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## ***OUT OF TIME: Maximum Security and the Dark Trickster***

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If ever we lived in a time under the sign of the Dark Trickster, it is now, after September 11, 2001. The world has changed since I began this work but as I read through my first text, I felt with a chill that it is even more relevant. We are being asked to make many profound commitments; commitments about life and death and the expenditures of vast resources, commitments about what American values should guide us and defend us. As I write in 2002, we are being asked to support policies without full disclosure, without public process, on the basis of literal images -- pictures of Osama Bin Laden, and figurative images, for example, President Bush's allusions to the Crusades. Images are a good medium for Tricksters of all kinds as the meaning of images shifts easily with context; they can imply many unnamed things; they cross all kinds of boundaries; and, in this age of mass media, they dominate our communications.

This paper is about solitary confinement and culture in the United States. It arose out of my teaching visual persuasion to law students. In our film life prisoners are Trickster figures, whether that figure is the clever and loyal — friend Andy Dufresne of *The Shawshank Redemption* (1994) or the evil Hannibal Lecter of *The Silence of the Lambs* (1991) and *Hannibal* (2001). Who are our prisoners, really? Why am I particularly concerned with solitary confinement? I believe that it represents a very deep cultural text, one that can show us our own dark side.

That the question for me is architectural probably goes back thirty-five years when I was in graduate school at the University of Chicago. I would walk by Frank Lloyd Wright's Robie House (1909; for pictures see <http://www.wrightplus.org/robiehouse/>) and puzzle over the rumors that the house had a history of driving people mad. The deep overhanging eaves and small panes of art glass made it dark and closed in, perhaps claustrophobic. Did the relatively open plan of the interior make for a dis-ease, an instability of spatial definition that was too unsettling for persons used to older architectural vocabularies? I don't know, but the question of whether a building could have a terrible effect, intended or not, remained in the back of my mind until the summer of 2000 when my colleague Nea Feigenson and I were seeking a second hypothetical for our course. The question became, can the design — that is, the planned features — of a building be the basis for an Eighth Amendment claim? The Eighth Amendment of the United States Constitution prohibits, among other things, the infliction of cruel and unusual punishments. After we started to work with this hypothetical, we discovered a current case<sup>[2]</sup> against the Boscobel, Wisconsin supermax prison (a “level five” correctional facility also known as a “security housing unit” or “SHU”). Part of the prisoner's brief concerns itself with design features — particularly lack of privacy due to video surveillance and the perpetual artificial light required by the cameras<sup>[3]</sup> In the words of the California

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District Court in Madrid v. Gomez, “There is no static test that determines whether conditions of confinement constitute cruel and unusual punishment, and courts must assess whether the conditions are such that they are compatible with civilized standards of humanity and decency, which are not referenced to any fixed historical point but by the evolving standards of decency to mark the progress of a maturing society.” (Madrid v. Gomez, 889 F. Supp. at 1150 [N. D. Cal. 1995]). Clearly we U.S. citizens are all responsible for what those standards are and insofar as the United States exerts its influence worldwide, we have a special role to play in standing for human rights — which makes our current situation all the more disheartening.

Security housing units — SHUs — were created after the 1983 murder of two corrections personnel on the same day in the federal penitentiary at Marion, Illinois. They are intended to house “manipulative inmates who use violence to control their environments,”<sup>[4]</sup> to use the words of an architect who designs facilities like these. He went on to say that they are designed first to protect the safety of the corrections personnel, and secondarily to “incentivize behavioral change.”<sup>[5]</sup> Prisoners are sent to SHUs for violence in the general prison population; they are sent to SHUs for real or supposed gang behavior and associations; they are sent because they are unable to conform to prison rules often as a result of mental problems. Solitary confinement (“administrative segregation”) sometimes represents the correctional system’s own means of punishment, decided within the system itself. Connecticut’s Northern Prison, a level five SHU, has a complete behavior modification program, according to Warden Larry Myers,<sup>[6]</sup> who explains the program as a “just deserts” retributive model (Myers, 2001).<sup>[7]</sup> As terms of sentences are independent of administrative programs for prisoners, such as Warden Myers’ behavioral modification program, it is entirely possible for an inmate who has completed his sentence to be discharged directly to the street from extreme solitary confinement with no transition or preparation for reintegration into our common life.

