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CALEB SMITH

THE **Prison**
AND THE **American**
Imagination

YALE UNIVERSITY PRESS NEW HAVEN & LONDON

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For J. M.

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Introduction

THE POETICS OF PUNISHMENT

Not so real

The Cheek of Liberty—

As this Phantasm Steel—

Whose features—Day and Night—

Are present to us—as Our Own—

And as escapeless—quite—

—EMILY DICKINSON, "A prison gets to be a friend" (652)

IN THE 1860S, Emily Dickinson slowly withdrew from the world, into her family's home in Amherst, Massachusetts. Outside was the sound and fury of a country reckoning with slavery, Indian Removal, and other horrors; in the enclosed, protected space of the homestead, Dickinson quietly tended her garden and wrote her thousands of letters and poems. As the years went by, her seclusion was more and more complete—in the last decades of her life, they say, Dickinson usually declined to receive even the visits of her closest friends. Instead, she might send a pressed flower or a few lines of verse downstairs: "The Soul selects her own Society," she wrote, "Then—shuts the Door."¹ Dickinson's poems, almost none of them published while she lived, record the exquisitely refined reflections of a mind long held in narrow confines.

In nineteenth-century Massachusetts, Emily Dickinson became a legend, the "nun of Amherst," shrouded in mystery and a white dress. After her death, when her poems began to circulate, readers and critics took up the legend, Dickinson came to represent a Romantic myth, the poet who, in a radical solitude, discovers a private and visionary sensibility.² Declaring that "Publication—is the Auction / Of the Mind of Man" (709), she stands for the genius that removes itself from, and finally

transcends, the public world of commerce and war and the man-made law. The legend is compelling, and almost any reader of Dickinson's poetry will testify to the feeling of encountering a most peculiar spirit. And yet, in recent decades, scholars have begun to doubt the perfection of Dickinson's solitude.³ Even the sanctuary of the Dickinson homestead, it seems, was open to newspapers and literary movements, visited by lawyers and reformers and people of letters, among them the Philadelphia preacher Edward Wadsworth and the Concord sage Ralph Waldo Emerson. Many guests, many voices intruded upon Dickinson's private life. Listening closely to her verses, then, we might not hear only the musings of some new-world anchorite; we might also hear the sound and fury of the age. We might hear a culture's various and conflicting accounts of what it means to live a life confined.

As she explored her own removal from the world into the privacy of the home, Dickinson often imagined herself as a prisoner. She depicted the walls of her chamber as those of a cell, her seclusion as a kind of solitary confinement. Imprisonment, however, was an ambiguous condition for Dickinson, sometimes oppressive but also sometimes mysteriously liberating. Indeed, her verses present two apparently contradictory versions of the confined self. In "A prison gets to be a friend," Dickinson writes of "this Phantasm Steel—/Whose features—Day and Night—/Are present to us—as Our Own." Here, the poet takes up a trope with a long history in discourse about incarceration. According to the rhetoric of those who designed and defended the first great penitentiaries, the stone walls of the cell were not supposed only to confine the offender's body. Instead, the reformers imagined that the walls would become the mirrored surfaces of *reflection*, leading convicts to reckon with themselves and their crimes. The influential English minister and reformer Jonas Hanway, for example, was one of many who argued that the prisoner in solitary confinement would discover "the true resemblance of [his] mind, as it were in a mirror." The French magistrates Gustave de Beaumont and Alexis de Tocqueville, in their 1831 *Report on the Penitentiary System in the United States, and Its Application in France*, used the same imagery: "In solitude," wrote Beaumont and Tocqueville, "[the prisoner] reflects. Placed alone, in view of his crime, he learns to hate it."⁴ (In the published works of the reformers who designed the prison, the inmate was almost always represented as a man; both the rigors of prison life and

the power of self-discipline were assumed to be inappropriate for women.)⁵ To the champions of reform who brought the penitentiary into being, solitary confinement provided an architecture of reflection, the first step toward penitence.

As if meditating on the meaning of solitary confinement, Dickinson in another poem depicts a soul divided against itself: "Since Myself assault Me—/How have I peace," the speaker asks, "Except by subjugating Consciousness [?]" (642). Split into two conflicting parts, the "self" becomes its own antagonist. It lives in a state of painful conflict, and it imagines that peace will come only when one side of the self, or "Consciousness," is subdued by the other. There is a misery in these lines, but the self suffers with the promise of a reconciliation: its "subjugating" discipline might lead to a redeemed integrity. Reflecting and self-conquering, it carries out its own correction. This is the poetry of what Michel Foucault, a century later, would call the disciplinary "soul." Through incarceration, reflection, and supervision, the various and unpredictable tendencies of the mind are forged into a unified subjectivity: "Captivity," as Dickinson writes elsewhere, "is Consciousness" (384).

