

PRISON, COLLEGE, AND THE PARADOX OF PUNISHMENT

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ABSTRACT

Many attempts have been made to justify punishment by invoking the moral autonomy and dignity of those who are subject to it. Yet the most refined of these attempts have been informed by an awareness of paradox. For the practice of punishment, so closely linked to concepts of individual freedom, tends to degrade those subjected to it. And as a form of state action predicated on claims of moral or social solidarity, it often prevents inquiry into the ways that individual culpability coexists within broader political forms of responsibility. This essay explores the ways in which college in prison programs like the Bard Prison Initiative may intervene in this paradox of punishment.

INTRODUCTION

Certain issues recur whenever we scrutinize what we do when we punish.¹ Many attempts have been made to justify punishment by reference to the concept of the moral autonomy and human dignity of those who are punished. These attempts are inspired by the impression that there may be something inherently degrading in the experience of punishment, a degradation

which befalls both the agents and objects of punishment. The most interesting of those who defend punishment respond to this feeling at its root, arguing that the actual purposes of punishment must be found in our respect for the moral autonomy and dignity of those who are punished. Indeed, Herbert Morris (1970) has argued that we might go so far as to speak of a human right to be punished that is deeply consonant with our identity as morally autonomous agents. Freedom, dignity, and punishment, in Morris's eye, constitute each other.

Herbert Morris, however, was not at all insensitive to the great complexity of this issue. In particular, he was keenly aware of the problems that arise from the radical insistence on individualized moral agency that one finds embedded within our jurisprudence and its regimes of punishment. From within his own strong defense of the concept of an integrated and free human subject, and its corollary of a moral imperative to punish, Morris (1987) also tried to complicate our conceptions of guilt and moral agency. Controversially, he explored theories of what he called shared or non-moral guilt. Using such terms he discussed various forms of guilt that complicated the clear-cut boundaries of agency and identity traditionally associated with the inquiry into individualized culpability. Such liminal or destabilizing forms of guilt, Morris suggested, might arise from our complicity in the conditions that exacerbate crime, from our envy and resentment toward those who have indulged in the forbidden, or from the legally legitimized pleasures of indulging rage, fear, anger, or contempt against the condemned. Following Karl Jaspers, Morris was also interested in what the philosopher had called "metaphysical guilt" – a form of non-moral guilt that might justifiably arise from the very fact of bearing witness, rooted in a collective identification shared by victims, perpetrators, and witnesses in a body politic or a broader human community (Morris, 1974).

It has also been argued that punishment is inevitably bound up with the construction of, and a commitment to, a sense of autonomous individuals, and is thus tangled in some of the ugliest and most repressive aspects of the formation and disciplining of identity. William Connolly (1995) has convincingly portrayed some of these repressions involved in contemporary representations of crime and practices punishment. He situates a critique of punishment in a field he defines as the micropolitics of identity, difference, and pluralization. While Morris remains deeply committed to the link between personhood and punishment, Connolly is far more radical in his critique of how the dynamics of punishment yield rigid categories of human personhood and identity that conceal the politically charged ways in which identity is governed and social responsibility avoided. Connolly traces these

dynamics to repressive structures of identity and domination at the core of the Christian tradition. Grounding his analysis of both criminal and lawful violence in a critique of foundational notions of original sin, purity, and evil, Connolly assails the moral foundations of punishment itself.²

What these authors explore, then, is the paradox of punishment. Each shares a deep commitment to human dignity and the moral imperatives that are bound up with it. Yet each also shares a deeply troubled concern for the repressions, reifications, and degradations that flow through processes of legal punishment justified in the name of dignity and moral autonomy. Each seeks to respond to this situation by complicating the underlying notions that give punishment its moral significance. Morris intervenes by challenging the boundaries of "moral guilt," and Connolly by challenging the boundaries of the identities it helps to constitute.

In this essay, I explore the paradox of punishment by examining an institution that moves across the boundaries established by the contemporary American prison. The Bard Prison Initiative (BPI) operates a network of private campuses inside the state prison system of New York. The Initiative creates within the space of the prison another space dedicated to the goals and practices of a liberal education. It reflects a commitment that the institution of the prison should appeal to, and be engaged with, the moral agency and dignity of both the agents and objects of punishment. As such it is very self-consciously located at the nexus of the dignifying and degrading aspects of the paradox.

But BPI does so in a way that differs greatly from the dominant methods of engaging with the moral agency of the punished. Unlike methods grounded in rehabilitation, corrections, and therapeutic behavioral modification, the Initiative cultivates students' capacity for and engagement in the liberal arts. In this article, I ask what is at stake in this particular mode of crossing over from "the outside" to "the inside" of the prison – both for thinking about punishment and for thinking about the political nature of education itself.

I also explore what distinguishes BPI's approach from other sorts of transgressive institutions that move from "outside" to "inside." Many educational institutions that cross the boundaries of the prison are based in religious or therapeutic models.³ They threaten to intensify, I suggest, the most problematic and dominant paradigms that underlie hegemonic approaches to the problem of moral agency and punishment. This may be the case despite and even because of their emphasis on concepts like change, transformation, and forgiveness. Their practical focus is trained on personal attention to individual behavior for the sake of its adjustment to "social

norms" – whether these be through an embrace of moral responsibility and transformation, a confrontation with drug and alcohol addiction, or the control of private violence.

Still other interventions in the prison distinguish themselves by not being motivated by a concern with the modification or adjustment of individual behaviors to standard or hegemonic social norms. Nor are they expressly religious. Self-consciously secular, in fact, they are often based on a strongly critical attitude toward conventional and hegemonic norms.⁴ Their teaching practices are often based on a radical pedagogy associated with the work of Paolo Freire (1970, 1973). Undertaken within the boundaries of a contemporary American prison, such projects share a great deal with BPI such as a commitment to critically engaging the concepts of agency and identity that lie at the heart of punishment itself. Here, however, I want to point out some of the dangers inherent in this Freirean pedagogy, especially within the context of prisons. At times, and especially under conditions of incarceration, such interventions can undermine rather than maximize the liberating or empowering potential of higher education inside a prison. Most importantly, their commitment to grounding pedagogy in the personal and social situations of the student – what Freireans call the "ethnographic" component of their pedagogy – can too easily collapse into an overly individualizing and solipsistic classroom. Also, while Freire and his followers avow their concern for the intellectual rigor of their approach, it often seems that radically democratized classrooms, with their distrust of the authority of faculty and the contents of highly informed and even expert knowledge possessed by faculty and not by their students, can easily fail to realize the full opportunity for the distribution of cultural capital. Such a pedagogy, admirably democratic, can nevertheless threaten to undermine the excellent goal of making educational practice, in Freire's phrase, a liberating form of critical thinking rather than a training for the domestication of difference and dissent.