Historically, aside from dungeons in castles, prisons grew out of hospitals which were created in Europe to generally house all the people that society didn’t quite know what to do with: the same institution might house sick people, handicapped people, orphans, travelers, poor people, criminals; all mixed together: in short, people who need a niche. (Pevsner, 1976, pp. 139-168) By the 20th Century all these diverse functions had moved from the castle or monastery to separate institutions. Prisons have become the way we deal with the need for “social defense” in the words of one planner.<sup>[8]</sup> The rehabilitation through isolated contemplation model of the Eastern State Penitentiary, built in Pennsylvania in 1829, and echoed in the current language about solitary confinement, was an extension of Quaker religious practice (emphasizing the unmediated contemplation of one’s relationship to God) into penology. This was clearly a cultural choice unsupported by empirical data about efficacy. Interestingly, empirical research with rats shows that isolation actually increases violence. (Rill, 2001, p.12) Looking back, Robin Evans writes:

The effects of reformed architecture were essentially passive and preventive. Even as surveillance was construed primarily as a means of avoiding disorders, riots and escape. Classification was to prevent the spread of vice. Solitude was to create the preconditions for introspection by obliterating the rest of the world. Instead of violence, there should be calmness of a kind; instead of the personification of authority, its depersonalization. . . . The major agencies of compulsion were not the governor, the chaplain, or even the officers, but the building itself, inescapable, all-encompassing. . . . for bricks and stones, blameless in themselves, absorb passion and hatred endlessly. The reformed prison was, from this point of view, a subtle and brilliant retribution that vested in a place properties that had hitherto been vested in

persons. (Evans, 1982, p. 419)

Solitary confinement represented the application of an ideal to the unruly Trickster people we lock up in institutions we create. (Of course there are people who must be kept separate from others because of violent anti-social acts, but history is full of people being imprisoned for debt, for deviance, difference, insubordination, etc., persons who are outliers in the social organization.)

Buildings are potent semiotic objects because the built environment profoundly affects our sensory experience— buildings confront us, surround us, disclose some things and hide others. They cause us to move in certain ways, expose us to light conditions, color conditions, aural experience; they can be sociofugal or enhance community. Most of our important ones require a vast coordination of human effort to design and construct. They generally remain for long periods and accumulate local history as well as participate in the general historical conversation of our material artifacts. Whatever our response to them, we know buildings to be human creations and can only apply the term divine metaphorically to describe their beauty or importance. All of this is to say that there is nothing neutral about prison design. When we build buildings that are part of our system of justice, we assert our ideas about the nature of justice both in terms of the realities of power and our highest values because notions of justice constitute our social contract and mediate state power. There is every reason to pay attention to our prisons.

In 2001, prisons, especially maximum-security facilities, were a popular topic on American television. The public could see broadcast material about California State Prison at Pelican Bay, the Arizona State Prison at Florence, Arizona, the United States Penitentiary at Marion, Illinois, the Westville Maximum Control Complex in Westville, Indiana; there may well have been others. The Wisconsin Department of Corrections, in conjunction with the Chamber of Commerce of Boscobel, Wisconsin, made a promotional tape about its new facility at Boscobel which was, presumably, circulated as part of the town's economic development strategy. None of these documentaries show conditions even remotely like Rinaldo Arenas experienced in the Cuban prisons depicted in the film *Before Night Falls* (2000). The cells seem clean; they have toilets and water and light. Inmates are fed with trays of food that remind us of air travel. Nor are these cells like those in the film *Hurricane* (1999), in which Ruben Carter spent his first three months in jail in "the hole" eating bread and water in total darkness. In Connecticut's Northern Prison, each cell has a very narrow window that can remind the occupant that there is an outside world. At Pelican Bay in California, there is neither a window nor direct daylight through the screens that front the cells themselves. These 70 to 80 square foot rooms are made of concrete with cast furniture, such as it is, permanently fixed in place. (See <http://www.cdc.state.ca.us/program/house1.htm> for pictures of the Pelican Bay SHU.) The environment cannot be varied. Some facilities have permanent video surveillance; in others, it is only used as necessary in cells— for a suicide watch, for instance — but always in the corridors. The corridors are without distinctive features, presumably an extension of security planning to make it difficult for prisoners to understand the layout of the building.

In Connecticut, the play of reflections off the security glass and the grid of the framing make for especially disorienting perception; the cognitive map of the unfolding space is reduced as much as possible in contrast to the orienting cues (clearly marked or customarily placed doors and gates, for example) provided by architects for users on the outside. To pursue a film metaphor, these corridors are

about dissolves, not clear cuts. Connah, 2001, p. 16) Dissolves show us more than one picture at a time, calling into question the full presence of either while asserting both. The “outside the cell” is still “inside the prison” which is removed from the world and its time. If human beings require two essential features to feel secure in a place, the protection of shelter and a prospect or view (Hiss, 1990, pp. 40-41 [9]) then we must ask whether inmates can ever feel safe themselves in their maximum security cells. They have neither a broad view out nor the assurance that they will be undisturbed within.

