



## Tricks of Logic and Constellations of Time

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What follows will be filled with tricks. Not to be tricky per se, nor excessively clever, but to think about tricks of thought, as they might lead us into traps, or as they might help us think our way out of them.

For example, I believe it is something of a trick that assumes *the prison* to be an institution “belonging to” democracy. It is not uncommon to come across this coupling, since we know prisons developed into their modern form in a time frame parallel to the emergence of modern democratic states. But the trick here lies in confusing *democracy* (a mode of rule and its contestation) for the *state* (institutions, documents and infrastructures of rule). States may conform to a liberal- or social-democratic model, or may be organized in a manner more or less conducive to supporting democracy, but a state cannot, in and of itself, *be democracy*, let alone desire it. The state institutes an ordering and distribution of power, structures of hierarchy and thresholds of inclusion and exclusion; whereas democracy is the pursuit to alter the fixity of that state of affairs. The prison is but one apparatus at the state’s disposal for maintaining and naturalizing that state of affairs, and thus contradicts the very logic of democratic progression — having more to do with managing the effects of failures and deficiencies of democracy and concealing its calculated subversion.<sup>1</sup>

A trick in the other direction: *Let’s say you go to prison*. If this takes place within the United States, you will be banned from voting — unless you live in Maine or Vermont, the two states which do allow prisoners to vote. Once released from prison and designated an “ex-felon,” you will remain banned from voting while on probation or parole in at least 38 states, and in 13 of those states, you will be banned for the rest of your natural life.<sup>2</sup>

Had your status as an ex-felon been assigned in Florida, then in the 2000 presidential election you would have experienced a confluence between *political policy* and *political history*. The state kept 600,000 ex-felons from participating in the election, along with another 200,000 who were held in prisons, the majority of whom, if allowed to vote, would most likely have voted for Al Gore and could have swung the election decisively.<sup>3</sup>

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<sup>1</sup> Here I am relying in part upon Jacques Rancière’s notion of democracy as argued in his “10 Theses on Politics”: “The ‘freedom’ of a people that constitutes the axiom of democracy has as its real content the rupture of the axioms of domination... Democracy is the institution of politics — the institution of both its subject and its mode of relating.”

<sup>2</sup> See <http://www.sentencingproject.org/RightToVote.aspx>

<sup>3</sup> See “Democratic Contraction: Political Consequences of Felon Disenfranchisement in the United States,” published in the *American Sociological Review*, Vol. 67, Dec., 2003.



As you experienced this intersection between political policy and a future to come, you would simultaneously have experienced a link with a past: with the period following the 1870 ratification of the 15th Amendment to the United States' Constitution, which states, "The right of citizens of the United States to vote shall not be denied or abridged by the United States or by any State on account of race, color, or previous condition of servitude." Within years of this "democratization" of voting, 80% of U.S. states would have "felony" or "criminal disenfranchisement" laws passed — the very same which today ban over 5 million citizens from voting.<sup>4</sup> These medieval laws were adopted, along with a variety of poll taxes, literacy tests (and unofficial, white-supremacist terrorism), specifically to keep newly enfranchised African Americans from exercising their right to vote.

In other words, following the extension of universal voting rights to all *men*<sup>5</sup> — which we can understand as a gesture to redistribute power by undoing a structure of exclusion — new laws were appropriated creatively to preserve the monopoly of political rule and economy that had already existed, accomplishing the exclusions necessary to this monopoly but by other *logics*. With the previous *logic of exclusion* having been biological, the same racial contents would now express themselves through selective logics of economic status, culture, lawfulness and danger.<sup>6</sup>

Following this genealogy of your disenfranchisement further, jump 90 years into the future, where these newer strategies of exclusion would be significantly challenged by the Civil Rights Acts of 1960 and 1964, and the Voting Rights Act of 1965. Despite their undoing of a century worth of new structures of exclusion, they reaffirmed your coming disenfranchisement by failing to address the key, post-Jim Crowe technology of racial control: *criminalization*.

