

A Foucaultian Analysis of "Tripping" on Death Row

By

Sandra McGunigall-Smith

Matthew R. Draper

Kayla Birmingham

David Durtschi

Utah Valley University

Author's note: Correspondence for this article should be directed to Matthew R. Draper, Associate Professor, Utah Valley University, matthew.draper@uvu.edu. We would like to thank Jessica Draper for her helpful inputs and editing.

It is ugly to be punishable, but there is no glory in punishing. –
Foucault

Introduction

The purpose of this article is to share insights from a qualitative inquiry into the lives of death-row inmates as they experience them in a prison in the western United States, a study which has been ongoing since 1997. In this article we briefly recount the history of prison reform from the Renaissance to the development of the modern supermax system, and offer a Foucaultian interpretation of that process, an evolution which culminates in the creation of death row. Death-sentenced prisoners in supermax face a unique set of stresses associated with their sentence, and they have limited personal resources with which to deal with the grimmest existence within the American penal system. To address this grim existence, we describe the coping skills of those on death row, and detail the phenomenon of "tripping." Finally, we briefly propose a Foucaultian model of that phenomenon.

A Brief History of Punishment

Foucault's work *Discipline and Punish* addresses the development of the modern penal system (1977). He describes the significant transformation of penal policy during the eighteenth century, specifically the decline of public spectacles of punishment to the body

such as torture and execution, and the rise of imprisonment (the "carceral") as the principal form of punishment (Foucault, 1977). Enlightenment influences allegedly underpinned these penal reforms (Hamilton, 1992), but Foucault maintained the liberal reformers wanted "not to punish less but to punish better" (Foucault, 1977, p. 82). The definition of punishment did not happen in a socio-cultural vacuum, however. According to Foucault, the penal system historically existed for the sake of the monarchy as an exercise of power over his subjects. The spectacle of torture and execution reminded the people of who was in charge and the consequences of disobedience. The practice of torture and public execution, he notes, was far from perfect or complete. At the core of the issue was the confrontation between the sovereign and the condemned, and the sovereign tortured the condemned to punish him and to exercise power over the people. Where the will of this sovereign normally covered all of his people as the sun covers the earth, when the sovereign confronted the condemned all of his will focused upon that point, like a magnifying glass focusing the solar rays. As Foucault described it: "In the excesses of torture, a whole economy of power is invested" (p. 85). The purpose of punishment was neither re-direction nor discipline, but revenge of the sovereign on the condemned.

With the royal will so focused, any disturbance to the process was also a disturbance to the royal power, for in the moment of this power investment he could lose his power over all, and history offers many examples of disturbances to this focus. In these cases, the sovereign's vengeance, in essence, could cost him power. For example, "...the rule was that if the accused 'held out' and did not confess the magistrate was forced to drop the charges. The tortured man had then won" (p. 40), and the will of the condemned had overcome the will of the mighty sovereign who accused him. Therefore, Foucault noted that, "Another form of punishment was needed: the physical confrontation between the sovereign and the condemned man must end" (p. 73); the seeds of reform were grown from the inadequacy of that system of punishment.

Ultimately, for Foucault, penal reform was about the rise of another form of punishment, one that addressed the threat of crime against an emerging propertied class. In Europe, in particular, we note a rise in a merchant class whose financial resources became vital to the success of a monarchy—to the point that the monarch's power eventually became eclipsed by the very class he grew dependent upon (James, 2006). This propertied class gained some of the power that once belonged only to the monarch, but the goals of the bourgeoisie

were not served by the public spectacle of torture and execution.

Torture and execution, according to Foucault, served to demonstrate the absolute power of the monarch and was assumed to dissuade the crime which challenged or dissolved a portion of his power (1977). The new propertied class, however, desired safety from crime, but at the same time feared the arbitrary and capricious power wielded by monarchs. With the merchants' new power became a new focus on punishment, a new assertion of their own power apart from the power of the monarch.