Prisoners in SHUs are in their cells, as a regular practice, for twenty-three hours a day, leaving only to shower and exercise. Those prisoners who have visitors see them through glass or on a video monitor. There is no physical contact with loved ones. In such a regime, with no work, no educational opportunities, little social experience, no access to the outdoors and the experience of nature, living on an unvarying schedule, mostly under artificial light, prisoners are quite literally taken out of time, the narrative of their lives reduced to the bare minimum. To be out of time is to be dead, in the arms of eternity. Jack Abbott, in his letters from prison, describes it from inside: “The *concept* of death is simple: it is when a living thing no longer entertains experience.” (Abbott, 1981, p. 53) A designer of prisons says that supermaxes will accomplish “the execution of the spirit” if prisoners spend much time there — and many do, indeed, spend much time there— some in Pelican Bay have been there for ten years with no end in sight. Tommy Silverstein, whose killing of a guard at Marion in 1983 is often cited as the event which led to the establishment of the first supermax prison, has been in solitary in the basement of Leavenworth since 1983. [10] The general sensory deprivation in the prison environment itself as well as the absence of sufficient meaningful activity contributes to this lack of content above and beyond the loss of freely chosen association with other people. Due to prison overcrowding, there is a new wrinkle in many solitary cells: a roommate not of the inmate’s choosing with whom that person does everything but shower. This is far more time than any happily married couple would ever spend together. It certainly does not protect inmates from being attacked by another inmate and thus reduces still further any sense of security. Those living in parts of the world where prisoners have neither rights nor minimal sustenance might look with envy on those clean cells but miss the mental anguish that is peculiar to them.

Here’s another kind of picture. A summary of current statistics available on the United States Government Bureau of Justice Statistics web site (Bureau of Justice, 2002) asserts that:

- In 2000, nearly 6.5 million people were on probation, in jail or prison, or on parole at yearend 2000 — 3.1% of all U.S. adult residents or 1 in every 32 adults.
- State and Federal prison authorities had under their jurisdiction 1,406,031 inmates at yearend 2001: 1,249,038 under State jurisdiction and 156,933 under Federal jurisdiction.
- Local jails held or supervised 702,044 persons awaiting trial or serving a sentence at midyear 2001. About 70,800 of these were persons serving their sentence in the community.

Close to two million people is a very large number indeed. About one hundred thousand of them are in solitary confinement (“Investigative Reports: Solitary Confinement,” 2000); it is estimated that one third of all prisoners have mental

problems.<sup>[11]</sup> When we think of our prison system, we need to be reminded that we are thinking not only of a large number of facilities but an entire complex economy that supports them and derives from them. (Dyer, 2000)<sup>[12]</sup> Those prisoners in solitary confinement are a special case; they do not produce anything but are, instead, maintained like rare birds. The numbers can give us an idea of scale to add to the pictures of places of incarceration.

There is another kind of picture as well. At least since Foucault, we have understood that our system of justice is a form of theater that both displays the power arrangements typical of our societies and exercises power on behalf of state authority. Theaters are places of crafted performance, displays of narrative over time. I ask both about the semiotic meanings of our architecture of extreme punishment and about the theater that is enacted within them. In cells with video surveillance, staff can see everything that goes on in the cell— even inmates using the toilet and masturbating. Modern technology has made such surveillance easy and liberated the need to watch from the design visions of Jeremy Bentham’s “Panopticon,” which proposed a central core of visual surveillance surrounded by common areas and cells of prisoners so that everything could be seen by an Inspector in the center. (Bentham, 1995/1791, p. 35). His theory was that misbehavior would be suppressed because it was visible, the eye of the Inspector metaphorically the gaze of God (Božovič in Bentham, 1995, p. 11 ff.). “It is obvious that, in all these instances . . . [*punishing the incorrigible, guarding the insane, reforming the vicious, confining the suspected, employing the idle, maintaining the helpless, curing the sick, instructing the willing. or training the rising race. . .*], the more constantly the persons to be inspected are under the eyes of the persons who should inspect them, the more perfectly will the purpose of the establishment have been attained. Ideal perfection, if that were the object, would require that each person should actually be in that predicament, during every instant of time.” (Bentham, 1995/1791 p. 34). In our system of maximum security prisons, our forms of surveillance take the cameras into the intimate space of the cell and everywhere but the shower for that matter— where mere being is watched. We have succeeded in putting the inmate into that ‘ideal predicament’ but what have we accomplished in robbing these people of any sense of privacy? What do the Inspectors see? Corrections personnel can movingly testify to inmate’s creativity in making weapons, weapons that can be turned against their roommates, if any, or staff, and inmates’ use of food, feces, or any other movable material in acts of aggression. They will say that the visibility allows them to catch trouble before it happens. Otherwise the “show” they see is very close to what Americans show their children when they take them to the zoo— eating, elimination, grooming, repetitive movement. Lacking much else to do, inmates work on their bodies in the small open spaces left in their cells. Their physical development can reflect the same sort of beauty that wild animals have, so calling them “animals,” which is common American speech for people who need to be corrected, while beginning in language of disparagement, winds up having a descriptive accuracy and buried compliment. We have made them less than human. Does this protect us from having to grapple with the ethical problems of inflicting this punishment on other people?