Unlike the interventions based on a religious or therapeutic paradigm, I argue that BPI aims to enact a more critical approach to the concepts that lie at the heart of the problem of punishment itself. Insofar as the liberal education undertaken through the Initiative engages students with a critical inquiry into concepts like "self/other," "inside/outside," and the categories of individual identity and moral autonomy, its concerns resonate with some of the most interesting work in the modern social theory of punishment. The argument then is that BPI engages with the paradox of punishment by pursuing a practice, under conditions of incarceration, in which (i) the moral agency of the student is actively engaged in non-punitive ways, (ii) their

dignity as human agents is respected and amplified, albeit very much within a particular regime of authority associated with a particular liberal educational curriculum and the hierarchies of the classroom. Finally, this education practice is relevant to the paradox because it encourages students to become close readers of texts, critical thinkers about social concepts, and articulate analysts of the social structures within which individuality and moral agency are themselves constructed. Students thus participate in an ongoing critical conversation of the very conceptual pillars on which the legal system establishes itself, and they do so as part of the practice which is officially expected of them. It is argued here that these aspects of liberal education are in the spirit of a commitment to moral agency upon which just punishment is supposedly predicated – while at the same time they amplify or extend the ways in which individuals who are themselves subjects of extreme punishment can think critically about the regime within which they live.

The result is a response to crime undertaken as part of a regime of punishment, but one that critically engages the fundamentalist individualism which is so deeply embedded in the institution of the prison and the criminal justice system. To explore the potential differences between BPI's project and these other approaches, I will briefly describe three distinctive aspects of Initiative's pedagogy: (i) an emphasis on objective, rather than subjective studies; (ii) a pedagogical emphasis on structures over individuals; and (iii) an emphasis on "concept critique" over "normalization." Finally, and much more tentatively, I suggest that the approach of the Prison Initiative, with its more traditional "hierarchical" privileging of the liberal arts faculty within the power-dynamic of the classroom, may be more suited to the emergence of a successful non-punitive learning environment, *especially* under conditions of incarceration, than Freire's "pedagogy of the oppressed."

COLLEGE IN AMERICAN PRISONS

Institutions roughly similar to BPI were not uncommon during the 1970s and 1980s.⁵ Pell Grants, the main federal redistribution program underwriting tuition for poor and working families, enabled campuses to flourish inside prisons across the country. Several hundreds were sustained on a tiny fraction – about one-half of one percent – of all federal Pell Grant redistributions.⁶ In 1994, almost all of these institutions collapsed within weeks after the United States Congress banned the incarcerated from eligibility for federal education Pell grants.⁷ In the past two decades, college-in-prison

institutions have practically disappeared from the increasingly punitive and expensive American systems of punishment.

BPI was founded by Bard students in 1999 in part as a response to this Congressional ban and the collapse of college programs in New York that immediately followed.

My intention in this article is to describe the activities of BPI, which in the Autumn of 2001 developed into a college campus operating inside a maximum security prison in upstate New York. BPI continues to usher between 40 and 50 conventional undergraduates into regional prisons near the Bard campus on a volunteer basis. For some of them, American modes of punishment and the criminal justice system become the focus of their undergraduate study. The Initiative also enrolls with Bard College more than a hundred people who are incarcerated in New York prisons, who study a broad range of liberal arts courses and work their way to Associate's and Bachelor's Degrees from Bard. Incarcerated students now move from maximum to medium security prisons and toward release while remaining continuously enrolled with the college in a network of in-prison satellite campuses. Since 2001, I have been the Academic Director of the Prison Initiative, and have both taught in and administered the program.⁸

Difference and solidarity

Ironically, the significance of college-in-prison programs has been clarified by the ban forbidding the incarcerated from receiving federal Pell grants. This ban is one part of the much more extensive landscape of harshness, degradation and control in contemporary American systems of legislation, enforcement, and punishment. The ban is, of course, a direct assault on one important form of social redistribution. It also reinforces the image of a severe and rigidly enforced boundary dividing the inside and outside of the prison, and the gulf that separates the identities of the convicted contained behind its walls and of the free who are protected beyond it. One might also suggest that it heightens the association of the concepts of "citizenship" with "obedience," in that, increasingly, those who are legally punished are stripped of various aspects of life and identity associated with civic participation, from education to voting to the rights associated with due process and equal protection.

In the recent past, a number of social analysts have examined the social effects of regimes of punishment, proposing forms of subaltern solidarities that are fashioned in and through prison life or other regimes of law

enforcement and criminal punishment. Such social effects have been fruitfully explored in work on gangs and ghettos (Wacquant, 2000), on career criminality and communities of coercive mobility (Clear, et al., 2001), and on what have been called "nihilistic communities" (West). Following Meade (1918) and Garland (2001), my interest here is rather with the solidarities fashioned by the state among the community of those who punish, in the state's exercise of violence through the law and through its institutions of punishment.

Much of critical criminology, is based on the argument that punishment, and the "othering" associated with it, performs a problematic and even corrupts social function. Punishment and the representation of the offender help to create an experience of social solidarity grounded in sentiments of violent inclusion and exclusion. Variations on this idea have been explored by analysts as diverse as René Girard (1977) in his work on violence and the sacrificial victim, and George Herbert Meade (1918) in his writing on the repressive unity fashioned through punitive and warlike states of mind and social practice. Recently, Joshua Page (2004) has applied this sort of punitive-solidarity thesis in reading Congress's attack on the ability of the incarcerated to get access to an education.

For all of these writers, practices of radical marking, isolation, cutting off, and systemic degradation express a nexus between legalized violence and moral solidarity. Membership within a group, with enforced and normalized identities, is accomplished in part through the othering and punishment of its others. From this perspective, all activities, like tertiary or higher education in prisons, which reach out to a common humanity shared by victim, punisher, and condemned, complicate the boundaries cutting across the society and threaten existing structures of moral solidarity. Insofar as the boundaries between self/other, same/different, member/enemy, and good/evil are seen to be implicated in repressive regimes of daily life or national politics, practices which undermine, resist, or complicate such dichotomies can be considered critical and perhaps even liberating – if by the latter we mean primarily the *négative* work of challenging the entrenched and violently defended position. Indeed, interventions along these lines of clear-cut dichotomy, including a liberal arts college run inside a prison, may be part of a pursuit of what Connolly (1995) has called an "ethos of pluralization."