In Foucault's view, the newly empowered propertied class arose from a formerly less-powerful station, and fought against the spectacle of torture and execution of the flesh, arguing that such punishments were ineffective or inhumane. In fact, during the eighteenth-century, riots broke out after public executions, and monarchs found themselves losing their control over the peoples they ruled. The condemned himself could exacerbate the protests against public discipline, for he could redeem himself in the eyes of the propertied people observing the spectacle of torture and punishment: "If the condemned man was shown to be repentant, accepting the verdict, asking both God and man for forgiveness of his crimes, it was as if he had come through some process of purification: he died, in his own

way, like a saint...[T]he criminal has been almost entirely transformed into a positive hero" (Foucault, 1977, p. 67). The increasingly enlightened and empowered public, then, compassionately observing the redeemed criminal, felt his humanity. In this situation, should the monarch pursue further torture or execution, he risked alienating the people and fomenting dissent—the very actions he sought to squelch. The criminals, the condemned themselves, also exhibited power, a power that the monarch must respect or risk losing his power over the people, both law-abiding and non."In short, penal reform was born at the point of junction between the struggles against the super-power of the sovereign and that against the infra-power of acquired and tolerated illegalities" (p. 97).

With the increase in power of the propertied class and the infra-power of these "tolerated illegalities," the focus of the power to punish and discipline also shifted. The new will of power was not a will of personal offense (wherein the criminal had personally offended the monarch or society and must be punished) but rather, a focus on safety, normalcy, and rehabilitation. Ideologically, society pushed away from punishment for the sake of inflicting pain and vengeance, moving toward seeing punishment as a mechanism of forcing conformity.

As a result, a certain significant generality moved between the least irregularity and the greatest crime; it was no longer the offense, the attack upon the common interest, it was the departure from the norm, the anomaly; it was this that haunted the school, the court, the asylum, or the prison (p. 299).

No longer was punishment reserved for the worst cases, but punishment of all non-conformists manifested instead on all levels of society, from the mild offenses of delinquent children to the severe offenses of the subversive, violent, or traitorous. The historical system of corporal punishment simply would not do, for increasingly those in power acknowledged the humanity of the condemned; in Foucault's view, non-conformity happened everywhere, and with people whose humanity was known. A new form of punishment was needed once those in power felt the humanity of the criminal, one that would punish him to redeem him, to teach him, to cause his conformity. Where the old system dehumanized the condemned, the new system treated him as human, and preserved that humanity through successive penal reforms. The new regime reached "... the legitimate frontier of power to punish. Not that which must be reached in order to alter him, but that which must be left intact in order to respect him" (p. 74). As Foucault described it, "In the worst of murderers, there is one thing, at

least, to be respected when one punishes: his 'humanity'" (p. 73). The torture and execution, the discipline and punishment against the flesh, both objectified and dehumanized the criminal. The new power of politics required a new, human focus for punishment.

The new punishment required a legal limit removed from the dehumanizing torture of the past; one that ultimately spread throughout society in the form of surveillance and discipline (Garland, 1990). Although it is the body that is surveilled, Foucault argues that it is the soul that requires punishment. In Foucault's words: "A 'soul' inhabits him and brings him into existence, which is itself a factor in the mastery that power exercises over the body. The soul is the effect and instrument of political anatomy; the soul is the prison of the body" (1997, p. 30). Foucault turns the classic body/soul dualism around: rather than the flesh containing and constraining the soul, it is the soul that imprisons the body, constraining it, guiding its actions. Because the soul is such an important factor, if power wishes to discipline or punish the person, the soul must be the focus of the punishment. Focusing on the flesh alone, in Foucault's model, is inadequate, for it is the soul that is autonomous, willful, and agentic. It is the soul of the criminal that must change.

When exercising the capacity to change souls, however, our modern structures of power reflect the monarchs of old. Demonstrated power over the criminal equally demonstrates power over the populace. There becomes a "shift in the point of application of this power, it is no longer the body, with the ritual play of excessive pains, spectacular brandings in the ritual of the public execution, it is the mind or rather a play of representations and signs circulating discreetly but necessarily and evidently in the minds of all" (p. 101). Affecting the mind of the populace requires changing the souls of those within society, directing the soul, the prison of the flesh, to guide behavior along lines dictated by current instances of power.

This focus upon the soul seems most evident in the modern prison structure. Without observation and control, the entire system potentially unravels, starting in the prison, which remains a symbol of the necessity of societal control. Because of this, confinement has become the punishment of choice and seemingly universal; across crimes and across places, the carceral (incarceration-as-punishment) system remains.

