STUDIES IN LAW, POLITICS, AND SOCIETY

Series Editors: Austin Sarat and Patricia Ewick

Volumes 1–2:	Edited by Rita J. Simon
Volume 3:	Edited by Steven Spitzer
Volumes 4–9:	Edited by Steven Spitzer and Andrew S. Scull
Volumes 10–16:	Edited by Susan S. Sibey and Austin Sarat
Volumes 17–29:	Edited by Austin Sarat and Patricia Ewick

STUDIES IN LAW, POLITICS, AND SOCIETY VOLUME 30

PUNISHMENT, POLITICS, AND CULTURE

EDITED BY

AUSTIN SARAT

Department of Law, Jurisprudence & Social Thought and Political Science, Amherst College, USA

PATRICIA EWICK

Department of Sociology, Clark University, USA

2004

ELSEVIER
JAI

Amsterdam – Boston – Heidelberg – London – New York – Oxford – Paris
San Diego – San Francisco – Singapore – Sydney – Tokyo

ELSEVIER Ltd
The Boulevard, Langford Lane
Kidlington, Oxford OX5 1GB, UK

© 2004 Elsevier Ltd. All rights reserved.

This work is protected under copyright by Elsevier, and the following terms and conditions apply to its use:

Photocopying
Single photocopies of single chapters may be made for personal use as allowed by national copyright laws. Permission of the Publisher and payment of a fee is required for all other photocopying, including multiple or systematic copying, copying for advertising or promotional purposes, resale, and all forms of document delivery. Special rates are available for educational institutions that wish to make photocopies for non-profit educational classroom use.

Permissions may be sought directly from Elsevier Global Rights Department, PO Box 800, Oxford OX5 1DX, UK; phone: (+44) 1865 843830, fax: (+44) 1865 853333, e-mail: permissions@elsevier.co.uk. You may also contact Global Rights directly through Elsevier's home page (http://www.elsevier.com), by selecting 'Obtaining Permissions'.

In the USA, users may clear permissions and make payments through the Copyright Clearance Center, Inc., 222 Rosewood Drive, Danvers, MA 01923, USA; phone: (+1) (978) 7508400, fax: (+1) (978) 7504744, and in the UK through the Copyright Licensing Agency Rapid Clearance Service (CLARCS), 90 Tottenham Court Road, London W1P 0LP, UK; phone: (+44) 207 631 5555; fax: (+44) 207 631 5500. Other countries may have a local reprographic rights agency for payments.

Derivative Works
Tables of contents may be reproduced for internal circulation, but permission of Elsevier is required for external resale or distribution of such material.
Permission of the Publisher is required for all other derivative works, including compilations and translations.

Electronic Storage or Usage
Permission of the Publisher is required to store or use electronically any material contained in this work, including any chapter or part of a chapter.

Except as outlined above, no part of this work may be reproduced, stored in a retrieval system or transmitted in any form or by any means, electronic, mechanical, photocopying, recording or otherwise, without prior written permission of the Publisher.
Address permissions requests to: Elsevier Global Rights Department, at the mail, fax and e-mail addresses noted above.

Notice
No responsibility is assumed by the Publisher for any injury and/or damage to persons or property as a matter of products liability, negligence or otherwise, or from any use or operation of any methods, products, instructions or ideas contained in the material herein. Because of rapid advances in the medical sciences, in particular, independent verification of diagnoses and drug dosages should be made.

First edition 2004

A catalogue record from the British Library has been applied for.

ISBN: 0-7623-1072-3
ISSN: 1059-4337 (Series)

♾ The paper used in this publication meets the requirements of ANSI/NISO Z39.48-1992 (Permanence of Paper).
Printed in The Netherlands.

CONTENTS

LIST OF CONTRIBUTORS *vii*

EDITORIAL BOARD *ix*

EDITOR'S NOTE *xi*

PART I. REVISITING THE HISTORY AND PHILOSOPHY OF PUNISHMENT

"PATTERN PENITENCE": PENITENTIAL NARRATIVE AND MORAL REFORM DISCOURSE IN NINETEENTH-CENTURY BRITAIN
Anna Kaladiouk *3*

"FOREMOST AMONG THE PREROGATIVES OF SOVEREIGNTY": THE POWER TO PUNISH AND THE DEATH OF COMITY IN AMERICAN CRIMINAL LAW
Karl B. Shoemaker *33*

