

Imagining Justice in Times of Perpetual War: Notes for the Classroom

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Abstract

Today we learn about terrorism and immigration projected through the lens of justice largely from visual sites of public pedagogy (i.e., television, Internet, films, etc.). Given the pervasive and persuasive agenda of public pedagogy, schools have to rethink what it means to educate students in a visual age where new modes of information and cultural production dominate how knowledge is shaped and circulated. This paper explores the ways justice is represented in other sites of visibility such as contemporary art practices by focusing on two interconnected sites: incarceration and immigration. These two sites under neo-liberal capitalism and increased militarization of our society are forging new alliances of state sanctioned injustices, where people of color and the working class are paying the highest price. Public pedagogy and educational practices in schools—through the enforcement of the zero tolerance policy—have contributed to the continued criminalization of youth and the more recent criminalization of immigrants. Drawing on the work of contemporary artists, this criminalization feeds into the fastest growing industry in the U.S., the prison industrial complex and more recently the immigration industrial complex, both of which are racialized and gendered forms of state sanctioned justice.

Artists, art educators, and educators need to reconsider the relationship between visual images and justice in our global world in terms of what David Scott (2004) calls a “problem-space.” By this he means “a context of argument and, therefore, one of intervention” (p. 4). A “problem-space” requires “an ensemble of questions and answers around which a horizon of identifiable stakes conceptual as well as ideological-political stakes) hangs..... What defines this discursive context are not only the particular problems that get posed as problems as such” [the current problem of ter-

rorism and immigration], “but the particular questions that seem worth asking and the kind of answers that seem worth having” (p. 4). The generative tension in a “problem-space” then is one of “dispute.” The contemporary art practices that I focus on in this article can best be understood as occupying “a problem-space” that are pedagogical pivots—opening spaces for debate, dispute, and dissent—they embody what Ellsworth (2005) calls “knowledge in the making” (p. 1). By concentrating on two groups of people (illegal immigrants and prisoners) who are rendered invisible by the State and the channels of public pedagogy (Giroux, 2006), the contemporary artists described in this article raise questions about how vision is controlled and disciplined in our society and the ways categories, labels, and discourses order particular ways of seeing in our increasingly image-based world.

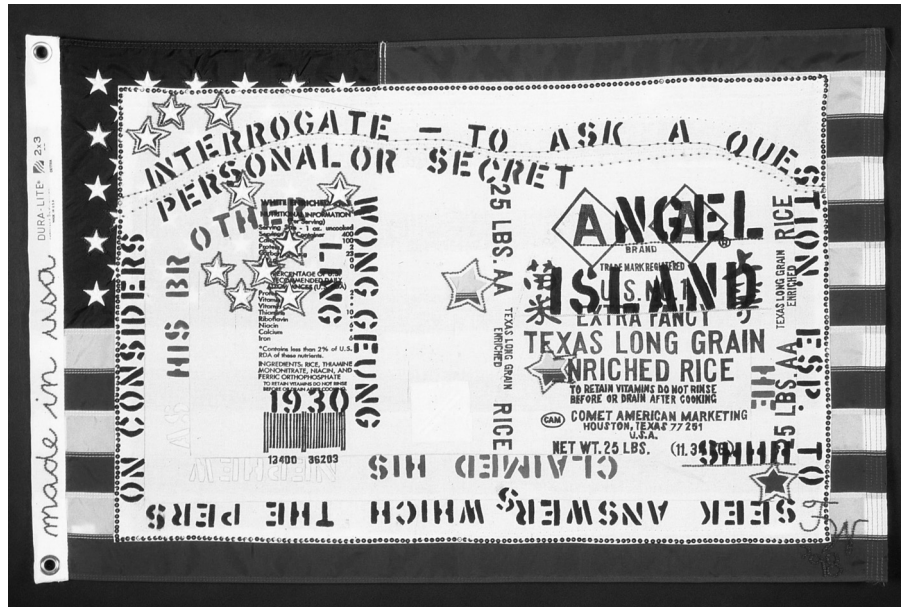
Specifically, I examine the ways justice is represented in contemporary art practices as a problem-space by focusing on incarceration and immigration. These two interconnected sites under neo-liberal capitalism and increased militarization of our society are forging new alliances of state sanctioned injustices, where people of color and the working class are paying the highest price. Public pedagogy and educational practices in schools—through the enforcement of the zero tolerance policy—have contributed to the continued criminalization of youth and the more recent criminalization of immigrants (Ayers, 1997/1998; Noguera, 2003). This criminalization, as I argue, feeds into the prison industrial complex and more recently the immigration industrial complex, the fastest growing industry in the U.S. Both are racialized and gendered forms of State sanctioned justice.