But this vision of solitude is haunted by another. In poems like "Doom is the House without the Door," the fantasy of penitent self-correction meets the nightmare of live burial. "There is a pain—so utter," writes Dickinson, "It swallows substance up—/Then covers the Abyss with Trance" (599). Here, the cell does not inspire spiritual reflection; it imposes an alienating, deathlike captivity:

There is a Languor of the Life
More imminent than Pain—
'Til Pain's Successor—When the Soul
Has suffered all it can—

A Drowsiness—diffuses—
A Dimness like a Fog
Envelops Consciousness—
As Mists—obliterate a Crag. (396)

The speaker doomed to captivity persists in a melancholy condition, bereft of the fullness of life. "The Nerves sit ceremonious, like Tombs," and "The Feet, mechanical, go round," but the soul seems already to

have expired (341). "I have so much to do—" says Dickinson, "And yet—Existence—some way back—/Stopped—struck—my ticking—through" (443). The speaker of such stammering, dissolute lines is no reflexive, self-disciplining soul; she is an empty shell. Consciousness has been obliterated by a misty languor. Subjectivity has given way to a cadaverous inhumanity.

Dickinson's two versions of the imprisoned self—one reflexive and self-disciplining, the other reduced to a soul-numbered living death—might stand for two opposing accounts of the prison developed by critics over the past two hundred years, especially since the late twentieth century. According to the first, the prison is an exemplary institution of modern power structures that dominate subjects at the level of consciousness or the soul. The great theorist of this subject-making discipline is the French philosopher Michel Foucault, whose *Discipline and Punish* (1975) is easily the most important work on punishment for scholars in literary and cultural studies. To Foucault, the prison is an "apparatus for transforming individuals"—through isolation and surveillance, it trains its inmates to discipline themselves, turning its assembly of malefactors into a congregation of docile and submissive subjects.⁶ The "spectacle of the scaffold" of the previous age exercised and dramatized sovereign power by mutilating the offender's body. The modern institution works, more subtly but perhaps more insidiously, on the soul, making prisoners responsible for the government of their own appetites and actions.

While the analysis of the prison as a subject-making institution is most readily associated with Foucault, it had been explored before his work, and it has been elaborated and expanded by many other writers. Some emphasize the place of the penal institution in the industrializing economy, showing how its architecture and timetables, reproducing those of the factory, train convicts to become alienated and obedient workers in a modern, capitalist system.⁷ Others connect the prison to the changing political order, demonstrating how the solitary confinement cell creates the radically individuated and inward-looking citizens of liberal democracy.⁸ They see the inmate as the "virtual image" of the free subject at large, and the "radical isolation" of the cell as "the specter which outlines the existence of man in the modern world."⁹ For them, as for Foucault, the prison dominates by subjugating consciousness.

Against these interpretations of the prison as an exemplary scene of modern subject formation, a second critical tradition depicts its cells as brutal dungeons of torture and dehumanization. In the early 1840s, a Philadelphia prisoner-poet calling himself "Harry Hawser" depicted Pennsylvania's Eastern State Penitentiary—probably the most famous monument of enlightened prison reform in its day—as "a living tomb."¹⁰ Over the past two hundred years, Hawser's vision has often recurred. The twentieth-century writer and activist Jimmy Santiago Baca describes his own descent, after a long period in solitary confinement in an Arizona penitentiary, into a living death—"I was empty," he writes; "I had no connection to this life."¹¹ The sociologist Erving Goffman depicts "total institutions" such as the prison as sites of a ritualized "mortification."¹² And the literary scholar Colin Dayan, whose illuminating recent work on the law has greatly informed my own, argues that the legal "fiction" of "civil death," which strips away the convict's human rights, finds its "materialization" in the solitary cells of the modern prison, a space of terror and ghostly half-life.¹³

Of course, Foucault and his followers are deeply skeptical about reformers' promises of "correction." They see the inmate's subjectivity as an effect of his subjection, of inescapable regimes of surveillance and control. But in the historical narrative they tell, the prison represents a new age, a modernity in which "the soul," in Foucault's phrase, becomes "the prison of the body." Critics belonging to the other group, meanwhile, tend to understand the prison not as a manifestation of modernity but as a remnant of uncivilized cruelty, a catacomb of abjection whose inmates are divested of rights, even of humanity, and persist in a shadowy living death. For them, the prisoner is not the counterpart of the citizen-subject but a figure of dehumanization or "bare life" akin to the other most famous captive in Jacksonian America, the plantation slave. While Foucault presents the prison as exemplary of mechanisms and techniques that are reproduced throughout society at large, the others argue that the prison is really a different world, excluded from or buried beneath the modern society of citizen-subjects. Their penitentiary has little in common with the school, the office, or other institutions of ordinary civil life, but it may help to explain the deep history of today's sprawling warehouse prisons, and the notorious violence at Guantánamo and Abu Ghraib. It may lead to the conclusion that the new war prisons and

carceral warehouses are not “exceptions” to the rule of law and order but the most scandalous contemporary incarnations of what the American prison has been from the beginning.