The workings of the college involve the continual movement of persons *not* employed by the prison apparatus across the barrier of its walls, and the continuous engagement by outside faculty and students with the incarcerated person *qua student*. That is to say the terms of this social exchange are based on the person's enrollment with the college, rather than primarily on

the basis of their status as "convict" or incarcerated person. It enacts a response to crime within practices of punishment that resists the worst of the system – its radical othering and its corrosive effects on the ability to imagine alternative forms of social solidarity. One imagines that its effects circulate differently among the students themselves, faculty, and for the paramilitary and civilian staff at prisons.

THE PEDAGOGY OF A COLLEGE IN PRISON CAMPUS

BPI's mode of education is an important part of its intervention within the prison system. This mode emphasizes objectivity over subjectivity, the concept of "structure" over the concept of "the autonomous individual," and the critique of concepts over the process of identifying and assimilating norms. I use each of these three terms in a specific but non-technical sense. By an "objective" educational process I mean simply one that calls on students and teachers to focus their attention overwhelmingly on the objects of study – the subject matter, texts, concepts, and positions put forward by the authors encountered. The curriculum and discourse of instruction are heavily biased in favor of the analysis of primary and secondary texts that range across a diverse liberal arts curriculum. This bias toward texts and their contexts is emphasized *as opposed to* reflections in the prison setting, the life-experiences, ethnicity, or moral, and juridical status of the incarcerated students. Issues directly associated with the individual personal beliefs, opinions, preferences, and above all, life-stories and identities of the readers are placed in a secondary position. The administration and students of the Initiative recognize that these dichotomies between subjective and objective approaches are ideal types. The diverse situatedness of students and faculty in fact inform many aspects of discourse, interpretation, and meaning, and the practice of critical thinking discussed below are indeed brought to bear by students and teachers into these areas. That said, the pedagogy of BPI places these aspects of analysis in a substantially secondary position, and this "objective" emphasis stands in such sharp contrast to the hegemonic modes that are cultivated within the discourses of rehabilitation, corrections, and religious transformation.⁹ I return to this assertion below in the section "The text as object."

By an emphasis on the "structural" over the "individual" as categories of analysis, I mean that structures and systems are usually given analytic

primacy across the range of the liberal arts curriculum. As with the subject/object distinction, these are abstractions which are overdrawn for the sake of clarity and emphasis. In reality, mature analysis, teaching, and student thinking partake of a nearly infinitely subtle sense of how structures and individual agents inform each other. That said, the drawing of this distinction within the curriculum and throughout the way the liberal arts are generally taught today, contrasts it with the dominant alternative modes in which people who are incarcerated speak and exchange with authorities. These dominant modes, such as therapeutic rehabilitation and the correction of individual behavior tend to emphasize individual choices, individually oriented systems of rewards and punishments, incentives and disincentives, and the logic of personal transformation.

Finally, by "concept-critique" I mean the entire field of the educational curriculum and practice that is concerned with identifying, analyzing, and historicizing concepts as part of an ongoing ethical and political critique. The social space of the classroom, and of the college itself, is largely dedicated to this process.¹⁰ The critique of concepts is paramount across the liberal arts curriculum, most notably in the disciplines of history, philosophy, and anthropology, but also in those traditionally humanistic fields which have been so strongly shaped by anthropology and the philosophy of history. The result is an emphasis on teaching concept-critique over and above the goal of "normalizing" individual behavior.

(i) *Structures before Individuals, or "on Classroom Seating."* In my function as an academic advisor, a second-year student approached me for advice while choosing courses from the semester. Something was bothering him from his professors' comments on his work from the previous semester. On nearly all of papers, various members of the faculty had told him that his work needed to go farther, more in depth. While his arguments were well-constructed, their contents remained superficial.

In response, I began by offering him a hypothetical example of a student paper that we would critique together in order to think more about the difference between "deep" and "shallow." I began by asking him to imagine the opening paragraph of a hypothetical student essay:

College is a interesting place. Many people find college interesting because of the diversity of the people they encounter there – no two students, and no two professors, are alike. I, however, am most interested in college because of the courses I find there. Indeed, each course, to me, is something like a person – unique in and of itself – and rather than being engaged by the diversity of faculty and students in the college – the

people I meet there - I am struck by the diversity of courses that I meet there, each class as unique and fascinating as a person.

This, I suggested, was an interesting beginning to a student paper. Then I went on with the hypothetical.

For example, consider height. Just as no two people are the same height, so no two courses are the same length. Some are short - lasting only fifty minutes - while others are long, and can go on for as long as three hours.

The student began to laugh.

"Why are you laughing?" I asked.

"Because that's not what makes classes different from each other," he said. "Different in an interesting way."

"So what is a more interesting - or 'deeper' thing - that might distinguish one class from another?"

"What goes on *inside* of the class - the subjects, the points of view, stuff like that," he answered.

I acknowledged that we were on the right track, and then continued.

"OK, so let's go inside the class. Let's say our imaginary student continues their paper as follows."

For example, then, consider the arrangement of seats in the classroom. Classes differ in how the seats and desks are arranged.

The student smiled again and protested. "That's not what I meant by what goes on inside. I meant the actual contents - of the class - of what the teacher says, of what you read," he said.

"Yes," I answered, "but let's consider for a moment the possibility that this fact - the arrangement of the seats - which looks superficial, like the sort of thing you're trying to avoid - is in fact interesting, that is has some 'depth'. Maybe we'll consider later the possibility that details like these - seating arrangements - are rarely 'superficial' or 'deep' in and of themselves, and that they're interesting or not depending on what we have to say about them - the light that we ourselves can cast on to them. At any rate, let's stick with the tables and chairs. What might you be able to learn, or understand, about a particular class, based on how the seats in it are arranged?"

"Well," he thought a minute. "You can tell a lot about how someone sits in class. If they're slouching, or hunched over, they're not going to be getting much, but if they're sitting up, you know, focused and all of that, if they're clean and whatnot, then they are going to be good students."

"Notice how you've changed the subject."

The student looked at me puzzled.

"Think over what we've just been talking about, and think about you've just shifted the subject from one thing to another."

The student thought for a moment, and nodded. "All right. I see that. You asked about the seats - where they were placed - the desks and the seats in the room, in this room right here, or in all the class rooms in the prison, and I switched the subject to how individual students were sitting in them."

"Exactly right. Now *that* is really interesting. That might tell us something 'deep' about the sorts of things that are going on here. How does the actual arrangement of seats in a classroom change from class to class?"

"Sometimes they're in a row - like now - all lined up, one next to the other."