PUNISHMENT, INSTITUTIONS, AND JUSTIFICATIONS
Leo Zaibert *51*

PHILOSOPHICAL THEORIES OF PUNISHMENT AND THE HISTORY OF PRISON REFORM
Christopher Sturr *85*

VICTIM STORIES: DOCUMENTING PAIN, PUNISHMENT, PRISON AND POWER

Alexandra Juhasz

ABSTRACT

Can the crisis of women's victimization in prison be represented in ways that challenge this harm without its self-perpetuation? As a documentary scholar and maker, this was my overriding concern for an activist video project about women and prison. Certainly, documentary and prison tell us much about each other in their shared capacity to weaken some and strengthen others, by way of technologies of vision and distance, while buttressing hegemonic power. Our project was to minimize the possibility of documentary as prison by taking responsibility for the victim documentary itself as a system of power and pain, objectification and punishment.

Unless people have the chance to tell the stories of their pain and suffering, they are diminished and, yes, victimized. Yet telling one's story as a victim story risks reducing oneself to stereotypes of suffering. Describing yourself as a victim has a self-fulfilling and self-perpetuating feature; and yet, failing to acknowledge or assert one's victimization leaves the harm unaddressed and the perpetrators unchallenged.

Martha Minnow, "Surviving Victim Talk"

Punishment, Politics, and Culture
Studies in Law, Politics, and Society, Volume 30, 247–259
Copyright © 2004 by Elsevier Ltd.
All rights of reproduction in any form reserved
ISSN: 1059-4337/doi:10.1016/S1059-4337(03)30010-9

REPRESENTING THE VICTIM

The dilemma addressed by Minnow (1993) – the contradictions inherent in representing victimhood – is the concern of my paper. Namely: given that female inmates of American prisons are victims of state, social, and ideological systems (such as prison, welfare, racism, sexism, and physical, emotional or drug abuse) that punish them for their usually victimless crimes; and given that a special condition of their punishment is a near black-out of representations of their pain and suffering in and out of prison; and given that the most common response to such a predicament is the unleashing of that too-familiar form, the victim documentary; and given that the victim documentary must perform the work of re-victimizing in the manner detailed by Minnow, and in other ways to be listed shortly; can the crisis of women's victimization in prison be represented in ways that challenge this harm without its self-perpetuation?

As a documentary scholar and maker, this was my overriding concern as I organized the activist video project about women and prison that produced *RELEASED: 5 Short Videos about Women and Prison* (30 mins, 2000):[1] I simply could not be responsible for another *victim documentary*. This original and still dominant form of documentary focuses its attention on the talking-head testimony of one who has experienced victimization. In the process, her weakness is confirmed: it must be based in a prior pain or punishment meted out for her pitiful difference. It is the victim's very fragility (through her inferior position attributed to race, class, gender, sexuality, health, nationality, and the like) that makes her the documentary's subject; it is the documentarian's very potency (due to economic, technological, social, national superiority) that allows him to record her pain; it is the viewers' curiosity, their hunger for knowledge, founded in and protected by their distance from the scene/seen, that elevates them from the victim.

You've seen it before: Nanook of the North, struggling to make fire from moss, reminding us how very warm is the West; the only two survivors of the Chelmo concentration camp, persuaded to revisit long sublimated horrors, while the documentarian coaxes, we watch, and they weep; Duran Ruiz, prostitute and junkie, shooting up in her neck in a public bathroom, or leaning into a car window to proposition a potential customer, her too-tight mini-skirt riding up her legs to reveal too-much of her privates. Ruiz and another featured prostitute "gave *20/20* producer Anna Sims Phillips unprecedented access to their lives, allowing her to record and document their every move," according to ABCNEWS.com about its expose on prostitution, *Women of the Night*. "Phillips' unusual approach to her stories enables the people she covers to reveal the most intimate parts of their lives." But this is hardly unusual. In my three sample victim documentaries, as is true for them all, the poor, the brown, the female, the hungry get our undivided

attention at last, thanks to the documentarian: "It was the first time she felt she was worth something . . ." says Phillips of Ruiz. "I brought humanity to her."