The diversity, so solemnly promised, is reduced in the end to this grey, uniform penalty. Indeed, at the time, there were deputies who expressed surprise that, instead of establishing a natural

relation between offences and penalties, a quite different plan had been adopted: 'So that if I have betrayed my country, I go to prison; if I have killed my father, I go to prison; every imaginable offence is punished in the same uniform way. One might as well see a physician who has the same remedy for all ills' (Chabroud, as cited in Foucault, 1977, p. 74).

Although the carceral system became universal, overriding the previous diversities of punishment, degrees of incarceration took their place.

The work of Robert Johnson (1990) addresses punishment of the soul when he argues that death row is "a modern instance of torture" (1990, p. 142). The majority of death row prisoners live in supermax confinement (sometimes called special housing units, administrative segregation, control units, maxi-maxi, and so on). This existence is far removed from "ordinary" prison life. It is defined as "free-standing facilities, or a distinct unit within a facility, that provides for the management and secure control of inmates who have been officially designated as exhibiting violent or seriously disruptive behavior while incarcerated" (NIC, 1997). These facilities are designed to minimize human contact. Prisoners have no contact with each other and because of the design of the facilities (podular housing units arranged

around a central control room) there is minimal contact with staff (who can observe from a distance, unlike in general population, where they have to walk up and down the rows to see inside cells). Cells are usually no bigger than 14' x 8' and sometimes smaller. They are typically furnished with a poured concrete bed, stool (fixed permanently in place), a steel sink, and an uncovered toilet. Out-of-cell time is limited, in most cases to one hour a day, and usually spent in isolation in a small day room within the pod or in an even smaller outside exercise yard. The flesh remains untouched, for the most part, in these modern prisons, but the soul is carefully and vitally controlled through intense confinement.

The justification for such confinement is based largely on the idea that if "the worst of the worst" can be isolated from the general prison population, then security can be relaxed to some extent in other areas of the prison. Additionally, the prison system assumes that extra confinement equals extra punishment and discipline. (There is little empirical data to support this contention; see Kurki and Morris, 2001.) This rationale, however, does not explain why the majority of death row prisoners are housed in such a way. The findings of the author's ongoing research is that death row prisoners are regarded as one of the least troublesome populations within the prison system, and in

several jurisdictions they have been successfully integrated into general population (Lombardi, Sluder and Wallace, 1996). The only reason the majority of death row inmates is housed in punitive segregation is the sentence of the court and has absolutely nothing to do with institutional conduct. Moreover, death-row prisoners, unlike others in supermax, are unlikely ever to be released and they are not eligible for progression back into the less punitive regime of general population. Death-row prisoners are therefore forced to survive their entire time on death row in conditions which are designed to control dangerous and recalcitrant prisoners. Because the rationale for supermax incarceration does not explicitly give a reasonable explanation of why they should be housed in this way, it is difficult for these prisoners to come to terms with life in punitive segregation. When asked to compare psychological suffering caused by solitary confinement with other physical punishment, Korn and Fox claim it is "... worse. Physical pain which is definite, which they can control ... is much more bearable than the torment they can neither understand nor control" (in Jackson, 1983, p. 77).

According to Foucault, the deterrent effect against committing severe enough offenses to warrant death row blossoms within the definition of the confinement experience itself:

If the motive of a crime is the advantage expected of it, the effectiveness of the penalty is the disadvantage expected of it. At the heart of punishment is not the actual sensation of pain, but the idea of pain, displeasure, inconvenience—the 'pain' of the idea of 'pain' (Foucault, 1997, p. 94).

On death row, in the severe solitude of supermax, physical pain (in the form of torture) remains notably absent. Dehumanizing solitude, the displeasure, discomfort, and inconvenience of it, proves overwhelming to both the prisoner and the observer. However, the pain remains invisible to outsiders, behind the eyes of the condemned. The observer only realizes the pain if he makes eye contact with the prisoner—which would be a feat indeed, given the solitary conditions of those on supermax.