"And facing?"

"And facing the board. And the teacher."

"Yes, great. And other times?"

"Other times they're in a circle, or in a half-circle," the student said, beginning to speak increasingly quickly. "That's when we - when students in the class can see each other, and in those classes, it's true, we tend to - the teacher also seems to try and get us to - talk more to each other. To have more conversation, more class discussion. And that's a big difference in terms of what can go on in one type of class or another - the way we, the students, you know, relate to each other - in class and also, outside, when we're studying, in the yard, or working, or in the cell-blocks."

"Who determines how the seats in a classroom - let's say this classroom - are arranged?"

"Well," he answered, "the correctional officers. Or the teachers - the prison teachers. The rules of the facility." He paused. "Also tradition."

"Great. Now you're talking about all of these things which influence the arrangement of seating, and of people, and of talk, inside the classroom."

"Parts of the structure," the student clarified.

"That's right, that's a great word for it."

"We've used it in classes," he said.

"So we started with a detail, a fact - the arrangement of the seats and desks and teacher and students in the rooms, and now you're drawing connections that making this student's hypothetical paper deeper than it started out."

There was a pause, and then I took a certain risk, a risk in the interests of pushing the conversation one step further, coming far closer than usual at an explicit analysis of the environment and regime of the prison itself.

"Now let me throw something out there," I said. "Consider for a moment that 'Corrections' tends to focus on individuals. Let's say, on things like how

each student sits in their chair – on what we might call questions of individual comportment. In contrast, ‘the college’ – teachers, the syllabi, the subjects of the courses – tend to focus on *structure*, tend to emphasize the concept of structure.”

We both fell silent, and the student stared at me intently, gravely, and stone-faced. A long moment passed. I imagined that he was weighing my sincerity, or my trustworthiness, as I drew closer to this sensitive line which representatives of the college, and our students, treat with the greatest discretion. At the same time, I expected him to try out the idea to analyze the world in which he lived his life, and in which I was only an occasional visitor.

Then he smiled, and just as quickly the smile passed from his face, and, in a total departure from the formal posture we had both been maintaining, the student – a man of 40 or so – stretched his arm out on the school desk, and laid down, resting his chin on his forearm, his head just above the table. He stared ahead, and a sequence of changing expression passed across his face, some of them dreamy and distant, and some of them very focused. Then he sat up, and nodding, said, with a smile that struck me as a mixture of gravity and pleasure, “Yes, I can see that. I hear that.”

“So here’s what I’d like to suggest. A teacher has made an assertion – about the college curriculum and the concept of ‘structure’ and the concept of ‘individuals.’ Take these course descriptions from the catalogue back with you now and look them over. And come to office hours next week, just before the semester begins, prepared to discuss whether or not the course descriptions support this assertion or contradict it.”

Structure, Individual Culpability and Political Responsibility

As in many areas of the legal system, criminal justice policy embodies and constitutes a moral perspective that is radically individualistic. Within the civil law, efforts to engage the morally and legally relevant aspects of social structure are clumsy and usually seemed doomed to failure.¹¹ Within the criminal law such efforts are even more rare and less successful.¹² Their absence from the criminal justice system manifests itself powerfully in the rhetoric and practice of rehabilitation, corrections, and containment within the prison.

Prisons fashion solidarity in deeply problematic ways in part because they distort the mutual coexistence of individual guilt and political responsibility. The clarity of the boundaries of the prison establishment, and the view of

the criminal subject which is inspired by it and which it helps to reproduce, has a deleterious effect on the ethical commitments that could more properly articulate the body politic. The radically truncated model of individual responsibility that underlies much punishment, and is greatly reinforced by the practices of correctional incarceration, obscures pressing questions of political responsibility, for the social contexts of criminal activity as well as for the effects of incarceration on the body politic itself – on those who are punished within it, on those who are employed within its apparatus, and on those whose desires for security or revenge are felt to depend on its functioning.

In part, of course, a deeply individualistic approach to matters of crime and punishment is inseparable from the commitment, shared by most educators outside of and within the prison, to the moral autonomy of the individual. Taken to its extremes, however, it has any number of obvious and severe problems. One of these is that it fails to speak honestly about the degree to which a society may, or may not, cultivate the conditions under which individuals are actually supported in the complex project of developing the capacity for moral autonomy. While defending punishment Herbert Morris (1981), characteristically emphasized the social reality that belied his own principled position, pointing out that his society was mostly *not* “one in which those who are liable to punishment have roughly equal opportunities to conform to...just norms” (p.56). Indeed, to support a college inside a prison is to expose the mendacity of any purely individualized attitude toward crime and punishment. As David Garland has put it, such institutions, frankly redistributive and ameliorative, were typical of the “welfare” approach, and are perhaps morally most interesting because of the degree to which, as responses to crime and forms of punishment, they themselves “imply a social critique” (Garland, 2001, p. 200).

(ii) *An Emphasis on the Text as Object: Crime and Punishment – The Novel.* The first-year curriculum of BPI contains four introductory courses: expository writing, critical reasoning, and informal logic; social science; and a reading literature.¹³ I will focus on the introductory “reading literature course” as it was first developed. It is perhaps the most expressive component of the first-year curriculum as it relates to the larger discourses and practices of corrections and the prison within which it unfolds.

This course is based on the semester-long reading of a single work: Fyodor Dostoevsky’s *Crime and Punishment*. The course has two main components, each of which is an example of what I have called “objective” learning and concept-critique. The first component is the practice, week in

and week out, of the close reading of a text. The focus here is on the basics of the reading of a novel as an object, as the product of human artifice and craft. Students are introduced to questions of plot, development, scene structure, character, and also symbol and theme. The second component is an introduction to the historical context in which the novel was written, with a particular emphasis on the early nineteenth century emergence of the radically secularized disciplines like "criminology" and the tremendous challenge that they represented to traditional and theological constructions of the problem of freedom, sin, evil, and crime. Indeed, for Dostoevsky this novel was a complex but radical attack upon the secular disciplines, and what he felt to be their revolutionary and corrupt assault on the Christian experience of the essential moral categories that define the sphere of crime and punishment. (Introducing students to these sorts of ideas and their historical is itself a vivid example of what is referred to below as teaching and "concept-critique.")

This is our threshold course. One enters the Bard College at Eastern and one's first course is a semester-long reading course with a single required text: Dostoevsky's *Crime and Punishment*. What do the students expect? What is "typical" of the "class room" environment for them, and one built around a text as "relevant" to them as *Crime and Punishment*? They are likely to expect 15 weeks of reflection, introspection, and confession. The expected narrative is something like, "We are all guilty, and in confessing, we find our common humanity." The course, at first glance, stands at the threshold of the college curriculum as a paradigmatic example of the creation of yet another therapeutic community.