Deviations from such lofty or low positions are likely, and even expected, in the victim documentary. Shifts and alterations in arrangements of power can occur between all participants in such scenes: in *Women of the Night*, Ruiz turns the table on Phillips and starts interviewing her about where *she* lives and how *she* works: how does Phillips expect Ruiz to get a job if she has nowhere to sleep or shower? Then a few years after its airing, Ruiz makes her own short video, *Gram O'Pussy, her* expose of the victimization she suffered at the hands of *20/20* (this is one of the five shorts in *RELEASED*). Perhaps some viewers of what is considered the first documentary, *Nanook of the North* (Robert Flaherty, 1922) recognize Nanook's dignity, captured in Flaherty's stark and haunting images of his rugged survival, rather than the "lovable, happy-go-lucky Eskimo" who Flaherty introduces through inter-titles. And, a great many believe that repeated exposure, witnessing, testimony about the unbearable atrocities of the Holocaust (as is done in Claude Lanzmann's 1985 *Shoah*) is an essential component of a public knowledge that will ensure the impossibility of future mass genocide.

Documentarians also experiment with formal methods developed for the precise purposes of re-thinking or re-reorganizing power relations. Reflexive, collaborative, personal or autobiographical strategies are often used to represent an (other's) suffering. When a Holocaust documentary is made by a survivor, power moves differently; as is true when a viewer identifies across difference to recognize mutuality. Yet, it is definitive of the victim documentary form that we easily and frequently return to our familiar and dominant documentary positions for re-equilibrium. ABCNEWS.com tells us: "Phillips stresses the important role the women assumed in her life as well. Just as she witnessed deeply personal moments in their lives, she says they saw her when she faced difficulties of her own. However, she underscores an important distinction: 'I (always) remembered that I am the journalist.' " Needless to say, remembering one is the journalist and not the junkie is the most comfortable arrangement, one where a re-equilibrium of disequilibrium is reasserted. The customary and unbalanced power relations embedded in the documentary impulse, activity, and machinery simply reflect and then naturally re-establish those in the world it so mechanically reproduces. As hard as it is to learn something new, we need a familiar place to repose!

How then to represent the pain and punishment of prison, its tactics and purpose often the dehumanization of its charges, through a technology that functions similarly? For the documentary scene, like that of any debasement that leads to claims of victimization, is structured on an irrefutable power imbalance: an unequal exchange between a subject and his object. Pat Loud, one of the "subjects" of "An American Family" – a documentary series that broadcast a year

of her family's life (including her husband's frequent infidelities that led to their televised divorce) to a hungry American audience – complains succinctly about a documentary experience defined by "the treatment of us as objects and things instead of people" (quoted in Rabinowitz, 1994). In the first few minutes of the nine-plus hour *Shoah*, Lanzmann introduces us to Mordechai Podchelebrik, one of the two, sole survivors of Chelmo. In a long, excruciating take, Lanzmann, off-screen and in French prods Podchelebrik, in Hebrew and then in translation. His face fills the screen. A hand on his shoulder, clearly there in support, makes it into frame's edge. We hear: "He thanks God for what remains and that he can forget. And he won't talk about that." "Does he think it's good to talk about it?" "For me, it's not good." "Then why is he talking about it?" "Because you're insisting on it." "He survived, but is he really alive, or . . ."

Loud describes, and Lanzmann cruelly intimates, both an unpleasant victim feeling and the documentary practice that records and recreates it: being treated as an object or thing, something dead. Yes, most participants in such projects – from documentarians to subject to viewers – agree ("because you're insisting on it") to engage in the enterprise, this in the name of the social good that is agreed to come from seeing more, knowing more. And undoubtedly knowledge is gained: "Ultimately, Phillips says that after hanging out with prostitutes, instead of feeling pity, disappointment or revulsion, she is grateful for the time they gave her. 'They teach me about life,' she says. 'They are my greatest teachers' " (ABCNEWS.com). Epistephelia has been theorized as the primary psychoanalytic impulse driving documentary (Nichols, 1991). We watch (and even testify and shoot) to learn; learning feels good; learning tells us more while reminding us who we are and what we already know. This can be contrasted to narrative's scopophilia and its associated sadism and masochism (Cowie, 1999).

