prisoners? We could in theory say there were many nice ideals included in the fascist and Nazi and state socialist ideas, but I would of course, first and foremost, evaluate the systems by their prisons populations: the concentration camps, the gulags. And it is a tendency to talk so much about the horror of the gulags that we forget to look at our own systems—what are we creating now with this enormous increase in prison population in many countries. Is it acceptable then, if you like the economic-political system, can it still be acceptable that you still have a cost of incarceration like this? ... [T]his other side of the coin...

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<sup>1</sup> See *Corrections*, a feature documentary produced by Ashley Hunt, 2001 ([www.correctionsproject.com](http://www.correctionsproject.com)). Also, see *Golden Gulag*, by Ruth Wilson Gilmore, 2006.

<sup>2</sup> See *A World Map: In Which We See...*, mapping and video project by Ashley Hunt ([www.aworld-map.com](http://www.aworld-map.com)). Also read any of the many important works by Nils Christie, including *Crime Control as Industry*, (Christie, 1996) and *A Suitable Amount of Crime*. (Christie, 2005)