This “show” is not like crime shows on television; it is long, slow, repetitive, an almost static picture that can erupt in violence without warning— violence can be exciting but here it is a minimalist narrative. Even if the daily encounters between staff and inmates develop a history, the stories are not supposed to go very far. They are engaged in a kind of war— the word used by both inmates and guards— where fraternizing would be discouraged.<sup>[13]</sup> The binary living arrangements of the cells—

prisoners in rooms behind locked doors, prison personnel moving through the circulation areas outside the cells and through the rest of the prison— are carried as far as possible into the human relations between inmates and staff but because they have a common daily life, it is not possible for staff and prisoners to ignore each other's needs completely. Corrections personnel need order; inmates need various goods and services. I witnessed the subtle complex communications between inmates who want something and staff who can say yes or no. So what is the narrative of looking that prisoners find objectionable? To some extent this is probably highly variable among individuals. Some things seem obvious. The prisoners can see little and the staff almost anything. For fear of lawsuits, the prison systems tape the "extractions," forcible removal, of prisoners from their cells and other moments of violence to provide evidence of their professionalism and of their version of events should there be a court proceeding. It can take up to five corrections personnel (one each for arms, legs, and head), or "fifteen hundred pounds of staff" [14] (Casey, 2001) to remove a resistant prisoner. Both staff and inmates are aware of the cameras and both are probably aware that some data is recorded and kept— video taping of violence and crime scenes, for sure— while other surveillance images may consist of nothing more than unsaved transmission of views to control. Somewhere within the prison complex, there is a main surveillance station where all information about movements in the facility comes in and is represented either by computer software or by video feed. People working in the central command module may in fact be women, a clear signal that prisoners, otherwise regarded as fearsome, can, through institutional power, be controlled even by women, surely evoking cultural stereotypes and their reversal. There is celebrity viewing that generates a kind of pride that derives from the status of the incarcerated — when death row has famous inmates or when prisoner exchanges between facilities, even sometimes across state lines, have brought in an especially notorious inmate.

The notion of criminal justice as a show is even more pronounced in the architecture of the death chamber. Photographer Lucinda Devlin (1991) has taken pictures of death chambers around the United States. ([http://www.sag.se/utstallning/devlin\\_lucinda/](http://www.sag.se/utstallning/devlin_lucinda/)) In Michigan City, Indiana, the electric chair is framed by black curtains that seem, in the photograph, to separate the witnesses from the chair at appropriate moments. I wonder about how the curtains are used — when are they open, when are they closed? Do witnesses gather to have the curtains open on an inmate already strapped into the chair? Or do they see the executee led into the chamber then to have them closed while the person to be executed is set up? Do they see the current applied to the one who is to die? Are the curtains kept closed during this time and then opened again to show that the act has been accomplished? Other of Devlin's images show ranks of seats on the other side of a window (one way glass or can the audience be seen by the dying person?) When do we sit in rows? In school, in church, at presentations for large audiences, at the movies or other cultural events. How might our experience as witnesses be affected by being seated in this way? In one photograph, the witnesses are seated on chairs that are themselves elevated by a riser: the audience is itself on stage. Do risers, rows and curtains in some way protect the witnesses' emotions by removing them to a ceremonial space, substituting the participatory audience for a lynching, for instance, with the formalities of state action that defines everyone's role in the play? (For lynching images see for instance <http://www.crimelibrary.com/classics/frank/8.htm> <http://www.journale.com/withoutsanctuary/>) Recent coverage of arrangements for Timothy McVeigh's execution brought this issue into particular focus in the United States: who got to be there; who got to watch on closed circuit television, whether the

rest of us should have a peek or not— all of this was the subject of much news comment.

Recently, Sheriff Joe Arpaio, called the “toughest sheriff in the United States,” was reported to have set up a jail-cam so that web surfers could watch inside the Maricopa County Jail in Phoenix, AZ. (Haddon, 2001) The Arizona Department of Corrections has an elaborate web site that includes not only the usual information about its management, prisoner information, the facilities and programs under its control, employment opportunities, and so on, (<http://www.adc.state.az.us/Directory.html>). It also offers stories about those who have been executed and offers casual visitors the chance download “Net Detective - 2001 ... an amazing new tool that allows you to find out“ ‘EVERYTHING you ever wanted to know about your friends, family, neighbors, employees, and even your boss!’ You can even check out yourself. It is all completely legal, and you can do it all in the privacy of your own home without anyone ever knowing. It's even better than hiring a private investigator” (<http://affiliates.jeanharris.com/cgi-bin/clickthru.cgi?pid=ND&sid=copcare>). So the Department of Corrections is offering citizens a chance to play a kind of reality television with their and others' lives. Can the suggestion that citizens become detectives in relation to real people in their lives fit into the ethics of a decent society — or is it just voyeuristic pleasure about which we need feel no responsibility at all? [15] This new cyber medium of surveillance is active rather than passive. Virtual travel into other people's information may keep us in a chair, but we are players in the game.