As Foucault maintains, the pain is hidden because it targets the soul, and not the body. Although Foucault was writing before the "rise and rise of supermax" (King, 1999), he made reference to Jeremy Bentham's plan to construct a prison in such a way that an inspector would be able to see at a glance everything that was taking place, at the same time concealing the inspector from the observation of prisoners, "so as to beget the sentiment of an invisible omniscience" (Atkinson, 1905, p. 84). Bentham's Panopticon served two political

purposes: it kept costs down and was also plugged into hegemonic notions of progress and humanity because people were no longer beaten—instead, they were gazed at. This gaze, according to Foucault, served a very vital purpose in the prison: "Above all, no crime committed must escape the gaze of those whose task it is to dispense justice. Nothing so weakens the machinery of the law than the hope of going unpunished" (Foucault, 1997, p. 96). By observing all offenders at all times in this panoptic structure, no action can hypothetically escape the omnipresent gaze of power, ready to punish and redirect, disciplining and punishing the soul to prevent further crime. Bentham's plans never came to complete fruition, but have influenced the design of the modern prison system, especially supermax.

Supermax prisons are typically modern, state-of-the-art facilities that exercise control by separating bodies. These prisons may be considered an advancement on the older "big houses," but conditions on death row still raise human rights concerns. Bodies are stored in isolation in modern warehouses until execution with little, if any, concern for the souls of individuals. The effects of solitary confinement are painful and have been described as a life that is psychologically destructive (King et al, 2008). Indeed, many countries refuse to extradite prisoners to the United States if they are likely to experience

what has come to be known as the death row phenomenon: inordinate lengths of time between sentence and execution (on average exceeding twelve years), the conditions in which the condemned are held, and the meaning of living under the sentence of death (Smith, 2008). These countries oppose the United States' use of the death penalty, but significantly they also express concern about the conditions of life on its death rows.

It is not difficult to extrapolate a justification of such dehumanizing punishment from Foucault's writings. Although Foucault wrote *Discipline and Punish* before the rise of the supermax system for death-row inmates, he noted, "That punishment looks toward the future, and that at least one of its major functions is to prevent crime had, for centuries, been one of the current justifications of the right to punish" (p. 93). In death-row supermax that justification ceases to exist, and the condemned fall outside of the usual structures of power and discipline, because they, in essence, have no future. There is nothing to correct, no teaching of the soul, for the current system of power seems to assume that the whole being (body and soul) is eliminated at death. Exacerbating this process is the history of punishment which still haunts penal institutions despite centuries of reform. As Foucault notes, historically the nature of the crime had to

correlate with the nature of the punishment in the eyes of the people. Additionally, the severity of the crime required a match in severity of the punishment. In levying a suitable punishment, the sovereign could conclusively demonstrate his power and mastery over the crime in the eyes of the populace, and thereby perpetuate his power over them as well. The control of the criminal demonstrates control over the masses.

In our enlightened age, such sovereign actions seem passé, fallen out of fashion as we think society has grown away from such notions. However, on death row the nature of the crime matches the nature of the punishment, i.e., those on death row are condemned to die because they killed another, an act that the power structures of the day deem a "capital offense." Additionally, the nature of the crime and the nature of the punishment correlate. The death of the criminal murderer equals cost of one or more lives within society. Basically, because the inmate completely dehumanized a member of society through homicide, he deserves to suffer the ultimate dehumanization through perpetual solitary confinement until his demise. The system, in essence, gives up on the condemned, for he is judged beyond the capacity to reform and to conform." [T]he sentence that condemns or acquits is not simply a judgment of guilt, a legal decision that lays down punishment; it bears with it an assessment of normality and a

technical prescription for a possible normalization" (p. 20-21). The judge perceives the offender as beyond the capacity to reform, so he is removed from those disciplinary structures that cause behavior change elsewhere in the prison system. Instead, he sits confined and stored until death, the ultimate non-conformist.

Although in some respects reform touches even these dark corners of the penitentiary (physical torture remains forbidden), the history of discipline and punishment remains salient. The death row phenomenon becomes a part of the eventual execution of the criminal, slowly strangling the soul, whittling away at being as a prelude to the extinction of the body. Because they treated others inhumanely, the implicit message whispers, they deserve inhuman treatment in return. Indeed, Marat's injunction "Where punishment is concerned, the minimum is ordered by humanity and counseled by policy" (as cited in Foucault, 1977 p. 92) remains ignored and silent in these cloistered confines.