In the literature and critical scholarship of the American prison, then, we confront two starkly opposed figures: a reflecting, self-governing soul and a cadaverous, dehumanized body. Each is fundamental to the carceral imagination of the past two centuries, yet the two seem almost irreconcilable. How can the prisoner represent the perfect subjectivity of the modern citizen and, at the same time, the abject body outcast from the circle of rights-bearing humanity? How, in other words, can the same captive stand at once for self and other? This book argues that the poetics of the penitentiary—developed by reformers, theorists, and literary artists in the late eighteenth and early nineteenth centuries—were organized around a narrative of rebirth, and that the narrative required, as a precondition, the convict’s virtual death. The prison adapted ancient myths of resurrection to the demands of a post-Revolutionary social contract. It was a “living tomb” of servitude and degradation as well as the space of the citizen-subject’s dramatic reanimation. Its legal codes divested the convict of rights; its ritualized disciplinary practices stripped away his identity; it exposed him to arbitrary and discretionary violence at the hands of his keepers; it buried him alive in a solitary cell. But it also promised him a glorious return to citizenship and humanity. It mortified the body, but it also claimed to renovate the soul. Its ideal subject was one who, in the words of one great Philadelphia reformer, “was dead and is alive.”¹⁴

In search of the complex origins and far-reaching consequences of this ideal, I return to the era of the prison’s conception and to the archive of texts that first gave it meaning. As the prison began to emerge from the ruins of older structures like the scaffold and the pillory, the new paradigm in punishment was an institution of ambiguous and contested significance. What exactly happened in the secluded space of the prison interior? Who was the new protagonist of punishment, the prisoner? Legal and political theorists, reformers and ex-convicts, novelists and poets all turned their attention to the prison’s cells, developing a poetics of punishment for the modern age and creating a fascinating archive that records the long and often painful engagement between the hard realities of confinement and the transcendent dream of liberty in a new world.

To understand the prison’s narrative of resurrection, we have to see how punishment in the age of the penitentiary remained, at a deep level, what punishment had already been in the earlier age of the scaffold and the pillory: a theater for the performance of its society’s founding political myths. The modern prison was born in the late eighteenth century, when European and American authorities lost faith in openly violent punishments such as whipping and branding, humiliation and the gallows. These spectacles had once seemed to display the righteous power of princes over their subjects, and to teach the public the terrible consequences of crime. As many historians have shown, the scaffold was not merely an implement of bodily violence. It was a stage for the performance of a political allegory, a drama of domination and submission. Its exquisitely planned rituals, manifesting the “symbolic force of the law,” had “bolstered the power of monarchs and magistrates and made it concretely visible” to the public.¹⁵ The “spectacle of the scaffold” was “a ceremonial” designed “to make everyone aware, through the body of the criminal, of the unrestrained presence of the sovereign.”¹⁶ It involved a “dramaturgy” of “intense physical pain.”¹⁷ The execution in the seventeenth century was a kind of stage play, directed by the sovereign and by his magistrates, in which the condemned and the crowd must perform their assigned roles—the condemned as the sovereign’s defeated antagonist, the crowd as the audience that reflected and appreciated the killing’s allegorical lesson.

In the European capitals, the procession to the gallows moved through the most densely populated quarters while all the churches rang their bells. The scaffold was often ornately decorated, a deliberately crafted setting for the “theater of righteousness and repentance.”¹⁸ On many occasions, condemned criminals addressed the assembled spectators, reading confessions composed under the supervision of magistrates or clergymen.¹⁹ Punishment in colonial America, importing English and European legal concepts, followed a similar script. The government of early eighteenth-century Virginia, for example, depended on the “public rituals” of whipping, branding, and the pillory to “warn the immoral” and fortify the “legitimacy” of power.²⁰ “The aim” of colonial justice, according to the legal historian Lawrence Friedman, “was not just to punish, but to teach a lesson,” and “theatrical elements came out with special force at hangings.”²¹ State discipline, then, was not only an exercise of power against a condemned body but also a public spectacle with a carefully