Today the two major global issues that frame our current conditions of uncertainty are: “new terrorism” and immigration. We come to understand these complex issues projected through the lens of justice through largely visual sites of public pedagogy—that is television, films, Internet, advertisements, newspapers, and magazines (Giroux, 2006). More visibly since 9/11, the news and entertainment arms of mass media present a limited, dualistic perspective on both terrorism and immigration in the name of balanced representation. We have learned very quickly that multiple readings of events and situations are dangerous weapons. A pedagogy of “thought control,” (Chomsky, 1989) is the primary business of the mass media mediated by neo-liberal capitalism and the State apparatus. This kind of education provides security in these uncertain times and tames any possible signs of rebellion that might dare to blur the lines that separate “us” from “them.” Increasingly governments have come to understand the political and ideological dimension of visual images. Sitting in our living rooms watching the news each night we see the visual representation of politics—the ways the

U.S. government has learned to “make ideological warfare as important to its operations as military and economic warfare” (McChesney & Foster, 2003, p. 1). In light of this pervasive and persuasive education, schools need to rethink what it means to educate students in an age where new modes of information and cultural production that rely heavily on vision dominate how knowledge is shaped and circulated. For instance, the photographs taken at the Abu Ghraib prison in 2006 circulated rapidly across various public pedagogical sites globally. These photographs “initiate different forms of address, mobilize different cultural meanings, and offer different sites of learning” (Giroux, 2006, p. 55). Missing from the debates on Abu Ghraib, as Giroux rightly argues are “questions that foreground the kinds of education (not ignorance) that enable one to participate in acts of torture, killing, and sexual humiliation against the kinds of education that prevent such inhumanity or enable one to bear moral witness when degrading acts of abuse occur” (p. 55). Asking such questions requires us to reflect on and envision art educational practices in secondary and post-secondary schools that not only examine these images critically but also seriously interrogate what kinds of education can allow for such racist, sexist, misogynistic images to be produced. What kind of art education is necessary in these uncertain times that make art central to the challenges we face today? To what degree is it still possible for visual art in the post-9/11 world to imagine other ways of being that break through the increased State management of vision and control of expression?

Two Sides of a Coin: Incarceration and Immigration

In the United States, the racial and class based articulation between incarceration and immigration is not a new phenomena. The Chinese Exclusion Act of 1882 barred wives and the children of Chinese laborers already in the United States, some of whom were U.S. citizens, from reuniting with their families. As a result many Chinese immigrants had to hide their identities in order to be reunited with their families, and thus, developed an elaborate network of “paper people” who had to use false identity documents to enter the United States (Lowe, 1996; Takaki, 1989). Flo Oy Wong’s installation *made in usa: Angel Island shhh*, as the title reveals, is a testimony to what she calls a “currency of secrecy” that engulfed not only her own life growing up, but the lives of many Chinese American’s (“The story behind the story,” 1998). Each flag in Wong’s installation commemorates an immigration story of a paper person who had been detained at Angel Island, the Immigration Detention Center, from 1910 to 1940, now a state park in



Flo Oy Wong, made in usa: Angel Island Shhh, 2000 "Flag 8: Wong Geung Ling, 1930."
 Courtesy of artist

Marin County, California. Angel Island was the first port of entry for Chinese immigrants who were detained sometimes for several weeks, months, and even years. Here, immigration officials assumed that the Chinese were entering with false papers and therefore presumed to be guilty unless proved otherwise. Each Chinese person entering the United States had to prove they were entering on legitimate grounds by providing consistent and detailed answers to repeated questions regarding their origin, identities, and destinations which often included questions on their private lives which were not only intimidating but also embarrassing for Chinese women. The interrogation lasted 2 to 3 days, or weeks, or months or could continue indefinitely, which is not unlike the interrogation practices we see today at U.S. detention centers. Flo Oy Wong's installation strategically placed 25 flags in the barracks of Angel Island, along with the tape recorded interviews of the paper people and remains of poems carved on the walls by the detainees. This installation holds in tension the idea of an America national culture built upon the democratic principles of freedom, equality, and justice signified by the American flag and the contradictory experiences of segregation based on racist immigration laws that systematically kept Chinese families apart and denied them citizenship.

The artworks of Ben Sakoguchi (*Postcards from Camp, 1999–2001*) and Roger Shimomura (*The American Diary, 1997*) both Japanese Americans, focus on a different moment in U.S. history—the bombing of Pearl Harbor during World War II that lead to the incarceration of American citizens of Japanese ancestry. Through a series of paintings, both artists not only provide an in-depth view of daily life in the internment camps that housed Japanese Americans but disclose the politics of citizenship¹.

By deliberately using the picture postcard, a common symbol of travel and leisure, Ben Sakoguchi forces viewers to witness this national injustice through the juxtaposition of public narrative's (text from media sources and government agencies and people) with scenes of daily life in the camp. For instance, a quotation from a *L. A. Times* editorial in February 1942, around the time Executive Order 9066, states: "A viper is nonetheless a viper wherever the egg is hatched—so a Japanese American, born of Japanese parents—grows up to be a Japanese, not an American." Reading this quotation in conjunction with the sublime image of children playing in the Poston, Arizona internment camp viewers are forced to examine the racialized articulation of citizenship and patriotism framed by biological determinism.