Coping in Supermax

A Foucaultian perspective allows us to go beyond the classic studies of prison life such as those of Sykes, Goffman, and Clemmer. Studies in this genre have their uses in examining the experiences of those in general prison population, because they focus on the social

dimensions of prison life. They focus on a prison culture that dictates forms of adjustment, norms, roles, and groups (McGunigall-Smith and Johnson, 2008). However, they are of limited, if any, benefit in explaining patterns of coping for those who are denied access to the cultural forces of the prison world: death row prisoners in supermax. Foucaultian theory provides an explanation based on his "internal analytic of how penal institutions are structured, how they exercise control and how they are informed by particular forms of knowledge and technique" (Garland, 1990, p. 132). He examines the power sustained through "regimes, timetables and strategies of work, discipline, education, segregative control, and so on" (Sparks, 1996, p. 64).

Central to Foucaultian theory is the concept of the body. The Classical era "discovered the body as object and target of power," the material that is the subject of all political, economic, and penal institutions (Garland, 1990). It can be trained, without the use of force, through discipline by constant supervision, which at the end produces a docile body (Foucault, 1977). Supermax is about the body being in the right place at the right time. It is about timetables and regimes. Its purpose is to produce docile bodies and it does so. After all there is little those in supermax can do to resist its oppressive

conditions. Escape is extremely unlikely, and the lack of interaction provides no opportunity for physical venting—in the form of assaults, for instance.

Furthermore, all prisoners are under the panoptic gaze of staff at any given time. This description may give rise to a mental image of robotic prisoners simply existing under the normalizing gaze of the prison. The slightest infraction of rules results in write-ups, which result in more stringent confinement. Foucault reminds us that normalization has its own rules which extend beyond the sentence of the court, rules which he refers to as "infra-penalty" and which coerce the individual into conformity. Conformity is also brought about by self-policing; knowing they are being watched, or at least likely to be, causes prisoners to assume "responsibility for the constraint of power" (Foucault, 1977, p. 201).

One of the death-row prisoners in this study provided an example of the effects of self-policing:

Paul: On one occasion the officers had forgotten to restrain me. I felt like a normal person. But I felt really uncomfortable and was aware that others were feeling uncomfortable too. I don't want others to feel this way. It had a psychological effect on me. These people believe I

should be restrained to such an extent that I believed it too for a moment. I don't want them to believe it. I'm damned if I want me to believe it too. (McGunigall-Smith, 2004, p. 117)

Paul is clearly expressing awareness of and responsibility for his own being, indicating he experiences himself as an agent. A criticism often leveled at Foucault's work is that he ignores agency. On one hand, as Giddens claims, Foucault provides "little theoretical reason to anticipate resistance subversion or innovation" (from Sparks, 1996, p. 67, italics in original); on the other hand, Garland suggests that if Foucault had studied more closely the nature of resistance,

He might have described the operation of power upon individuals as being less of an 'automatic' process and more a matter of micro-political conflict in which the individual/subject may draw upon alternative sources of power and subjectivity to resist that imposed by the institution (1990, p. 173).

We hold that Foucault did not extensively discuss the role of agency, but he did assume agency in the processes of change and reform in the prison system and structure. Indeed, people can choose to conform under the power of the panoptic gaze, or they may chose not to conform, and suffer the consequences. The issue of agency is

important because a finding of this research is that the death-row prisoners were not simply docile bodies. They exercised an alternative source of power, although not in an obvious way, by "tripping."

Tripping Out of the Confines

Several death-row prisoners described this coping technique to the primary author very early in the fieldwork. The primary author asked a simple question: "How do you cope?" Cody, one of the participants, gave this response:

I manage some of my time by tripping—walking up and down my cell for hours—anything between two and four hours. I would go nuts if I didn't do this because it's like . . . when I do this my mind is in other places. For example, I go to the mountains, lakes, go hunting—mainly places I have been to before. When I do this I am not in prison

(McGunigall-Smith, 2004, p. 119).

During a further round of interviews all respondents mentioned this technique. Paul, a prisoner who, at that time, had been on death row for over twelve years, commented:

I walk up and down my cell a lot day dreaming . . . I do this mostly at night when it is quiet . . . the slightest noise can

bring me back. I trip on places I remember and add to it
with my imagination (p. 120).