But never once, in 12 weeks, does the course *ever* speak to the students about their experiences – about their crime, its social contexts, about their punishment, their life in prison, and so on. Despite the title of the book, despite the subject and content of the book, and indeed, of the "historical" component of the syllabus – their own personal relationship to the subject material is never invited. And while the class explores the central importance in the novel of the theme of confession for Dostoevsky's theology and his social theory, no student is asked, or ever expected, to make this "personal." Remarkably, never during the entire semester in which this course was offered did a student relate these or similar issues to themselves – not in class discussion and not in their papers.¹⁴

This, then, is the class that is designed to introduce students into the space of the college within the prison as distinct from the space within the prison more generally. It is a class in which the single most important thing in it is that which is not said, is the absence that lies at its center.

My claim is not that this mode of teaching is a social learning process somehow devoid of its own disciplinary mechanisms. It is rather that calling upon students first and foremost to describe the text before them, richly and in great detail, and to explore the other social and analytic worlds which such texts invoke, is preferable to using that text as an immediate opportunity to reflect back upon the opinions, attitudes, or life-experiences of the student. In part, the former approach can serve in the longer-term interests of the latter – as it strengthens precisely those skills of description, analysis, and critical thinking about concepts, social structures, and subject-positions which would themselves be at play in any reflection by the student on their own more immediate experience and situation. Yet this focus on, say, a close reading and historical analysis of Dostoevsky's novel is also important within the prison environment because it functions as an alternative to the modes of rehabilitation or corrections. All of these modes, including that of the college instructor, are enacted by individuals in positions of authority within the hierarchy of the prison. Yet the authorities functioning properly within the prison establishment bring their "expertise" or authority to bear, and apply the brunt of their energy and discursive engagement, onto the students themselves, and as subjects the inmates are constructed as transgressors or addicts or convicts or individual nodes of rational choice-based behavior. Thus students are encouraged – or permitted – to read *Crime and Punishment* within the norms of literary criticism, rather than as a device to immediately further a reflection on their own sense of crime, guilt, or redemption. While "students" are expected to conform their behaviors, and discursive practices, to the norms of the liberal undergraduate education, these norms themselves are constructed in part out of a celebration of self-consciousness and critical reflection.

Objectivity and Its Alternatives

One of the other major institutional interventions inside the prisons where BPI operates is called The Network Program. Network, I would suggest, is characteristic of the interventions that cross from the "outside" into the "interior" of the prison in that it has an overwhelming the *subjective* orientation. The Network Program, as described by Stemen,

rests on the therapeutic community model of behavior modification, a group-method approach that is recognized for its effectiveness in reducing drug abuse behavior. Therapeutic communities seek to build individual self-esteem and a sense of community among participants by focusing on personal responsibility for behavior and individual

attempts to learn from and change that behavior. By confronting and examining its members' behavior, the group reinforces positive ways of thinking and acting consistent with those of the wider society (e.g. hard work or personal responsibility). The ultimate goals of treatment or recovery are changes in individual participants' lifestyle and identity" (Stemen, 2002; p. 4).

During one of my sessions teaching *Crime and Punishment*, I had a visitor from the founder of Network, who was at that time the Executive Director of a philanthropic organization called Episcopal Social Services. An ordained minister, and a tireless advocate on behalf of the interests of the incarcerated, this man, now in his 70s, had been a crucial player in gaining Bard access inside the prison. In his long career in corrections he has worked as a chair of the state commission on corrections (in the tumultuous era immediately after the Attica revolt) and a superintendent of a prison. He had developed the Network Program based on the concept of voluntary "therapeutic" communities on inmates and the formerly incarcerated.

This minister sat in on a 2-h class session during which we discussed the symbols, characters, scenes, and key ideas of *Crime and Punishment*. Several members of the class were asked to give detailed summaries of the plot covered in the day's reading. Discussion focused first of all on the author's themes and techniques – the imagery of feeding and sharing food as a symbol of solidarity and alienation; the use of conversational ellipses and actual fainting to indicate the moral and social condition of the guilty man; the word-play associated with the pawnbroker's "the pledge." Secondly, students spoke to the different and competing interpretive perspectives on physical illness and crime given by each of Dostoevsky's characters: the medical student's interest in a moralistic neuropsychology; the radical's emphasis on material conditions and a rigid model of social causation; the young girl's emphasis on popular and deeply felt beliefs nurtured under peasant Russian Orthodoxy.

Afterwards, the visitor commented on the tremendous opportunity that such a course presented for the inmates to reflect on and share their experiences as people who had done wrong and were now, together and as part of a therapeutic community, transforming themselves into morally reflective individuals who could comfortably confess their wrongs and share their hopes among each other. I responded that it was our feeling that the inmates had numerous opportunities for such interactions within the prison environment, and that the college provided something quite different – an opportunity to master the role of student.

Typical of "corrections" and other rehabilitative practices is a heavy emphasis on the discourse of self, drawing on a wide array of therapeutic

discourses which characterize an enlightened approach to corrections. In contrast to this set of practices, the college faculty and administration functions on a policy and practice which begins with the *exclusion* of the discourses of both self and the therapeutic. The BPI, working to create a campus inside the prison, seeks to cultivate a social space that has little or any authorized therapeutic discourse.

(iii) *Concept-Critique* or "Not All Freedom is Made in America." BPI has something like a core curriculum, a small set of classes that we encourage all students to take: a history of the civil rights movement, an introduction to anthropology, and a civics class that I teach at several in-prison college campuses. In civics, we look closely at some of the foundational texts of the American political structure and make sense of them within broader ideas of classical liberal theory.

Our first reading for the class this last time around was the National Security Strategy of 2002. A National Security Strategy is a document that Congress requires each administration to publish – laying out the principles and goals for America's use of force in the world – our vision, basically, of a good world order, and how the use of our strength in the world will help realize that vision of the good. As usual, we read some secondary texts to go along with the primary ones, and this semester we read a short article by Eric Foner, looking at the National Security Strategy and its rhetoric of freedom in historical perspective. The piece was entitled "Not All Freedom is Made in America" (Foner, 2002). I asked the students to begin by summarizing the article. One of them, a man who recently graduated with an Associate in Arts Degree from the college, responded by saying, "The author's point is a simple one. Not uninteresting – just simple. The author's point is that freedom has a history."

Then the student interrupted himself and paused. He pursed his lips and frowned. He is a very serious student.