Roger Shimomura's series the *American Diary, 1997* illustrates his grandmother's diary during her internment. Each of the 30 paintings in the series is connected to an entry in the diary and chronicles the events that followed the bombing of Pearl Harbor. Using a comic book style that is aesthetically similar to Japanese woodcuts, Shomimura uses popular icons such as Superman or Dick Tracy and other images from American popular culture such as a Baby Ruth bar to explore the complexity, dichotomies, and contradictions of being American, and of Japanese descent. Calling into question the notion of justice, a corner-stone of the constitution, these artworks ask us to think about how citizenship is constructed, by whom, and for whom? The post-9/11 period provides a vivid example of how our understanding of citizenship has been reconstructed not only through government policy, but also through the selected images that are continually bombarded by images in the media on a daily basis and through mainstream European and American video games for kids that mark Arabs and Muslims as terrorists (Sisler, 2006). As history has shown us over and over again, the dehumanization of a racial/ethnic group allows for acts of terrifying injustices to be perpetrated on that group and accepted blindly. The web of formal and informal educational practices shape and reshape a par-

particular racialized, gendered, and class-based image of the other as criminal that justify unequal treatment.

Although framed by neo-liberal capitalism, the connection between incarceration and immigration is now presented as entrepreneurial and educational as indicated in *The New York Times* article by Dan Frosch (March 14, 2007) titled: “Inmates will replace wary migrants in Colorado fields.” A new pilot program designed by the Corrections Department in Colorado provides low-risk inmates to harvest the fields in the southern part of the state in Pueblo County due to the recent flight of immigrant labor from Mexico as a result of the strict new immigrations restrictions after 9/11. Farmers in Colorado indicated being nervous with the upcoming harvest season, as farm help will be scarce resulting in an economic disaster for the region. Under this new initiative private farmers will pay a fee to the state and Inmates who “volunteer” to work on the fields will be paid *60 cents a day*. The Colorado model is not an isolated model. Currently, the Iowa Department of Corrections is also looking into such a program due to its shortage of migrant labor (Frosch, 2007). Touted as a job-training program for inmates, this program by directly linking economic justice with social justice reframes unequal labor practices as vocational and rehabilitation. This program is a form of slavery (Hallett, 2006). Missing from the news story is that programs like these mask the centrality of race to neo-liberal capitalism and to the “corporatization of punishment” (Davis, 1998). As W. E. B. DuBois (1955) so clearly understood over 40 years ago, the problem of the color-line remains fundamentally an economic issue.

Using prison labor for manufacturing goods is not new. In July 1991, the California Department of Correction’s—the largest prison system in the U.S.—initiated the joint venture program that connects private companies to state prisons serving as a model for other states. Companies rent prison facilities and set up shop within the prisons (Davis, 1998; Light, 2000). The CMT Blues garment factory is housed in the maximum-security Richard D. Dodovan State correctional facilities outside of San Diego and is the largest contractor in the prison system. Prisoners make T-shirts for Mecca, Seattle Cotton Works, Lee Jeans, No Fear, Trinidad Tees, and other U.S. companies for minimum wage. The prisoners receive only half of their due wage, as the other half is siphoned off to reimburse the state for the cost of incarceration, victims restitution fund, inmates families, and mandatory savings accounts. Advertised as a rehabilitation and educational program that provides job skills, work ethic, and some income to the inmates, these programs for the most part benefit the companies. Companies are provided a competitive edge and can maximize their profits as they not only get a federal tax break for working in the prison, but also do not have to pay overtime,

worker's compensation, health benefits, nor do they have to pay unemployment insurance, or deal with unions and strikes. Furthermore as the owner of CMT, Pierre Sleiman says he can legitimately sew labels that proudly state "Made in America" (Light, 2000).

Described as the "cold war of the 90s" by *The Wall Street Journal* (Thomas, 1994) the articulation between private business, crime, and social and political policy of government has led to big business investing in the increased rate of incarceration. Many of the products and services we consume daily are produced by prison labor. Inmates work for different private companies who conduct work in a spectrum of areas—raising pigs, manufacturing office furniture, electronic components (Motorola, IBM, Compaq), clothing—jeans and T-shirts (Prison Blues)—and few companies such as Boeing, Eddie Bauer, and Victoria Secret sub-contract with companies who use low-cost prison labor to manufacture aircraft components to lingerie (Davis, 1998; Light, 2000). Financial institutions such as Merrill Lynch invest in prison construction bonds and the telephone company MCI installs free phones in prisons as one phone generates \$15,000 a year. This link between private corporations and the State's judicial institutions that began in California known as the Prison Industrial Complex (PIC), "relies on racialized assumptions of criminality—such as images of black welfare mothers reproducing criminal children—and on racist practices in arrest, conviction, and sentencing patterns" (Davis, 1998, p. 2). The PIC is a network of relationships between economic, social, cultural, and political institutions driven by mass incarceration that has made the building of prisons and its services central to the U.S. economy and the zero tolerance policy central to our political and educational ideology.