He went on:

I was in prison for about two or three years before I realized
this could be done—throwing your mind somewhere else. I
saw someone pacing and I told them it must be boring—he
said it was better than doing nothing, so I tried it. Each
inmate has his own way of doing it and the amount of time
varies. I do it at night when there is less noise, although I
do it in the daytime sometimes. It is important just to get
away. You can't ever get away from the pressure—the
pressure is still there when you get back. Perhaps pressure
is the wrong word—monotony might be better (p. 120).

Tripping is more than daydreaming, it is a deliberate,
learned coping skill evidenced by the remarks of two more death-
row prisoners:

Keith: It took me five or six years to learn how to do this . . .

. . . it is about deliberate thoughts and channeled thoughts.

Power is lost if you let your mind wander. I trip for anything
between one and four hours. It is necessary for me to do

this during the day—in this way I can have social interaction with family and friends (p. 120).

Michael: You have to learn how to do this. It took me a couple of years.

At a time during the fieldwork when prisoners were allowed out of their cells two at a time for two hours, veterans taught the technique to a newcomer to death row:

Harris: One of the guys was trying to teach me to put my mind somewhere else . . . I pace at night. Paul told me that. He said when it's quiet to walk back and forth. I did it the first night and I thought what the heck am I doing? I'm walking and not getting anywhere. Where am I going? I sat down. The next night I caught myself doing it—walking back and forth. Last night I told myself this is stupid. But, anything to take my mind off this place (p. 199).

It seemed that once an individual masters the technique, the effects are profound. There is also a control element in that the "tripper" often makes quite elaborate plans. He decides beforehand, for instance, where he will go, who his companions will be, and what brand of beer

he will take. He asserts power over himself, his destination, and even his companions.

Cody: I was at Lake Powell before I came to the interview—I had a good time and had a few beers . . . sometimes I go back and do what I've done before. I go to my dad's cabin, cut some firewood, have a couple of beers with him out on the deck. I didn't do this in [general] population—I was totally occupied . . . tripping keeps me sane and keeps me happy. . . . It's hard to trip when I'm angry—it's hard to go and hard to stay and it's frustrating because I keep coming back. On a normal day it's easy for me to go. Bad news makes it harder. I usually take a friend with me (p. 121).

The prisoner, when tripping, is transported in his mind to a social world he has left behind and can enjoy moments free of the stresses of life in supermax (McGunigall-Smith and Johnson, 2008). All death row subjects in the fieldwork used this form of coping, a concept that has been accurately described as an escape from death row (McGunigall-Smith and Johnson, 2008).

When asked when they started to use this technique to escape, five death-row prisoners said they used it since their incarceration in supermax while under the sentence of death. Only

one differed in that he tripped wherever he was in the prison, regardless of the regime, although he had spent most of his prison time in maximum security or supermax. However, six prisoners serving life sentences also tripped. One was in maximum security, four were in medium security, and one was in minimum security (he went to school, had a job, and lived in a dormitory). Two who did not trip at the time of interview said they did so only when in maximum security. Five prisoners serving life sentences had yet to progress out of maximum security and had served between 3 and 5 years in prison, yet they did not trip. There is no obvious causal relationship between tripping and sentence of the court, or the type of housing.

Foucault and Tripping

As we mentioned earlier, some of Foucault's critics claim that he did not allow for agency. We hold, contrarily, that he assumed agency instead, and indeed, the entire system of discipline and punishment exists to redirect, discipline, teach, or bring the criminal offender into conformity. When considering the death-row experience, however, we find that those offenders restlessly sit outside of the discipline structure. Their existence is punishment, and they exist in the shadow of the ultimate

punishment (death). These prisoners in the most radically segregated and separated instance of modern American prisons suffer extraordinary levels of stress as a result of the dehumanizing conditions of supermax confinement. Their agency, however, remains very much intact. Tripping can be a way of experiencing what Johnson considers "essential to all humans, a sense of self determination," their agentic act to direct their own lives as much as possible in such limited settings (1995, p. 121). The soul still exercises its will-to-power even within the claustrophobic cells of those on death row, and abandons the body it has imprisoned for so long, escaping and controlling its own experience as the body remains under the panoptic gaze of the system. Furthermore, a survivor of Buchenwald and Dachau, Bruno Bettelheim, claimed self-determination (agency) finds expression in some degree of autonomy, "man's ability to regulate his own life" (Todorov, 1996, p. 61). Regardless of how carefully or harshly the body is contained or controlled, the agency—the soul and will of the person—remains intact, with the power to regulate their own thinking and their own psychological experience.