I can only feel that the maximum-security lockdown is somehow a shadowy reflection of our culture at large. Perhaps we have trouble reacting to prisoners' complaints of surveillance because we know that we ourselves are surveilled. Perhaps it comforts us to feel that we at least have control over our prisoners even as we may feel that we have less and less control over our lives. The New York Civil Liberties Union has documented 2,397 surveillance cameras in public spaces in Manhattan. (<http://www.mediaeater.com/cameras/info.html>) Piranesi's famous eighteenth century prints of fantasy prisons, the “Carceri,” seem to come from another world altogether. The vaulting ceilings, Escher-like staircases, machinery probably larger than the heavy industrial equipment he might have seen, the heavy chiaroscuro, all dominate and dwarf the figures that are occasionally visible. (See <http://www.artchive.com>, select Piranesi for a number of examples of the “Carceri” prints). Whether we thrill or cringe in the face of the monumental architecture, whether we understand the images as a parable of state power or the majesty of a seemingly indifferent and torturing universe, we cannot think of our government and institutions in the terms of these images. Perhaps it is because we increasingly live in places like this: the grids of urban lights at night (<http://www.cs.umd.edu/~mihalic/1999/de/ncput/ny.jpg>; [http://digilander.iol.it/edburns/images/ny\\_twin\\_night.jpg](http://digilander.iol.it/edburns/images/ny_twin_night.jpg)) or the modules of suburban development (<http://www.nwf.org/population/images/suburbs.jpg>), both of which emphasize grid and cell-like structure without hierarchical clarity.

Our films such as “Metropolis” (1926) and “Batman” (1989) give us more hierarchical urban visions but the dominant motif is still those grids of windows, especially in the night scenes that dominate as sites for *noir* action. (For images: <http://www.filmuseum.de/pictures/Metropolis.jpg> and <http://www.cinopsis.com/batman&robin/images/sets/drawing3.jpg> . . . ,



<http://minadream.com/timburton/AntonsBio.htm>) The beads of light, modular suburban development, the social cells shaping our daily lives have made repetitive form typical of much of our commercial space as well. It is not just the mall— banks can be found in structures that look like houses, houses can be converted factories, shopping opportunities are almost as ubiquitous as the signs that advertise them. [6] We have “normalized” our prisons, too. From the outside they don’t look fearsome until the razor wire becomes apparent. The entrance to Northern Prison could be the entrance to a community center, bank, clinic, school— aside from the prison stripes, perhaps. (See <http://www.doc.state.ct.us/facility/Northern.htm>) The grid itself may be an entirely appropriate metaphor for the extension of democracy with its emphasis on equality of parts to whole and, at least formally, the part as metaphor for the whole. While each element of a grid is fixed on the map, what is inside may be wildly variable. Our prison cells fit right in— they are modular units even if not organized in strict grids and laid on the landscape as contained geometry, seemingly unyielding to the natural elements of the site itself. [7] Maximum security is a drama of maximum control, order carried to its limit.

Here are two different kinds of images from the contemporary culture of cyberspace. First, an image from the MUD "Ultima" (multi-user digital domain, where many players can join in a single fantasy game). This is a map of the City of Compassion on the land of Britannia ([http://www.cybergeography.org/atlas/ultima\\_town\\_small.jpg](http://www.cybergeography.org/atlas/ultima_town_small.jpg)) that looks strikingly like More's 1518 map of Utopia (<http://web.northnet.org/duemer/HYpertext/texts.htm>) or El Greco's (1577) “Allegory of the Carmelite Order.” They share a visual imposition of order on nature, geometry laid through human agency. In contrast, here are two kinds of data maps from the Atlas of Cyberspace: a geography of the growth of networking in the United States by Donna Cox (<http://www.cybergeography.org/atlas/geographic.html>) and a visualization of traffic through a Web site called Valence by Ben Fry ([http://www.cybergeography.org/atlas/info\\_spaces.html](http://www.cybergeography.org/atlas/info_spaces.html)). These represent the tracings of process, the aleatory result of human behavior, form arising from function. [8] The current battles over the shaping of cyberspace are architectural: will we live with open source code, packets of strictly bounded and controlled information, or in a mixed system? Will the fixed structure or process informed by how humans live and interact win out? Certainly our built environment suggests that we are more comfortable with fixed structures, order imposed. Utopias have mostly opted for control to maintain the ideal rather than the process, ends having precedence over means— and they often look like plans for prisons. In a wonderful essay on Piranesi, Marguerite Yourcenar observes that “once in his life, consciously or not, the artist kept that almost Archimedean pledge, which consists in drawing a series of diagrams of a world uniquely constructed by the power or the will of man: here is the result: *Prisons*.” (Yourcenar, 1980, p. 121).