Picturing a Culture of Mass Incarceration: Prison Industrial Complex, Education and Art

Since 1991, homicide is down by 20%, yet the U.S. has the highest rate of incarceration in the world, over 2.2 million people (U.S. Department of Justice—Bureau of Justice Statistics, 2005). Propelled by 9/11, one of the fastest growing industries in the U.S. is prisons. How and why have prisons become big business? The art projects of Ashley Hunt's, *The Corrections Documentary Project (2001–2006)* and Trevor Paglen's, *Recording Carceral Landscape Project (2001–2005)* investigate this question by employing what Nato Thompson (2004) calls "tactics of intervention" (p. 3). Blurring the lines between media, activism, art, and other disciplines both projects are designed to engage different modes of learning through their websites and installations in galleries and museums. Pedagogical in their intent they initi-

ate civic dialogue about the two major segments that make up the prison industrial complex: prison privatization and prison industrialization (Chang & Thompson, 2002).

Employing different visual strategies these two projects map the lines of socioeconomic and political connection that shape this increasingly global privatized profit-making system that encompasses not only the construction of prisons but also all the services provided in prisons. Ashley Hunt's two posters, "What is the Prison Industrial Complex?" and "What is the context for today's PIC?," are part of the "*The Corrections Documentary Project*" composed of videos, installations, drawings, and essays. Hunt explains:

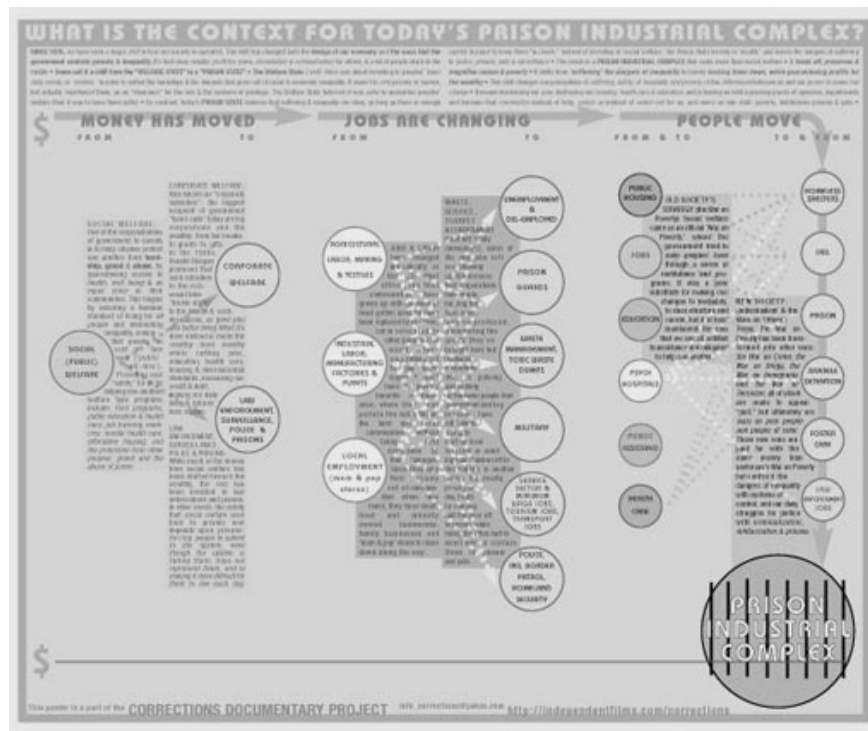
[*Corrections*] is a story of profits and mass imprisonment: how the histories of racial and economic inequality in the U.S. are emerging today from the walls of its prisons, and how this crisis has formed the incentive, profit and resource base for an entire industry.

Where the "Tough-on-Crime" movement meets the ending of welfare, globalization, finance capital and neo-liberal policy, and today, the "war on terrorism."** CORRECTIONS explores how prisons have fast become the accepted solution to unemployment and housing crises, crumbled schools, livable wages without credit and the undoing of the Western Social Contract, set within the scene of collapsed rural economies and the "urban decay" of potentially expensive neighborhoods. (Hunt, n.d. para. 3 and 4)

Reminiscent of teach-in posters, the circular movement of "What is PIC?" charts the relationship between the multiple forces that profit from and influence prison growth and criminalization creating a visual vortex that immediately sucks one into the insidious spaces that capitalism occupies. The second map, "What is the Context for Today's PIC?," as his website indicates, provides a historical perspective that maps the shift from the welfare state to a new security state in which the state's function is reduced to apprehension and detention.

For instance, New York State from 1988 to 1998 cut funding for education in the same proportion as it raised the prison budget (Fine & Weiss, 2000). Nationally the trend is similar. As part of the popular education series, both posters are intended for mass circulation and designed to be accessible to the public, where they can be easily downloaded, printed, and posted in public spaces (see, <http://correctionsproject.com/prisonmaps/index.htm>).