"Excuse me –" he said, "the author's point is not that freedom has a history, but rather that *the concept of freedom* has a history."

And in that one phrase one hears an entire education unfolding.

In that phrase one hears the drawing of a distinction: on the one hand an idea – such as "freedom" – seen as an almost natural object, as something that lies "out there" somewhere, beyond us; and, on the other, "the concept of freedom" – freedom understood as something meaningful and alive because we conceive of it, and act on it, and as an idea that has a history inseparable from our own.

This is one of the most difficult and fundamental things we learn to do in the classroom – this distancing from ideas and concepts – this stepping back from a piece of reading – or from an idea – like freedom.

And it is a stepping back that we learn in the classroom but that we then practice everywhere, a stepping back that allows us, once again, to draw closer.

Concept Critique and the Problem of “Normalization”

Prison education schemes obviously offer a way to engage the morally autonomous subject, the culpable agent of crime, in ways that support rather than belie the moral justifications for punishment. Those built along BPI's sort of pedagogy also critically engage a fundamentalist individualism that typifies correctional discourses of work, therapy, and behaviorist training.

Contemporary liberal arts education is inherently political. Much of it consists of a critical engagement with hegemonic concepts. Bard's "Civics," for example, explores the historically shifting meanings given to terms such as freedom and citizenship in American history (Foner, 2004; Smith, 1993). Rather than defining and then prescribing a doctrinal mode of citizenship, or a fundamental definition of freedom, students are introduced to the situated histories and contested visions of the good that underlie our constitutional framework.¹⁵ When Nietzsche (1956), remarked that "all terms that semiotically condense a complex process elude definition; only that which has no history can be defined," he articulated a deeply political orientation to knowledge which is typical of contemporary liberal education (p. 212).

When higher education in prison is studied and defended through the lenses of conventional criminology, this crucial issued is lost and the more meaningful aspects of educational practices within the prison setting are obscured.

Typical of this mode of analysis is the work on "correctional education." Such work (Johnson, 2001) emphasizes the correctional effects of education, especially in so far as it appears to reduce rates of recidivism. Sociologist Michael Harer (1994a) has defended college prison programs well. Yet his deeper analysis, written for the Federal Bureau of Prisons, is problematic. Harer (1994b) explains the lower rates of recidivism that follow from the experience of going to college in prison as a result of what he calls "normalization." Contrasting this to what Gresham Sykes (1958) had called "prisonization," Harer suggests, that "prison education program participation normalizes by offering relief from the pains of imprisonment and by

helping inmates to appreciate and adopt pro-social norms" (Harer, 1994a, p. 14).

In Harer's work for the Federal government, Aristotle's classical humanism and Durkheim's social-democratic views on the moral effects of education are folded seamlessly into the contemporary field of incarceration. The most notable problem with the view of education as "normalization," situated deeply within larger frameworks of corrections, is that it obscures and even *inverts* that which is most important about higher educational activity in general, and especially under conditions of contemporary incarceration.

A typical instructor in the humanities or social sciences is unlikely to object to all of the ends associated with rehabilitation, especially in regards to things like recidivism, or the moderation of violence, rage, and humiliation. Concept-critique, and the objective education of which it is the centerpiece, may indeed permit the cultivation of anger or aggression into other modes of intellectual, social, and political life, in contrast perhaps to a therapeutic attention applied directly to the self or soul. Yet the actual practice of teaching and learning complicates this picture, and a keener sense of what education actually involves should inform attempts to link the moral foundations of criminal justice to the moral autonomy of individuals and their capacity for freedom. Conventional pedagogy destabilizes concepts that appear normal, through historical or other comparative methods.

Another example might better illustrate this point. In the course of teaching undergraduate courses, students' grammar – spoken and written – is regularly "corrected" – as students are inculcated in the norms of a conventional hegemonic classroom, with its peculiar standards of expression, its enforcement of the norms of Standard American English, and so on. At the same time, a teacher may draw attention to the historical and socially conventional nature of the very linguistic standards to which their students are held accountable. Interestingly enough, this often requires a teacher to resist the students' *own* assertions that they are being taught "better" English. In my experience, students are themselves far quicker to pass judgments of "good" and "bad," "better" and "worse," "right" and "wrong," than their faculty. Often it appears that one of a teacher's primary roles is to postpone and delay our students' own proclivity for the passing of a quick and simple judgment – a proclivity they seem to share with the legal, and punitive, institutional environment which characterizes their formal institutional life beyond the college classrooms. When drawing students' attention to the language-norms expected within the classroom, and "correcting" students' grammar, faculty can also open up the possibility of alternatives to thinking

of “better” and “worse” forms of spoken language. When reminding students of the norms of Standard American English, teachers in the Prison Initiative often introduce the humorous aphorism of the linguistic anthropologist Eric Wolff, who asked “What is the difference between a language and a dialect?” And, answering his own question, declared, “A language is a dialect with an army and a navy.”

BPI AND FREIREAN PEDAGOGY

In the early stages of BPI, we have pursued an approach to education that seeks to cultivate critical thinking of the particular sort that I have earlier called “concept-critique.” This goal seems similar to what Paulo Freire (1973) calls teaching for “critical consciousness.” Freire’s concern that education be more about “liberation” than “domestication” has much in common with my efforts here to distinguish why higher education inside a prison can be, and perhaps inevitably is, quite different from corrections, therapeutic behavioral modification, and education understood as “normalization.”

At the same time, we have adopted a teaching *method* that is fairly conventional. On the one hand it is often quite dialogic, in Freire’s sense of the term, by which he means that there is a lot of classroom discussion in which the teacher responds to and engages dynamically with the concerns, insights, interpretations, and forms of expression of students. And yet ours is quite clearly *not* the radically democratic or anarchistic pedagogy espoused and practiced by Freire. Lecturing still plays an important though not an exclusive role. More importantly, the curricula, course syllabi, and daily subject matter of the work reflect the contemporary concerns of the somewhat conventional disciplines that make up the contemporary liberal arts. Materials are further shaped by the particular concerns, training, and interests of the professor. They have, except for explicitly ethnographic courses, *no* grounding in the daily life of the prison, the opinions or tastes of the student body, or of the life-experiences from which the incarcerated students supposedly come. The power structures and discourse of the classroom and its dynamic are *not* democratically decentered, as if to place students and professor on a level of imagined equality. If there is a field which provides a space of relative discursive equality, it is made up of *the texts themselves* and the mutual demand of respect for, close attention to, and mastery of those texts.