What a few subjects of documentary beg us to consider is what feminists have more vehemently flagged about narrative: how badly it feels to be the object of such an impulse. The objectified remind us that from where they sit, there is a cost to any knowledge so gained. Once you hear this, it's hard to ignore; the hidden part of the victim documentary equation surfaces. This is, of course, no secret to documentarians. In fact, in symposia, workshops, and roundtable discussions, documentarians again and again admit to the pain they have inflicted on their beloved subjects. Just part of the job . . . This is always a cathartic moment, expressed in the confessional mode, a private shame revealed, but never understood as a structural precondition. Viewers are less circumspect. Empathy blocks out responsibility. Thus, highlighting, and then re-thinking the costs of re-victimization is the focus of this paper, as it was for *RELEASED*. As a radical documentarian who has taken other's images to be used in the service of political projects that I share with my subjects, I know that even my comrades become

something like my victims when I take, edit, show, own, and leave them as images. As much as I make documentaries about issues that are important to me – so that different kinds of knowledge and its associated action can be mustered – I simply could not be responsible for doing this through yet another *victim documentary.*

Thankfully, there is an equally long history of the victim documentary's re-evaluation and critique, and it is to this I turned. Writing within a legal context, Minnow (1993) reminds us that there are rewards associated with victimhood: "obtaining sympathy, relieving responsibility, finding solidarity, cultivating emotions of compassion and securing attention." Here again is the contradiction with which I began: to speak, even as a victim, is better than to be silenced; to speak as a victim creates the possibility of collaboration with others to work against such conditions; to hear a victim speak allows for witnessing, which affirms and marks publicly that the victimization occurred. The counter-tradition of victim-critique forefronts, makes visible, such contradictions, always set in play, yet typically repressed, when affinity, pleasure and danger are mobilized by arts of punishing that objectify one and subjectify the other in the name of knowledge and control.

No matter how hard a victim-system may try to maintain its boundaries, there is permeability between guard and inmate, documentarian and subject, inside and outside; there is reciprocity, friendship, deceit, and collusion. Even in prison, the institution can not absolutely silence prisoners nor fully control what and how they see. Prisoners communicate between themselves, with guards, and the outside world. They make prison art, file briefs against unjust prison conditions and employees, and plan insurrections large and small. No victimhood is total; as none is merely pathetic. On the other side of the divide, there is the possibility of empathy, recognition, and political affinity. Sometimes the guards collude. So, collaboration also defines this scene. In the same way, documentarians in the collaborative tradition exploit the instability underlying the most rigid victim-relations. They attempt – in production, text, reception and analysis – to dis-align and realign the rigid positions of subject and object, victim and perpetrator, set out above, and they attempt to recognize and mobilize the punishment and power charging all positions in the documentary scene.

Such strategies have also been called "continuity of purpose" and "third voice" (Mascia-Lee et al., 1989) in feminist anthropology, "collective ethical accountability" (Waugh, 1988) in queer film scholarship, and "radical reportage" (Rabinowitz, 1994) and "committed documentary" (Juhasz, 1995, 2000) in film studies. All of these traditions have been built upon politicized challenges to both longstanding structures of knowledge acquisition, and the assumptions about difference and power that permit them. "The researcher-filmmaker seek to locate a third voice – an amalgam of the maker's voice and the subject's voice, blended in such a manner as to make it impossible to discern which voice dominates in

the work – in other words, films in which outsider and insider visions coalesce into a new perspective," writes Jay Ruby (2000) about the work of ethnographic filmmaker and anthropologist, Barbara Meyerhoff. Like many postmodern theorists, her ideas about feminist anthropology admonish documentarians to undo binaries that have served best to control, separate, and discipline – on both sides of the wall – by instead creating hybrid positions from which we can see the world newly. Such tactics do not undo power and punishment as much as try to see them. Collaboration is always at their core.

Since the mid-1980s, I, too – enabled by these multiple and linked traditions – have been engaged in making and writing about committed documentary (about AIDS, feminism, queerness) that attempts to realign political women through collaboration. In 2000, I produced the activist art video, *RELEASED*. Nearly 15 people collaborated on our video – male and female, straight and gay, people of color and white people, ex-prisoners and non-prisoners. We wanted the images we created to be one step towards revealing the psychic and social consequences produced by a nation increasingly bent upon incarceration as a solution to social problems inspired by vast inequities of wealth and privilege. Certainly, working with women who have been imprisoned and using production strategies that acknowledge them as artists, activists, friends, and comrades – as well as victims – seems a more ethical and empowering way to represent the experiences of female incarceration.