Trevor Paglen's investigative art project, *Recording of Carceral Landscapes*, documents different aspects of the prison industrial complex through several interventionist art works. *Recording Carceral Landscapes* is an inquiry "into the financial, social, and cultural elements that compose the Prison Industrial Complex.... [it] shows some of the invisible ways that mass incar



Ashley Hunt, Popular Education Poster series, 2003, Courtesy of artist.

ceration has been woven into the fabric of our society” (Paglen, n.d. para. 1). Designed to engage the public, the project also includes interviews conducted with prominent activists and scholars regarding different aspects of the prison industrial complex that can be read on his website.

Paglen designed the *Prison Infiltration and Surveillance Suit* (2001–2005) that looks like a business suit but within its lining is hidden a camera and microphone that he used in *Recording Carceral Landscapes*. Wearing the suit Paglen entered four sites that are part of the PIC and recorded his visit. He tells the story of these counter-surveillance missions into the four sites: Siebert, Branford, Shank, and Co., a finance company responsible for issuing bonds for the Delano II prison; Pelican Bay State Prison, a supermax prison; the Assembly Budget Subcommittee Four in Sacramento, responsible for the corrections budget; and the California Correctional Peace Officers Association’s (CCPOA) headquarters in West Sacramento. The CCPOA is politically the most powerful union representing prison guards, parole officers and other employees of the California prison system as it donates more money to legislative elections than any other entity in California.



Trevor Paglen, *Prison Infiltration and Surveillance Suit* (2001–2005). Courtesy of artist.

The installation is composed of large photographs that capture the landscape of each site and under each photograph is a file folder that contains video stills, photographs, and other ephemera collected during each spy action. Mimicking the surveillance techniques used by the State to spy on individuals daily, Paglen exposes the hidden workings of neo-liberal capitalism in the name of reducing crime and creating a safe environment for all of us.

In the 1980s the building of “super maximum security prisons” (super-max) emerged after prisoners in two separate incidents murdered two corrections officers on the same day. Paglen’s installation *Silence (2001–2005)* captures viscerally the lockdown regime in supermax prisons where prisoners are permitted to step out of their small windowless cells for only 1 hour a day. Under constant surveillance, prisoners are not allowed to interact with other prisoners, cannot work, or take classes or engage in any recreational activities in prison. Even exercise is restricted and often the prisoners are kept in solitary confinement. Notorious for human rights abuses, every aspect of the prisoner’s life is controlled including the amount of light that is allowed into the cells. There is a growing movement to abolish super-max prisons as rehabilitation is not its goal and prisoners suffer severe psychological trauma. Yet, there exists a pervasive “silence” about super-max pris-

ons. Paglen's installation requires one to enter a darkened room, where one is confronted by the sounds of audio recordings made inside Pelican Bay State Prison (the first super-max prison in the U.S.) playing on a continuous loop. The amplitude of the audio modulates a bare light bulb, causing the extremely dim light bulb to flicker in synch with the ambient sound. One cannot escape feeling imprisoned, vulnerable, and traumatized.

The simple matter is that PIC would not function without inmates. The obvious question is, Who is being imprisoned? Fiona Tan's installation *Corrections* (2004) confronts us with the life size portraits of 300 prisoners and guards at four penitentiary institutions in California and Illinois—as she says “a small sample of the current penal population in America” (p. 31). According to Tan, the idea for this installation emerged after reading articles about the rapid growth of the prison population. In 2003, although African Americans make up only 12% of the population, they make up 44% of the prison population. Hispanics, the term used by the State, make up 19% of the prison population. Black men are six times as likely to be held in prison as white men and since the 1980 women and youth are the fastest growing incarcerated population. Between 1980 and 2005 the number of women in prison has risen from 13,400 to 140,000. Many are serving 24 years to life without any prior record as “drug conspirators.” Children of color represent one-third of the U.S. youth population, yet are two thirds of those incarcerated (MCC Washington Guide to Prison Industrial Complex, 2001).

Simultaneously using and subverting the documentary techniques of film and photography, Fiona Tan “reveals something of the way in which record-making and record-keeping function to maintain and extend our notions of knowing by seeing, of comprehending by merely looking” (Snyder, 2004, p. 25). In the dim light, the portraits in the installation from a distance appear like still glossy magazine photographs, but when one comes closer to the hanging screens it becomes apparent that the person is not lifeless. The prisoners and guards were asked to stand still in front of the video camera and in their attempts to be still they try to repress any movement, but inevitable fail. Thus, every minute movement is captured and exaggerated by the video-camera designed to capture motion. The accompanying sound is a combination of muffled human voices, hum of fans, footsteps, and slamming of doors caught by a recording machine programmed to amplify all sounds it captures equally. The installation is not about the humanity of the prisoners or guards but rather an examination about a culture of control and confinement.

Emerging out of the Reagan-Bush drug enforcement policies of the 1980s, the zero tolerance policy has become a major part of disciplinary practices in public schools that as the sociologist Loic Wacquant (2000)

asserts has transformed inner city schools into “institutions of confinement” (p. 15) whose main purpose is not to educate but to control students. Inner city schools have for a long time been compared to prisons.