What is the alternative? If our desire for structure can imprison us, is there another vision? The US Declaration of Independence, displayed with Utopian visions in an exhibition at the New York Public Library in the fall of 2000, was strikingly different. (Utopia, 2000). It advocates that governments derive their just powers from the consent of the governed. That is to say, the governed create the picture. The Preamble to our Constitution talks about wanting to found a more perfect union, not *the* most perfect union; one of its goals is to establish justice as well as provide for our common defense. What is the picture of justice contained in the frame of our televisions when we watch carefully crafted images of a military campaign against

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the Taliban in Afghanistan called “Infinite Justice?” What is the dialectic of vision and control for us citizens? The unruly world is put in the box of the television just like we put our unruly Tricksters in the boxes of the solitary cells. Without a doubt, there are people who truly must be contained, just as, without a doubt, there are times when a people must defend itself. I would be the last person to attack the presence of television or other images. I am saying, instead, that we must sort out the images or they will lead us, like the Dark Trickster, down the wrong alleys. Instead of finding the joy of creation, we may find instead appalling damage to our sense of ourselves and the world.

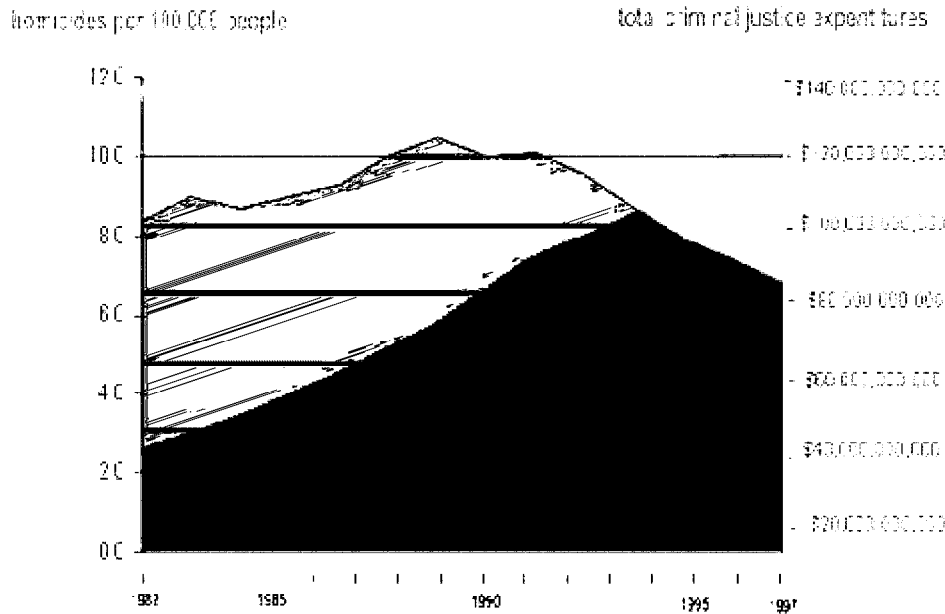
I have traveled far from solitary cells. Here is another image[19]:

### TRENDS

**1999:**

**U.S. criminal justice: \$150 billion**

**U.S. defense budget: \$296 billion**



WORLD JOURNAL, "The U.S. Criminal Justice System: A Study of the U.S. Criminal Justice System," published in the World Journal, Vol. 2, No. 2, 1999. Reprinted from the World Journal, Vol. 2, No. 2, 1999. Copyright © 1999 by World Journal, Inc.

What is an appropriate scale for corrections in our society? Context can cloud issues, either because it introduces realms of feeling and individual understanding, mitigating factors that can make decisions more difficult, patterns harder to discern, or because the pictures point to large systemic issues that are often thought to be within the realm of politics. Supermax cells cost double what other prison cells cost to build and run. Are we willing to see now that at huge expense of public money, we are maintaining a selected group of prisoners in facilities that, as the designer said, accomplish living execution? What of those human birds in cages, who, to borrow language from Veblen, “serve no industrial end... This class of animals are conventionally admired by the body of the upper classes, while the pecuniarily lower classes ... find beauty

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in one class of animals as another, without drawing a hard and fast line of pecuniary demarcation between the beautiful and the ugly?" (Veblen, 2001, p.103). To pursue the metaphor, while the interests of those who build and maintain the cages may be different from the public at large, enough members of society seem to participate vicariously so that the situation is normalized. It is a kind of grotesque demonstration of excess consumption to keep people this way; through the workings of invidious comparison, every state wants to have at least one such facility. As another architect has warned, "... the simple availability of space within the criminal justice system can serve a counter-productive role if, by its availability, it encourages the over-use of institutions as a system response to the alleged or convicted offender." (Moyer in DiGennaro, 1975, p.53) In the fall of 2001, after September 11, there was a report in the *New York Times* about falling prison populations. (*The New York Times*, 2001). Now we have an anti-terrorism bill that may well fill those empty beds, not just with foreign terrorist suspects but with Americans with ideas different from those in power.