However, it is my contention that any collaboration that takes place through acts of representation should also remain painful for all participants: makers, subjects, viewers. The radical victim documentary takes account of this pain, and does not lose sight of it. Rather than returning to a place of comfort, it maintains its focus on the power imbalances that structure both the inequitable institutions under scrutiny and the documentaries that record them. Perhaps the radical victim documentary even manages moments of equilibrium, friendship, or political collectivity. But it will never forget, or erase, the cost of its own knowledge production: every documentary – like every prison – is an arrangement founded on pain and disequilibrium. Our project was to minimize the possibility of documentary as prison.

THE PRISON AND DOCUMENTARY VICTIMS

> The art of punishing then must rest on a whole technology of representation.
> The undertaking can succeed only if it forms part of a natural mechanics.
>
> Michel Foucault, *Discipline and Punish: The Birth of the Prison*

How is victimhood in prison different from that in documentary? Certainly, documentary and prison tell us much about each other in their shared capacity to weaken

some and strengthen others, by way of technologies of vision and distance, while buttressing hegemonic power. In both the prison and the documentary, the one charged with vision wields power. Distance and difference, in both scenes, force or coerce silence and testimony in turn. Class, race, and gender relations structure these interactions and are so solidified. The classic victim documentary scene, demands (at least) two players, separated by power but drawn by desire, who agree to engage together in an art of punishing that re-enacts the object's previous victimization through a procedure of representation. Produced to reveal and heal injustice and pain, such performances also reproduce the systems of domination, suffering, and pleasure that form the natural mechanics of both the original punishment and its depiction. Both prison and documentary are sanctioned responses that reconfirm an original disalignment and debasement. If most women are in prison because they have been abused by individuals and the systems that support them (men and patriarchy, teachers and schools, employers and welfare, pimps and sexism, drug dealers and poverty), prison serves merely to maintain these divides and the violence they inspire. Finally, in both cases, the victim is returned to and held in the very state of weakness that is the problem seeking redress. The victim best serves to maintain and confirm hegemonic social relations when kept in check, when kept a victim.

But, the systems' dissimilarities are as revealing as are their parallels. First off, many consider the target of the prisoner's crime to be the actual "victim." Prisoners (usually male) are often institutionalized for engaging in criminally violent behavior toward another, for victimizing an innocent citizen. While there is a large movement in our country for victim's rights, one that demands that courts and prisons are hard on inmates in the name of crime victims' suffering, there is no similar movement for aggrieved documentarians and their audiences who have been forced to endure the endless accounts of slight personal indignities that infuse reality programming. Or isn't there? In "I'm Dysfunctional, You're Dysfunctional: The Recovery Movement and Other Self-Help Fashions," Wendy Kaminer (1992) complains that the prevalence of testimony about personal victimization in talk shows and self-help groups relativizes degrees of suffering: "being raped by your father is in the same general class as being ignored or not getting help with your homework." Kaminer's documentary victim's right movement might fight for the viewers' right to demand that some stop sniveling on TV and get on with it.

More seriously, the victim of a documentary is not, in fact, *punished*, as is the prisoner. According to philosopher H. L. A. Hart (1968) a thin definition of punishment must involve "pain or other consequences normally considered unpleasant," that must be "for an offense against legal rules," meted to the actual offender by someone other than the offended who is an authority of the legal system against which the offense was committed. In our society, punishment

of this sort often happens in prison through approved deprivations of the body, and sometimes their associated psychological effects, in amounts sanctioned by sentence and controlled by the cruel and unusual punishment clause of the Eight Amendment of the U.S. Constitution. The subject of a documentary is not, in fact, punished, as there is no actual deprivation to the body, and there is no offense to nor agent of any legal system. Instead, the victim of the documentary could be said to receive some sort of blow to the psyche meted out by another who is sanctioned by dominant systems of difference for some offense to that very ideological system. Victim documentary presents testimony about a previous physical (and perhaps emotional) pain; but the new pain it creates is entirely psychic. To here distinguish between bodily and mental suffering is neither to value one over the other nor suggest their isolation. However, it does demand registering the specificity of victimization in documentary and its relation to the other arts of punishing; it does demand different sorts of questions about victimization and its remedy. (It may also demand the same kind of victim rights movement that Kaminer values – one that measures the relative degrees and kinds of pain suffered by victims.)