Like the prison system, their recruitment is severely skewed along class and ethnoracial lines.... Like inmates, children are herded into decaying and overcrowded facilities built like bunkers, where under-trained and under-paid teachers...strive to regulate conduct so as to maintain order and minimize violent incident(Wacquant, 2000, p. 15).

The recent shift of broadening the zero tolerance policy by school administrators (Ayers, Dorhn, & Ayers, 2001) has contributed to what is being called the school-to-jail pipeline, because schools are now working closely with law enforcement institutions (Advancement Project/Southwest Youth Collaborative/Children & Family Justice Center of Northwestern University, 2005). According to the NAACP Legal Defense and Educational Fund report *Dismantling the School-to-Prison Pipeline* (2000) the nationwide increase in suspensions (3 million) and expulsions (97,000) removed students from the academic track and set them on a track heading toward the criminal justice system. Besides suspensions and expulsions, police officers are being routinely called in to deal with childhood and adolescent nonviolent disruptions and students are written up, ticketed, arrested, and referred to juvenile courts, thus beginning a criminal record. The police are now dealing with disciplinary issues that used to be dealt with by principals, teachers, and parents.

The New York Times op-ed piece by Bob Herbert titled *6-Year-Olds Under Arrest* (2007) draws attention to this increasingly widespread disciplinary practice in schools. A black 6-year-old girl was criminalized for throwing a tantrum in her kindergarten class at Avon Elementary School on March 28, 2007. According to the Chief of the Avon police, Frank Mercurio, the student was defiant and uncontrollable (Herbert, 2007). The little girl disrupted the class and was placed in isolation by the classroom teacher who still could not control her. After 20 minutes of this uncontrollable behavior, the police were called in to handle the situation. Since the girl did not cooperate with the police—she was having a tantrum—they hand-cuffed her, took her to the police station and then to the county jail where she was fingerprinted, a mug shot taken, and charged with battery on a school official—all of which adds up to a felony and two misdemeanors. She was released to her mother after a brief stay in the jail. As Herbert (2007) writes: “the arrest of this child, who should have been placed in the care of competent, comforting professionals rather than being hauled off to jail, is part of an outlandish trend of criminalizing very young children that has

spread to many school districts and law enforcement agencies across the country” (p. A17). Not surprisingly as Herbert indicates, a highly disproportionate number of children are African American. Researchers have for a long time shown the racialized and social class based aspect of discipline in public schools as similar to the criminal justice system in which a disproportionate number of African-American and Latino kids are being handed out harsh disciplinary action sometimes for minor childhood and adolescent transgressions or behaviors (Ayers 1997/1998; Noguera, 2003; Skiba, 2000).

The criminalization of youth by the media—particularly youth of color at home and post-9/11 Muslim youth globally—contributes to our feeling of insecurity that legitimates the need for policing the spaces they occupy, such as schools, mosques, parks, malls, parking lots, and now even their homes. Our U.S. culture maintains a contradictory image of youth as simultaneously innocent, savvy consumers, and monstrous. “On the one hand (the media construct youth as) cold and uncaring and (who) enact violence without apparent remorse; in other words, they are responsible for their acts and should be both feared and condemned. On the other hand, they are themselves victims of their social circumstances; in other words, they are not responsible for their acts and should be viewed sympathetically” (Spencer, 2005, p. 56). Since the late 1990s, youth of color in particular have become the number one problem in the United States and labeled by Representative Bill McCollum as “super-predators” (Ayers, 1997/1998). McCollum goes on to say that “violent juvenile crime is a national epidemic” and “today’s super-predators are feral, presocial beings with no sense of right and wrong” (Ayers, 1997/1998). The criminalization of youth lead to harsh legislative policies initiated by Representative McCollum that changed the way children 14 years and over who commit a crime are treated by the criminal justice system. Now treated as adults, these children are sent to jail and rehabilitation is not an option.

The establishment of the zero tolerance policy or “three strikes” policy caught the public imagination during the Regan era and its strict enforcement has meant any violation of the law (jumping the subway turnstile, selling, buying, or possession of drugs, graffiti, etc.) by juveniles and adults is ticketed. If the perpetrators are caught three times they are sent to jail. In this carceral society, to use Foucault’s (1975) phrase, any behavior that is deemed “suspicious” can lead to an arrest. As Alexander Cockburn and Jeffrey St. Clair (2000) remind us, people living in “high crime” neighborhoods—in other words poor neighborhoods of color—can be searched under the element of probable even if they have done nothing wrong. A black teenager is six times more likely to be incarcerated for first time violent offence than a white kid. A black teenager is 48 times more likely to do

time for a drug offense than a white kid (Cockburn & St. Clair, 2000). The fact is that the majority of youth are not criminals—less than one-half of one percent of youth 10–17 years of age are charged for violent crimes (Ayers, 1997/1998). The zero tolerance policy has led to the increased incarceration of youth, particularly poor youth of color, who are now charged and jailed for nonviolent offenses.