When death-row prisoners trip, they are doing precisely this. They take hold upon those inner resources of power to resist or at least cope with the dehumanizing conditions of life under the sentence of death in a supermax facility. Their bodies may be docile, but their souls are exercising power to survive in the austere panoptic regime of supermax confinement.

As we discussed previously, the panopticon serves as a controlling and disciplinary force in the lives of all citizens (but particularly of offenders). In fact, the gaze itself held power, and to be gazed upon was to have power exercised upon one. To be seen, in essence, is to be controlled. The inherent issue in this process is that the soul remains invisible to the all-observer, and hence the gaze has no power over that which it cannot see. The observer can only control the body, the observable element. One implication that arises from Foucault's insight about observation creating docile bodies and assumedly conforming souls, is that it only works to a certain extent. The observed body is controlled by a soul which may draw upon inner resources to refuse to conform, or to formulate its own understanding of the punishment. The incarcerated men we interviewed created their own meaning and understanding from the experience of their extreme incarceration,

and they escaped from the experience by tripping. Consequently, the panoptic gaze failed in their cases, for the panoptic gaze seeks to bring about the conformity of those it observes, but it cannot reach their souls, the very aspect of them it seeks to control and cause to conform.

Indeed, the offenders possessing what Foucault termed *infra-power* teach one another to "escape" their confines, their power operating contrary to the conformity the gaze desires. The incarcerated men, in essence, find that such incarceration may be radically dis-empowering, but by the same token find a new source of empowerment in the face of it, a power within they did not know they had, the capacity of their souls to escape.

Panopticon, in essence, fails to exercise complete control, for it is the soul that can take up power from different sources, especially internal ones, even in the face of observation. The system fails to make invisible souls as docile as the bodies visible to the all-seeing eye. The implication of this seems troubling, because in Foucault's view, it is the soul that imprisons the flesh, and if the panoptic system of observation and discipline fails to control the soul, ultimately the system fails to control the criminal. It is not a surprise then, that recidivism rates for many offenses are quite

high (but, predictably, not for capital offenses) (Zamble & Quinsey, 2001).

Another implication of the death-row experience from a Foucaultian perspective is that as the system of discipline and punishment moved away from the excruciation of the body to control of the soul, it did so with the goal of embracing or acknowledging the humanity of the offender. Power existed to prompt conformity, not vengeance; safety for the public, not just despair for the criminal. However, the system de-humanizes those with a death sentence, housing them away from even other offenders within the system, as if the system needs to also protect itself from acknowledging the humanity of these offenders. As the monarchs of old discovered, once the public confronts the humanity of the condemned, the condemned gains power through others' feeling of shared humanity. Those who have met the gaze of the condemned feel the connection, the mutual humanity. Consequently, they will cry for the reform of the death-row experience, because even though the condemned is convicted due to his inhuman treatment of others, his own humanity remains undeniable. In order for the system to persist, therefore, those in

power must minimize the contact of those on death row from others, both within and without the prison.

Conclusion

Foucault offers one interpretation of the development of the modern prison system. Although he died before the implementation of supermax, we conjecture that supermax is an extreme form of the carceral process, the efforts of the reformers through the enlightenment and into modernity to "punish better." One primary method of control in this "better" system is the panoptic gaze, which asserts power over the body through observation. We argue, however, that the soul, the "prison" of the flesh, cannot be observed. The soul, in fact, has the capacity to escape from the confines of supermax via "tripping," the act of self-hypnotically escaping from the cell into a far more pleasant world accessible through memory and imagination. The offenders take up power they find internally, in the face of, and against, the panoptic gaze of the system. Additionally, the system maintains the condemned away from outside observation, perhaps for its own sake, because if outsiders experienced the humanity of the condemned, the entire system would need to change.

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