Here is one such victim question: "What is the boundary between society's right to know and the individual's right to be free of humiliation, shame, and indignity?" So asks Calvin Pryluck (1988), one of a small handful of documentary scholars who challenge the victim tradition. In this limited body of documentary theory, written largely through a discussion of ethics, other terms are used that further reveal the discongruities between punishment in prison and documentary: the victim of documentary's unethical tradition is also taken advantage of, deceived, manipulated, given false impressions, stereotyped, intruded upon, made the object of voyeurism and its related sadism, objectified, stolen or profited from, exploited, controlled, silenced, and dominated. "A serious ethical question is hereby raised," writes Brian Winston (1995), "since the tradition of the victim inevitably requires that some measure or other of personal misery and distress be if not exploited, then at least exposed."

Personal misery and distress noted, there are particulars of the prison missing: torture, rape, hunger, unsanitary conditions, overcrowding, forced isolation, filth. While such cruel and unusual bodily debasements have inspired a history of prison reform as lengthy as is the history of prisons, there is no such lengthy or rich tradition in documentary. The stakes are simply not the same. While every documentary – like every prison – is an arrangement founded on difference and maintained through disequilibrium, no documentary victimization is corporeal, as is all punishment in a prison. Importantly, this distinction – the ephemeral nature of representation rather than the corporeality of the body – allows for particular forms of contestation. So attests prisoner, political activist, and artist, Elizam Escobar (1990): "even under extreme repression, individual freedom is unavoidable as we must keep on exercising our decisions and responsibilities. Here again art comes to the rescue, because it has the inventive power and wit to deride, deceive, and betray censorship as well as self-censorship." In the spirit of inventive power and personal autonomy, the documentary scene can be re-envisioned as a fruitful site for realignments of pain and punishment. I will conclude by showing how, in *RELEASED*, we reworked the typical victim documentary into a communal prison project about representation, difference, collaboration, and abuse.

UNDOING VICTIMHOOD IN *RELEASED*

From the outset, I imagined a unique documentary format to address the complex social crisis of women and prison, and its associated crisis of representation. I commissioned short pieces from five political artists who I knew would approach this topic with diverse styles while covering varied content. I thought that five discrete videos would point towards both the immensity and the intricacy of this issue all the while undoing singular documentary authority. At the same time, formal ruptures between discrete pieces would reinforce our intended disavowal of ownership and its associated objects. And, I am certain that because we were representing the particular victim-experience of incarceration this collaboration again multiplied itself. Very quickly, all but one of the original participants independently chose to combine forces with an ex-prisoner. In two pieces, the artist I selected went on to invite a close friend to work with her. Carol Leigh invited Duran Ruiz, a fellow prison-rights and AIDS activist, to work jointly on their contribution, "Gram O' Pussy" (except when Ruiz was incarcerated). Enid Baxter Blader chose to make "Sheltered" about and with her childhood companion, Christine Ennis. For "Unyielding Conditioning," Sylvain White decided to work with a female producer, Tamika Miller, and then the two interviewed three activist, ex-prisoners, one of whom, photographer Tracy Mostovoy, went on to become a project participant. Irwin Swirnoff, in "Making the Invisible Invincible: Cheryl Dunye and the Making of *Stranger Inside*," chose to document a female artist who was in the process of shooting a feature narrative film about women in prison for which she had collaborated with prisoners.

Our collaboration enlarged and complexified the position of the victim. In *RELEASED*, the "victim" of documentary often makes victimization itself the subject of her testimony. She analyzes prison or documentary as pain-systems rather than or alongside with her own personal suffering. Furthermore, she is often linked (visually or through shared authorship) with another, the "documentarian," so that she is not left isolated and vulnerable. The ex-prisoner and non-prisoner alike testify to feelings of discomfort, responsibility, distance, and friendship.

Fluctuating between stability and instability of documentary position becomes both protective tactic and cautionary tale. For instance, "A Gram O' Pussy" is an account of Duran Ruiz's experience of being the subject (classic victim) of the mainstream victim documentary described earlier. "Pussy" is initiated by Carol Leigh's voice-over as she explains that it was she who had suggested to the *20/20* staff that her friend Duran might be a good subject for their documentary as Duran, too, "likes to be represented." While Duran's testimony about her victimhood in the initial victim experience is a significant part of their piece, as are selections from the *20/20* documentary re-contextualized and now under the artists' scrutiny, the video also highlights Carol's quest to understand her culpability for Duran's first documentary odyssey, as well as Duran's articulate critique of the punitive representational and prison systems. Duran and Carol explore Myerhoff's "third voice" as it is their (threatened) friendship – and the possibility of together crafting a better representation of Duran, as artist and activist – that is their video's "subject." Fellow performers, and activists, Duran and Carol realize an anti-victim video that focuses less on the victim than the victimization: observation and friendship's role in the related arts of punishing and pleasure.