More juveniles are entering the prison system, which serves the prison industrial complex as beds need to be filled in prisons in order to be lucrative. “Bed brokers” rent cell facilities for \$20 to \$60 a day with \$2.50–\$5.50 commission per man-day (Schlosser, 1998, p. 2). Youth of color know that what their neighborhood and schools need is not more surveillance by the police. In an activist-based postcard project initiated by an artist-educator Lauren Adelman, a 15-year-old student eloquently writes to judges around the world, “why are they building more jails for adolescents? Why are you locking us up for every little thing? Why don’t you build more homes for poor people? Build more community centers so kids can stay out of trouble. Build more playgrounds, schools and hospitals. Why don’t you understand and listen?” These incarcerated adolescent girls indicate through this activist-based postcard art project that they not only know much about the justice system but also have a sophisticated analysis of incarceration and its relationship to structural problems of inequality—poverty, racism, and sexism. In this postcard project 12–17-year-old girls in secure detention center in Brooklyn, New York, produced artworks for postcards with written text that were sent to an audience of their choice regarding an issue relevant to their lives as incarcerated teens. The young women chose to mail their postcards to judges, lawyers, and youth as a way to begin a dialogue with them. An e-mail address was provided on the postcard for people to respond and begin a dialogue. What is interesting and not surprising is that none of the judges in New York who received the postcard responded.

Artworks created by formerly incarcerated teenagers, such as the public service announcements that took the form of posters created at the Community Prep High School in New York City with their teacher Lauren Adelman, speak to their experiences with the criminal justice system. The art works created as part of their interdisciplinary Economics and Art class provide a space for youth to discuss their lived experience and also open dialogue with others about their experiences as incarcerated youth. Incarcerated youth are rarely given public attention and when they receive any attention it is typically negative. Adolescent youth charged with a crime as Rust (1999) indicates do not draw public sympathy, especially children of color. Given their marginal status in the public eye it is important for their voices to be heard, so that we begin to ask questions about the structural

aspects of our society that lead to incarceration, rather than focus only on the psychological aspects of adolescent's distress. Furthermore, educating youth and the public about the prison industrial complex can no longer be part of the hidden curriculum in schools. Schools are not directly connected to the prison industrial complex however. The ways they have aligned themselves with law enforcement institutions requires rethinking, as it serves indirectly the profit making industry of the criminal justice system as more juveniles are tried as adults and sent to jail. It is necessary to dismantle the racialized and class-based school to jail pipeline as it is part of neo-liberal capitalism.

A New Twist to an Old Story: Criminalization of Immigrants

The criminalization of immigrants post-9/11 is another factor contributing to the rise in incarceration that keeps the projected growth of the prison industrial complex at 5–10% annually (Schlosser, 1998). Immigration in the early 1900s was a labor issue and led to various laws to protect American workers and wages. In 1940, Franklin Roosevelt moved immigration issues to the Department of Justice and since 9/11, immigration has become a security issue, falling under the jurisdiction of the Department of Homeland Security. This move clearly links immigrants with terrorism.

The Intelligence Reform and Terrorism Prevention Act (IRTPA), by consolidating the nation's intelligence programs and increasing border enforcement, directly impacts immigrant communities. One of the overlooked provisions in the bill authorizes 40,000 new immigrant detention beds by 2010 (Libal, 2007). The Department of Homeland Security contracts out the services for all of its detention beds to private companies. Writing about this bill and its direct relationship to stocks, *MSN Money's* Michael Brush states that this legislation "makes it more likely that more illegal immigrants will be caught" and continues that "lawmakers estimate that by 2010 the Bureau of Immigration and Customs Enforcement will need about 40,000 prison 'beds', as they say in the business" (Libal, 2007, p. 3). The government's reliance on the private sector to help it carry out the war on terror has led to a proliferation of business deals and contracts that help to enforce the strict immigration policies that have become a priority. This neo-liberal capitalist move is what Deepa Fernandez (2007) calls the immigration industrial complex. "In 2004 DHS awarded \$9 billion in contracts to nongovernmental organizations and corporations, close to a quarter of the total DHS budget for the year. That increased to \$11 billion for the fiscal year 2005" (Fernandez, 2007, pp. 174–175). Surveillance technology has

become the number one profit making industry and many corporations have been awarded huge contracts to build web-based portals, screening programs for foreign nationals at airports, fingerprinting technology for visitors, and a range of technology for policing the borders, especially the Mexican-American border (Fernandez, 2007; Koulisch, 2007).