The teacher is not quite a “banker” depositing knowledge in the containers of impoverished students, as Freire would have it. But she is seen as

the possessor of skills, knowledge, and access to a world of knowledge, imagination, information, and skills which are all seen as the rightful inheritance of each and every student *regardless* of their origin or experience. It is true that students often encounter basic axioms of contemporary historicist pedagogy – axioms that fields like, say, American history are profoundly shaped by the differing identities, embedded knowledge, or social origins of each new generation of scholars. But such truths are encountered by way of the texts themselves, not by way of a framework developed directly from the students’ own lives.

My aim here is not to reject all of the theories or practices associated with Freire’s critical pedagogy. I only suggest that BPI’s experiment with teaching for critical consciousness but in contrast to Freirean pedagogy – especially as the latter grounds the subject-matter of classes in the everyday knowledge of the students – is especially important when it is undertaken within the prison environment, and within the larger social-discursive field of contemporary American prison.

Ira Shor (1993), in his fine article entitled “Education is Politics,” states that the goal of the Freirean education is “critical consciousness,” and identifies it with four faculties: an awareness of how power is exercised to shape society by organized groups; “analytic habits of thinking” that emphasize “the social contexts and consequences of any subject matter”; what they call “desocialization” – namely the recognition and challenging of “the myths, values, behaviors, and language” of the dominant or pervasive culture; and directly political activities of changing – the school and the social environment within which it is situated. All of these concerns resonate strongly with BPI pedagogical aims I have described above.¹⁶

Shor is equally concerned with the *ways* that critical pedagogy is supposed to achieve such goals. For our purposes the most important of these are that “students do a lot of discussing and writing instead of listening” to the teacher; “the course material is situated in student thought and language”; subjects are presented with an emphasis on their immediate and direct relationship to the students’ “[own] conditions”; and the discursive dynamic is allegedly radically democratic in that “[s]tudents have equal speaking rights in the dialogue as well as the right to negotiate the curriculum” and are asked to “co-develop and evaluate the curriculum” (Shor, 1993, p. 33).

This Freirean curriculum is above all rooted in what we could call the ethnographic construction of curriculum. In Shor’s words, “[t]he anthropological definition of culture – situated in the experiences of everyday life, and discovered by observing the community life of students – democratizes pedagogy because the curriculum is built around the themes and conditions

of people's lives. Applied to academic courses...the subject matter is...presented...as problems posed in student experience and speech, for them to work on" (*Id.*, p. 31).¹⁷

Shor is fairly clear as to why he and Freire consider this to be so important: "In contrast, traditional education, which invents its themes, language and materials from the top down rather than from the bottom up, as culture is defined scholastically as the Great Books, or as a Great Tradition...or as the correct usage of the upper classes, or as the information and experience familiar to the elite. *This culture and language are alien to the lives of most students*" (emphasis added). Perhaps the different pedagogical approach is based on a conviction that the underlying content and significance of "this culture and language" are *not* alien to the lives, minds, or circumstances of students and that our job as teachers is to empower students so that they can taste of a tradition which is itself in constant flux, and in the process, make it their own.

If anything, BPI, while less "critical" in its pedagogy, is also less skeptical and more optimistic. Shor (1993), claims that "[f]aced with unfamiliar scholastic culture, denied an anthropological appreciation of their own culture, students become cultural deficits dependent on the teacher as a delivery system for words, skills and ideas, to teach them how to speak, think, and act like the dominant elite, whose ways of doing these things are the only ones acceptable" (p. 35).

BPI's commitment to the analytic emphasis on structures and the practice of concept-critique through historical and comparative methods clearly shares these Freirean goals. Yet BPI's commitment to a largely "objective" way of teaching, grounded in texts and the critical engagement with authorities, rather than with the cultural environment of the students, entails a partial resistance to the methods of critical pedagogy and the ways that our shared goals are both achieved and enacted.¹⁸

It is my understanding that such embedded or subjective methods are too much in danger of reproducing the individualistic, therapeutic, and correctional modes of the prison establishment. Embedded or subjectivist methods are also too naive in their approach to democratic empowerment, and may, in an sincere effort to enact social change, actually *deprive* students of their ability to partake of the broadest cultural inheritance which is their due as human agents within a larger context of societies and civilizations. It is precisely in the encounter and acquisition of authors, texts, and contexts *beyond and outside* of their immediate experience that is, when combined with a care for critical consciousness, an empowering form of education.

CONCLUSION: "CRIME IS WHAT THEY DO, PUNISHMENT IS WHAT WE DO"

A murky, insistent model of individual agency competes with a dense, insistent, model of social causality. William Connolly

In situating BPI within a contemporary landscape, I have drawn on a loosely affiliated current of critical thinking about punishment. It is exemplified by writers who range from a turn of the century psychoanalytic progressive like Meade, to a mid-century paternalistic humanist like Morris, and a post-modern critical theorist like Connolly. Perhaps these writers are more important for what distinguishes them from each other than for what connects them. Yet each centers their work on punishment around a critique of the boundaries conventionally drawn around individual moral agents. Perhaps this is due to their respective attempts to theorize an affirmative theory of social solidarity under cultural conditions dominated by radically individualistic, and even atomistic, social theory and practice. In their work on responsibility and punishment, each has challenged the conventional boundaries of moral agency as part of a broader effort at reimagining alternative solidarities.

If punitive systems like prisons do help to produce regressive forms of social solidarity among the communities of those who punish, or among those who feel that punishment is being meted out on their behalf, then the presence of outside colleges within the institution of punishment can inform these processes, complicate their workings, and presents the system with an ameliorative set of confrontations. As a result of our collective decisions and commitments, prison is now one of the most important public institutions in the landscape of the contemporary American polity. This no doubt tells us much about the current health of the republic. For present purposes, one of its most problematic aspects is the way that it articulates a way of conceiving of the relationship between individual moral culpability for crime, and the political responsibilities of the polity for both the conditions of crime and the modes and effects of punishment. In the excesses of our current systems of punishment, in the degrading and often radically individualistic and behavioralist modes of such punishments, the state builds public institutions and political positions which abnegate or occlude its other responsibilities.

Furthermore, unlike other interventions where "outsiders" come "inside" the prison for humanitarian purposes, the pedagogy described here offers an opportunity to engage with persons in ways that move against the grain of the standard ways of normalizing the convicted offender. The crucial

features of any such attempt will lie in the way that it engages with the paradox of punishment, in its search for a style or mode of practice in which the autonomy and responsibility that lies at the heart of valid justifications of punishment are not undermined in the very processes in which punishment is meted out. The pedagogy of a college-in-prison program, then, will need to be evaluated first and foremost in the ways that individual and political responsibilities are articulated and enacted within it.