"Gram O' Pussy" is most centrally about the perils and easy abuses of representation: the necessary consequences of the victim documentary and always a possible end-result of collaboration as well. And so, for that matter is "Making the Invisible Invincible." Irwin Swirnoff begins his piece by asking, "how do you tell a story that is not completely yours?" He asks this in a double sense. How can he make art about another artist's process; how can she make art about an experience she has never had? "This is their story, not mine," echoes Dunye. She is, like Swirnoff, represented solely in voice-over in this, his women's prison video that illustrates her ruminations about representing women and prison with his gritty Super-8, black and white film footage of her feature film shoot of a women's prison. The divide between authorship and subjecthood becomes as unclear as does responsibility and blame: all players are accountable. "Invincible" is multiply voiced, experimental in visual style, and reflexive in content so that it can make clear the unclear: the impossibility of knowing or showing another's painful experience. Instead, Swirnoff displays the austere and repetitive architecture of the prison (set), while exposing the apparatus of the film machine that tries to capture it: we see massive lights, expensive cameras, and director Dunye, as she manipulates her actors' bodies into the shapes she needs. The "subject" of this short is the complexity of representing prison, and while Dunye admits that what she knows about this experience comes primarily from "workshopping her script with women inmates," she also suggests that as a black lesbian in American society she shares something of the prison experience in its invisibility and politicized unrepresentability, and in its status as raced, classed, sexed and gendered site. "Who's going to give ourselves a voice but us?" she wonders at the end of the short, linking herself and her representational plight to that of all others – women inmates, too – held outside the parameters of what the mainstream deems acceptably visible. Dunye – and Swirnoff – uses her representational authority to stem the abuse of mis- and under-representation for "all stranger babies: those the society deems unacceptable, those the society disregards." They seem to suggest that self-identified victims of social violence can join together – at times, in representation, through affinity – as long as they keep relative the cause and conditions of their personal suffering.

"Sheltered" and "Unyielding Conditioning" are also about violence, specifically the sanctioned offenses of sexism and the sexualized injustice it demands, poverty and the boredom, drug and alcohol addiction, and other forms of self-abuse it requires, and racism and its emotional and economic injury. More traditionally organized around talking-head testimonials of four ex-prisoners – Angela Davis, Claudia Timmin, Tracy Mostovy, and Christine Ennis – the subject of their joint testimony is the identification and analysis of the larger social problems that lead to and explain women's incarceration, occasionally amplified by their private experiences. "Unyielding Conditioning" is comprised of two visual elements: talking head interviews in color, and Mostovoy's photographs of women prisoners in black and white. Women prisoners' faces and words are its sole material. However, White and Miller shoot and edit the interviews with the visual style and rhythmic pacing of a music video. They cut abruptly and quickly from eye to hand to mouth; they blur in and out of focus. The effect undoes stability, access, and immediacy on the visual register. Meanwhile, the women's words solidly testify to the inseparable links between drugs, prison, and violence. The instability of this "unyielding condition," and the viewer's inability to access it through representation, are formally reaffirmed. Their testimony leads to only partial knowledge. These subjects are protected because we can never assume to know (and own) them, and so, transform them into objects or things.

"Sheltered" sanctions Ennis' testimony about the links between (her) drug abuse and incarceration. Structured in part like a confession, Ennis explains that not talking about this, and more specifically her repeated rapes by a half-way house employee with HIV, "is keeping me sick." Sexism – in its invisibility and inevitability – repeatedly determines her course, and the depression, post-traumatic stress disorder, and incarceration that inevitable follows; from her first arrest for a crime that her boyfriend commits but for which she is jailed, to her first experience in prison, where leering male prisoners become punishers in their own right. Unlike more traditional talking-head testimonials, Blader inserts two highly-personal registers of her own into Ennis' private tale. Blader's "art-video" visuals – haunting drive-bys of deserted, desolate, rural and urban streets, train tracks leading nowhere, boarded-up tenements with the doors kicked in – illustrate

Ennis' words as Blader's poetic voice-over returns as a refrain, making this their shared-and-private story of rural, white, middle-class boredom. Documentarians, friends, artists, Blader and Ennis tell of a shared history that leads one girl to art, the other to drugs, prison, and then, this art. Again, we are reminded to keep relative their distinct experiences of power and suffering while also understanding how these images and worlds can be related and linked, in this case through documentary.