We send Tricksters who get too far out of hand to the joint—slang not only for prisons but also for drugs, brothels, genitals, sites of crime, carnival. We like to watch our Tricksters on television news; television drama; Court TV; we like to read about them in papers of record and in the tabloids. We are obsessed with our miscreants and obsessed with watching. On September 11, we all watched a real crime unfold, some of us glued to the radio and television, others of us avoiding the sights and sounds, but we all seemingly absorbed those pictures as real data about the world and not a Hollywood special effect. Was this because our first views were live feed with little commentary? The subsequent "branding" through station logos, conventions of representation like split screens between views from New York and Washington, D.C., and commentary by leading anchors perhaps reassured us through some normalization in the presentation but were we also watching a commodification of disaster? The most compelling images (to judge by the repeated broadcasts) were those that showed the planes penetrating the buildings. Architecturally, the design of the World Trade Center had been pared down to the two sleek tall rectangular boxes with windows a nighttime glowing grid, the elaboration of Metropolis of Gotham long gone. As we watched, there was, perversely, an element of beauty in those images: the clear blue sky, the shimmering silver of the exterior cladding, the intense orange of the plume of fire that erupts after the shadowy shape of the plane sliced into one tower and then the same thing happened to another. Of course there was nothing in any way beautiful about the human loss, or the social cost of this event. One way to interpret what we saw was the rape of two male (because of their shapes) monoliths; planes entering illegitimately our twin symbols of market power, symbolic engines of fertilization for our economy. Dark Tricksters gave us a real show and, in response, our leaders in the combined halls of government and business power have been giving us images of policy—but we cannot see the real debates. What we see is presented to us by careful orchestration; it seems to be a shadow play, a Trickster show if ever there was one. So we have Trickster figures who made an image real, and leaders who in our imaginations are not supposed to be Tricksters giving us images that are hard to believe. The two kinds of show have both occurred within our television sets. Mark Danner said it best:

"The 19 men who changed the world on Sept. 11 used as their primary weapon not box cutters or jet airliners but something much more American and much more powerful: the television set. The box cutters and the planes were tools in constructing the great master image, the

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Spectacular; the television set was their delivery vehicle. (National Public Radio, All things Considered, 6:00 P.M., Friday June 8, 2001.)

This paper has been about architecture in its many guises- spatial structures that are two dimensional representations; three-dimensional buildings and built environments; the conceptual architectures of utopian dreams/schemes and the real conceptual architecture of the Internet. Admittedly, a short paper cannot go into any of these extensively; instead I have attempted to weave a set of associations around a topic that brings together government and power and our fantasies and dreams; our ideals for ourselves and some of our grim realities. It is the argument of this paper is that we can use the images everywhere around us to give us clues as to where we are; we can read the signs. I have read them one way; you might read them another. The important thing is to try to read them. When bad things happen, we ask, "why didn't we see it coming?" We must beware of engaging in our own version of the Spectacular or we will be unable to realistically engage the challenges before us.

I will end with the words of a citizen of Terre Haute, Indiana, interviewed as part of the radio press build-up for the McVeigh execution. He said (I paraphrase): we like the prison-industrial complex here; it's safe, secure employment [because prisons don't move away], and environmentally sound.<sup>[20]</sup> Is this what the great dream of the United States, a dream that animates pro-democracy movements abroad, has come to? Yes, buildings can, I think, drive people crazy.

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-- End Notes

[1] The author is an Adjunct Professor at Quinnipiac University School of Law and at New York Law School, teaching visual persuasion, and a Senior Research Associate at Yale Law School.

An earlier version of this paper was presented at the Law and Society meetings at Central European University in Budapest, Hungary in July 2001. This is a third iteration, revised for print, from the version given as a talk at the annual meetings of the Semiotics Society of American in Toronto, October 2001. I am very indebted to Neal Feigenson for his work and for his thoughtful responses to the text; he is in no way responsible for any of its problems. Ann Kibbey prompted me to do more research for which I am also very grateful. Warm thanks go as well to Warden Larry Myers and Lt. Joseph Casey of Northern Prison, Sommers, Connecticut for their willingness both to take us through the prison and to share their reflections before, during, and after our visit there. Brett Dignam was most helpful in discussing her experiences with clients and prisons. Finally, James Kessler, AIA, Senior Principal at Hellmuth, Obata & Kassabaum, P.C. spent phone time with someone unknown to him who wanted to ask about the work of designing prisons. His thinking added greatly to my understanding. My husband, Sydney Z. Spiesel was with me from first thoughts to last tweaks; my gratitude is unbounded.

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[2] Dennis E. Jones 'El, [et al] v. Gerald Berge and Jon Litscher, 2001 U.S. Dist. LEXIS 16360, 1 (Oct. 10, 2001).

[3] The perpetual illumination is in paragraphs 2-5 of original complaint. The video surveillance is paragraph 12. The document is Jones 'El et al. v. Berge, No. 00C0421C (W.D. Wis.) (complaint filed June 9, 2000). The illumination is also found in Judge Crabb's decision, 2001 U.S. Dist. LEXIS 16360, at \*5.