Addressing the hypocritical attitude of Western societies regarding the increased militarization and surveillance of the borders to restrict the migration of people from the developing world, yet advocating for a world without borders for commerce, the artist collective El Perro developed the travel box prototype. The Travelbox-Wayaway (2000) resembles boxes that are used to ship artworks, which are now an entrenched part of the globalized art market. However, in this project the travel box is used to transport illegal immigrants across borders. The wooden travelbox measures 150 x 150 x 100cm and comes equipped with amenities needed during a flight such as: a reading tablet, a safety belt, an electric battery that provides running water, a light, and ventilation. Stenciled across the box is: "We can't change your destiny but we can take you nearer to it." The travel box prototype has traveled to several countries: Spain (Madrid), Argentina (Buenos Aires, Cordoba), Paraguay (Asuncion), Uruguay (Montevideo), Guatemala (Guatemala), Colombia (Bogota), back to Spain (Madrid).

State sponsored surveillance technologies along with other strategies are part of Operation Endgame, the new Homeland Security program that has increased raids across the country to catch illegal immigrants. Those rounded up in raids are detained in jails and interrogated for days, weeks, or months. This mass incarceration of undocumented immigrants has also contributed to the growth of prison construction near the border. Impoverished communities are lobbying for private prisons to be built in their communities as it provides jobs for members of the communities who have no work, creating complicated alliances between the poor, people of color, the state, and private corporations.

The interrogation of immigrants is not new. Today, elaborate systems of interrogation are part of the war on terror and have been developed in ways that completely disregard the Geneva, as Trevor Paglen's artwork on the use of torture taxi's makes visible. Working collaboratively with the Institute for Applied Autonomy, they proposed *Terminal Air (2006)*, a web-based artwork that provides visual information regarding the torture taxi network in order to create public awareness about this illicit practice and also to facilitate public participation in monitoring this practice. In late 2004, foreign journalists exposed the CIA's use of airplanes chartered to carry out torturous interrogation of imprisoned and untried people in order to circumvent human rights laws. The Terminal Air project using telephotography techniques is engaged

in surveillance like the CIA, however it has co-opted the power of the image to mobilize civic action. A website allows visitors to see regularly updated maps showing the arrivals and departures of known torture taxis from commercial airports to military bases, their destinations, and information about the front company operating them. Interested in blurring the lines among contemporary art, social sciences, and other disciplines, in order to construct unfamiliar yet meticulously researched ways to interpret the world around us, Paglen obtained information about these torture taxis through data supplied by Federal Aviation Administration and information harvested from the network of “planespotters”—who collect photographs, flight plans, and other aircraft ephemera. The website will allow registered users to be notified via SMS when a CIA torture plan is arriving at an airport near them and will be encouraged to post photographs of the planes to the site. As part of his civic pedagogical agenda, a large-scale, multi-display installation will also be developed to bring attention to this clandestine operation by the government (see <http://www.appliedautonomy.com/terminalair/index.html>).

Concluding Thoughts

Each of the afore mentioned contemporary art practices employ strategic tactics of intervention to engage in civic pedagogy and provide important lessons for educators. Through the creation of new representations, these artists focus on “what has been effaced from discourse, while researching how the effaced had existed within discourses previously” (Haghighian and Hunt, 2006, p. 6). In doing so, they counter the “images that create invisibility” (Haghighian & Hunt, 2006, p. 6) produced by the news media and through television series like *COPS*, *Law and Order*, and other crime related shows. The contemporary relationship between these art practices and critical theory suggests that we can,

no longer think of art as applying existing knowledge through other means, no longer illustrating or analyzing or translating. Rather we think that it is both a research mode and a means of knowledge production in and of itself. Therefore, art and visual culture are able to produce both new knowledge as well as new modes of knowing which have the potential to unframe some serious issue. (Rogoff, 2005, <http://mediageographies.blogspot.com/2005/08/irit-rogoff-engendering-terror.html>)

The artists discussed in this article unframed the issues of immigration and incarceration that not only have rendered both groups of people invisible,

but also what might be more troubling is the invisibility of punishment as big business that generates profit on the backs of illegal immigrants and prisoners. In an era of public spectacles, where certain kinds of images shape our understandings of justice, the work of these contemporary artists, who have created alternative images by making visible that which is invisible, have opened a space for dialogue about the kinds of justice we need in these neo-liberal capitalist times.

This potential of art has increasingly drawn the attention of educators interested in re-conceptualizing education in these times of testing, standardization, and accountability (Crichlow, 2003; Dimitriadis & McCarthy, 2001; Ellsworth, 2005; Greene, 1995). I join these educators in envisioning new models of pedagogy that will keep this contemporary understanding of art practice central to education in schools in order to counteract the power of these forms of public pedagogy. We need to develop a politics of the imagination in schools and universities that strategically uses the power of the image to “unframe” the serious issues that we face today by asking critical questions that envision alternative *just* futures. I am reminded of Dr. Martin Luther King, Jr.’s statement spoken in the fall of 1967, “[i]t is my deep conviction that justice is indivisible, that injustice anywhere is a threat to justice everywhere” (King, 1967, para. 43).

Note

¹ Flo Oy Wong in 2003 created an artwork titled “1942: Luggage from Camp to Home” that was based on interviews she conducted with Japanese Americans about their experiences that speaks directly to the politics of citizenship.

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