RELEASED focuses upon women and prison: female ex-prisoner's testimony, faces, and analysis are always its subject. But, there are no images of prison. That is to say there are no documentary images of prison. We do see Dunye shooting a movie on a prison set. And images of prison are visible through the illustrations of the artist, Joe Saito, in "Breathe." We go "inside" through his imagination alone. We watch his dialogue-free vision of a place of slightly, subtly, permeable boundaries. An inmate's dream of release opens his story and becomes literalized when a leaf – soft and lilting – enters into her cold, hard cell accompanied by a gentle laugh at video's end. Breaking out of the cycle of objectification set in place when any victim testifies to her caged state, Saito undoes this restraint by relying on the face and words of no person in his contribution to *RELEASED*.

Since prison is rarely visible in *RELEASED*, neither is its day-to-day life or totalizing structures. These images are too easily sensationalized and consumed; they are what we usually see, what we, non-prisoners, long for, when prison is represented. The violence of these images feeds on and creates victims. In *RELEASED*, we instead make apparent, through women's voices speaking about prison, a formidable strain, a more general fatigue, and a wariness. Our video's voices testify to drugs, sexism, racism, and alienation – all facilitate big business, violence, and victimhood. But the women in *RELEASED* resist being reduced to prison, even as they describe what happened to their bodies and minds in this place that (some) others can never know. They expose their once-imprisoned bodies through images and words to which they have agreed. Their voices are not fearful, are notably undidactic, and are rarely pathetic. Instead, these women and their friends present themselves as well-qualified judges of a systematic condition that they have experienced personally. So, in our video, the viewer or documentary is not set up to judge the victim. Rather, the victim judges the system(s). And they do so in collaboration with others who wish to know and seek to understand.

Our project does not suggest that the pain of prison is healed in its representation, or owned and controlled as it is viewed. It stays what and where it was – painful and violent, in and of the prison, difficult to see, harder to know. And, while we show prisoners and ex-prisoners relating together, we also display that representing prison together does not mean that we share, in exactly the same ways, the burden of its experience. Responsibility, pain, and power remain

relative, while also mobile. Our collaborative video seeks to both represent and revise terms of power while taking responsibility for the consequences.

NOTE

1. For more on *RELEASED* see http://www.strangerbaby.com

REFERENCES

Cowie, E. (1999). The spectacle of actuality. In: J. M. Gaines & M. Renov (Eds), *Representing Visible Evidence*. Minneapolis: University of Minnesota Press.

Escobar, E. (1990). Art of liberation: A vision of freedom. In: M. O'Brien & C. Little (Eds), *Reimaging America: The Arts of Social Change*. Philadelphia: New Society Publishers.

Foucault, M. (1977) *Discipline and punish: The birth of the prison*. NY: Pantheon.

Hart, H. L. A. (1968). *Punishment and responsibility*. NY: Oxford University Press.

Juhasz, A. (1995). *AIDS TV: Identity, community and alternative video*. Durham, NC: Duke University Press.

Juhasz, A. (2000). *Women of vision: Histories in feminist film and video*. Minneapolis: University of Minnesota Press.

Kaminer, W. (1992). *I'm dysfunctional, you're dysfunctional: The recovery movement and other self-help fashions*. Quoted in Minnow (1993).

Mascia-Lee, F., Sharpe, P., & Cohen, C. (1989). The postmodern turn in anthropology. *Signs, 15*, 1.

Minnow, M. (1993). Surviving victim talk. *UCLA Law Review, 40*.

Nichols, B. (1991). *Representing reality*. Bloomington: University of Indiana Press.

Pryluck, C. (1988). Ultimately we are all outsiders. In: A. Rosenthal (Ed.), *New Challenges for Documentary*. Berkeley: University of California Press.

Rabinowitz, P. (1994). *They must be represented: The politics of documentary*. London: Verso.

Ruby, J. (2000). *Picturing culture*. Chicago: University of Chicago Press.

Waugh, T. (1988). Lesbian and gay documentary: Minority self-imaging, oppositional film practice, and the question of image ethics. In: L. Gross, J. S. Katz & J. Ruby (Eds), *Image Ethics*. NY: Oxford.

Winston, B. (1995). *Claiming the real*. London: BFI.