\_\_\_ [4]From the conversation with James Kessler, 6/21/01.

[5] See note above.

[6] Warden Larry Myers, Warden of Northern prison, says the inmates "get nothing more and nothing less than what they deserve. " I visited Northern along with three students and colleague Neal Feigenson on April 4, 2001. We were taken through the entire facility, from death row to the laundry. Both Warden Myers and Lt. Joseph Casey were generous with their time, forthcoming with answers to our questions and very professional in their understanding.

[7] See Craig Haney for a lengthy discussion of these issues: "Psychology and the Limits to Prison Pain", PSYCHOLOGY, PUBLIC POLICY AND THE LAW, 1997, Vol. 3, No. 4. 499-588.

[8] Robin Evans observes "The architecture of the reformed prison was born out of widespread perception of the evils of unmediated intercourse and a concomitant belief that goodness could only flourish in its own space. The principal ingredient of the nineteenth-century prisons, separate confinement, originated in a specific revulsion against a type of gregariousness that consumed itself in passion, jealousies, tricks and frauds, a kind of amusement that fed on weakness and violation. " (Evans, 1982, p. 419) This list is not about crimes per se but about people behaving in ways that incur the disapproval of others. I wonder how much of the suspicion of "unmediated intercourse " can be attributed to uncertainty about social control if democratic values extended to the lower classes and deviants.

[9] Hiss is quoting from and building upon the work of Stephen and Rachel Kaplan , *Cognition and environment: functioning in an uncertain world* , New York: Praeger, 1982.

[10] Silverstein has acquired a nearly mythical presence in prison lore. <http://www.lairdcarlson.com/celldoor/00104/Cham00104Silver.htm> has published drawings of his and Raymond J. Corsini at <http://www.sonic.net/~doret/Issues/961%20JAN/citizenprisoner.html> writes in detail in response to Silverstein 's descriptions of torture at the hands of his guards. For a more scholarly history of Marion and detailed description of maximum security facilities, see [http://www.nix.oit.umass.edu/~kastor/ceml\\_articles/cu\\_in\\_us\\_](http://www.nix.oit.umass.edu/~kastor/ceml_articles/cu_in_us_).

[11] Dr. Stuart Grassian, interviewed for the Arts and Entertainment Channel 's "Investigative Reports " ( 2001), estimated that one third of the inmates her interviewed at Pelican Bay had mental disorders. This was, of course, a small sample. Elsewhere Terry A. Kupers asserts that from 1955 to 1999, "the proportion of prisoners who suffer from serious mental disorders has climbed to five times that of the general population. Between 120,000 and 200,000 prisoners suffer from major mental disorders, more than the total

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number of inpatients in noncorrectional psychiatric facilities. ” (Kupers, 1999, p.xvi). Finally, the Center on Crime, Communities & Culture of the Open Society Institute begins its report on mental illness in United States jails with the assertion that approximately “670,000 mentally ill people are admitted to US jails each year. ” (Center, 1996, p.1)

[12] Interestingly, Bentham’s proposal for the construction of the panopticon was a for-profit proposal for prison management by contract; it is easy for a modern reader to see some of its assumptions as being driven by economic calculations. See Semple, 1993, *passim*.

[13] The DiGennaro volume (1975) has an illustration of a sign from a jail that threatens guards that reads “Notice/It is unlawful to converse with inmates of jail./\$25 to \$500 fine ”.

[14] Comment made by Lt. Joseph Casey while taking us through Northern.

[15] This cultural shift may be part of the reason why Attorney General John Ashcroft could so easily propose the Operation TIPS (which stands for Terrorist Information and Prevention System) program as part of the [proposed] Department of Homeland Security.

[16] We have almost achieved Constant Nieuwenhuy’s New Babylon, conceived by him as a web of undifferentiated spaces built on top of currently existing cities. Perhaps the Internet more fully approximates that vision than we ever will in the material realm but the lack of strong differentiation in the buildings that serve mass culture is quite striking. Illustrations of Constant’s work are at: <http://www.artnet.com/.../news/walrobinson/walrobinson11-1-99.asp>; <http://www.geocities.com/kukies270747/kukiesgb.htm>.

[17] Alan Riding in The New York Times, Saturday, August 10, 2002, p. B7. asks in an article headlined “Are Politics Built Into Architecture? ” The Times published a large illustration of a Palestinian town juxtaposed with an Israeli settlement. The differences between the strictly planned community and the community that evolved over time are striking.

[18] The contrary pictures made by geometry and aleatory gesture are beautifully represented in Emmet Gowin’s photographs. He takes aerial views documenting large scale human intervention on the landscape. Examples can be found in Jock Reynolds, *Emmet Gowin, Changing the Earth*, New Haven: Yale Art Gallery, University Press, 2002.

[19] “Trends” graphic made by the author, 2001.

[20] Broadcast on National Public Radio, “All things Considered ”, 6:00 P.M., Friday June 8, 2001

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