Individualistic modes of understanding crime and punishment are dangerously partial aspects of a complex truth. The public emphasis on one aspect of a moral and political question – especially its individual aspects – often functions to obscure and repress more problematic, and indeed more structural aspects of the very same phenomenon. Prisons acknowledge and inscribe responsibility onto the culpable individual; colleges within prisons resonate with the acceptance of what Morris called non-moral guilt, and with kindred concepts of political responsibility.

What is most important about this for a critical theory of legal systems generally, and systems of punishment, in particular, is the possibility that the more fiercely we emphasize individual guilt and the concept of culpability, the more we repress questions of shared or non-moral guilt and the political responsibility that gathers together victim, perpetrator, and the state that punishes.

I end here with the idea that “crime is what they do, punishment is what we do.” Like a college inside a prison, the phrase seems to recapitulate an individualistic understanding of crime, and the moral importance of undertaking punishment. But it is also a reminder of how deeply we betray our own responsibilities when we construct the criminal and respond to their deeds, a reminder of the violence of the law and the paradox of punishment.

NOTES

1. I would like to thank Austin Sarat and the National Endowment for the Humanities. I cannot imagine a more rich and thoughtful introduction to the field. Thanks also to the other members of the 2004 NEH seminar, at Amherst College for their camaraderie, intellectual generosity, and – despite pretenses to the contrary – their enduring commitment to more parks.

2. One could argue that what G.H. Meade tried to do with repressively created boundaries of social solidarity, Connolly tries to do for repressively defended boundaries of human identity (see Meade, 1918).

3. For the purposes of this article, I consider the Network Project, housed at Episcopal Social Services, to be paradigmatic here.

4. For the purposes of this article, I consider the “Inside/Outside Prison Project,” based at Temple University, to be paradigmatic here.

5. In New York’s experience, college-in-prison programs flourished largely in the aftermath of the Attica rebellion. By the late 1970s, nearly every one of the 70 state prisons in New York hosted such a program.

6. Despite a rhetoric of parsimony and “just desserts” in contemporary American politics, genuine cost-benefit analysis plays an insignificant role in determining the distribution and redistribution of social goods and the means and ends of punishment.

7. U.S. Code, Title 20, Ch. 28, Sub ch. IV, Part A, subpart 1, § 1070b. The denial was enacted as part of the “Violent Crime Control and Law Enforcement Act of 1994,” signed by President Bill Clinton.

8. For much of this time I have been a Visiting Assistant Professor in Political Studies at Bard, and closely affiliated with the Bard Human Rights Program. For the past 2 years my work has been supported by a Soros Justice Fellowship from the Open Society Institute.

9. There is a vast and contentious literature on these themes in pedagogy and hermeneutics. Consider Adorno’s work on the status of the work of art: “Today the consumer is allowed to project his impulses... on to anything he pleases.... Ideally, the individual effected his identification with art not by assimilating the work... to himself, but by assimilating himself to the work. This is what the term ‘aesthetic sublimation’ was meant to denote. Earlier on, Hegel had called the same mode of conduct freedom towards the object.... pay[ing] homage to the idea of a subject which becomes a spiritual subject only by externalizing itself in an object, in contrast to the philistine who craves art for what he can get out of it.... The two extreme forms of *Entkunstung* of art, therefore, are reification – art viewed as a thing among things – and psychologism – art viewed as a vehicle for the psychology of the viewer.... Art is... a type of praxis that is better than the prevailing praxis of society, dominated as it is by brutal self-interest. This is what art criticizes.” (Adorno, 1970, pp. 16–17).

10. I thank Austin Sarat for offering his students this extremely useful phrase, and, more importantly, for clarifying so energetically and vividly its importance in what we do when we teach and when we learn. His own teaching is a beautiful performance of this principle.

11. One fascinating example would be the near total failure to expand the judicial recognition of “disparate impact” and the predominance of “discriminatory intent” in the federal enforcement of civil rights. Individualizing emphases on that which is culpable seems always preferable to structural change.

12. A fascinating example would be the dynamics of mitigating evidence, through which the social history of defendants became admissible in the latter twentieth century.

13. BPI’s expository writing curriculum is also dedicated to the objective mode. Emphasis is placed on expository writing, to the exclusion of their autobiography – especially to the exclusion of “how I got here” or “what life is like here.” Such subjects are of course open to students to pursue in their own time, and a number choose to do so. But the writing sequence is a sequence that leads away from the personal essay and toward objective exposition.

14. I have no doubt that many if not all of the students in this course entertained a powerful and meaningful relationship to Dostoevsky's novel on deeply intimate and personal terms, many of which may have resonated directly with their immediate personal experiences. Indeed, on occasion, in office hours, students would very occasionally allude to such connections. I also have little doubt that many students may have discussed and shared such aspects of the book's significance with others, both in and outside of the class. The point, of course, is that as far as the college and the college course were concerned there was an implicit but firm expectation that these resonances were to be mediated through the "objective" realm of the text, their close analysis and reading of it, their interpretations of it, and their ability to summarize and comment on the related historical materials about the middle nineteenth century, religious morality, and the dawn of a radically secular criminology.

15. I am grateful to Prof. Henry Kamerling for his invaluable suggestions and clarity on this subject.

16. The last one, insofar as it concerns the immediate social environment of the prison, must be treated with prudence, as the college space is at once parasitic and dependent on the prison, and functions only at the will of the prison's authorities.

17. Shor elaborates: "Freirean educators study their students in their classrooms and in their community, to discover the words, ideas, conditions, and habits central to their experience. From this material, they identify 'generative words and themes' which represent the highest-profile issues in the speech and life of the community, as the foundational subject matter for a critical curriculum. These generative subjects are familiar words, experiences, situations, and relationships. They are 'problematised' by the teacher in class through a critical dialogue, that is, represented back to students as problems to reflect and act on. Inside problem-posing dialogue, students reflect on the lives they lead, asking questions to discover their meaning and value. They no longer live unreflectively in relation to these themes. Their experience includes a self-reflective dimension because of problem-posing around generative themes from daily life. With dialogic reflection among their peers, they gain some critical distance on their conditions and can consider how to transform them" (Shor, 1993, p. 31).

18. Freire's emphasis on the sense of "dialogue" in the classroom is indeed part and parcel of much contemporary teaching style, especially at Bard, as distinct from the more radical democratization of the syllabi, curricular choices, and above all – the commitment to what Freire and Shor, perhaps quite problematically, term an "anthropological" approach to teaching.

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