This trick, criminalization, works well. It is one of the most effective for rulers to use in dividing ruled populations against one another so that they don't unify against *how or by whom* they are being ruled. It is the most simple way to malign would-be "freedom-fighters" and to disrupt the continuities of trust that bind organization and activism. Whether that means turning people against one another in violence and competition over scarce resources, or conversely, leaving people with too much, atomized in comfort and full of fear towards others, it keeps the fight as one among individuals, preventing the formation of collective political identifications and analyses of power.

In the post-Civil Rights era, criminalization has become the container of legitimacy into which so many previous forms of racial control are concealed. This can be seen in the 740% growth of the prison system since 1970 with a 75% majority of people of color, as the prison has all but replaced welfare state institutions in "managing" the devastation of

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<sup>4</sup> See "Losing the Vote: Felony Disenfranchisement Laws in the United States" (1998), report by The Sentencing Project and Human Rights Watch.

<sup>5</sup> Women were, with few exceptions, still banned from voting until 1920 and the 19th Amendment.

<sup>6</sup> For an excellent analysis of this history, see Clyde Woods, *Development Arrested: The Blues and Plantation Power in the Mississippi Delta*



Neo-Liberal economics upon working-class and poor communities. And in this time, just as this constellation of pasts converged in your individual disenfranchisement from the 2000 election, there are additional ways that imprisonment impacts democracy.

For instance, odds are that you would have come from a community in which many people go to prison,<sup>7</sup> one plagued by a constant uprooting and relocation of bodies and minds. This disrupts the continuity of family life, economic cooperation, local political discourse, knowledge and identity, while undermining the trust among neighbors that would otherwise make a community potentially powerful. Furthermore, you become one vote removed from your district and one more body to be counted in the prison town during redistricting and gerrymandering battles (note that the communities where prisoners come from are typically counted as Democratic, whereas the communities where prisons exist are typically counted as Republican<sup>8</sup>). More fundamental than elections however, the power to realize democracy depends upon the internal organization and strength of a community to force a redistribution of power. Mass imprisonment undermines this absolutely, and prisons help make such subversion possible.

But returning to the trick I offered — positioning you, the reader as the protagonist of a history — I suspect you may be tiring of this by now. It may seem to distract from the real meat of the essay or seem a manipulation, playing upon your emotions rather than your reason. It may have meant different things to different people though, specifically with regard to whether the reader her or himself has actually been to prison. This complicates the exercise, and in a sense, makes it less of an exercise. Instead, it asks the reader to reconsider the text according to whom its addressee is presumed to be, pointing not to a hypothetical subject but a real person who will indeed read this, who has in reality spent part of their life in one or more prisons.

We might realize that all along, our universal reader (which a text must always presume) had been someone insulated from the risks, dangers and violences of prison, to whom the prisoner is but a literary figure, a philosophical problem or a legal category, thereby placing the actual or former prisoner outside the address of the text, like an eavesdropper to a conversation that is about them but without them as a participant. Asking the reader who has been to prison to be the primary interpreter of these propositions changes the stakes of the text, asking those who have not been to imagine (to the extent possible) coming to these questions from a position of dissonance, rupture and urgency.

Then we are better positioned to realize that each of us is in turn produced by and implicated in these same histories. Then we might ask whether this disposition toward exclusion has in fact been a coincidence of history, or whether it is

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<sup>7</sup> This can be seen in the work done by Laura Kurgan in the “Million Dollar Blocks” project, <http://www.100k.org/milliondollarblocks/million-dollar-blocks>

<sup>8</sup> See <http://www.prisonersofthecensus.org/>



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what composes our politics to begin with: the founding operation of a politics based upon exclusion, whose continuation and identity always requires the maintenance and securing of its thresholds. This is where the prison sits; it remains as it always has been, a key technology for the management of exclusion and insurrection; the brick and mortar analog of the army, police and law; the opposite of democracy.

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