*I affirm: Resolved- Rehabilitation ought to be valued above retribution in the United States criminal justice system.*

There is a split between our self-perceptions and the perceptions others have of our external selves. We can’t fully perceive the external self since we only have access to what is internally true of ourselves. There’s a gap in personal identity since we are not “transparent” to ourselves. There is no autonomous ego due to the existence of the subconscious, a subset of thought not available for manipulation. If the ego were autonomous, there would be no need for an external identity since we would have complete knowledge of ourselves; but the limitations of our perceptions of ourselves creates a rift in our identity that cannot be resolved internally; there must be something outside of the false concept of the autonomous ego that defines us without appealing to the requirement of self-knowledge. Stavrakakis 1:  
“*Lacan and the Political”,* Yannis Stavrakakis, Visiting Professor, Department of Government, University of Essex, 1999

Simply put, the Lacanian conception of subjectivity is called to remedy the shortcomings or ‘supplement’—this term is not used here in its strictest Derridean sense, although a deconstructionist flavour is not entirely absent— poststructuralism, social theory, cultural criticism, theory of ideology, etc. But isn’t such a move a reductionist move *par excellence?* Although our own approach, as it will be developed in the following chapters, is clearly located beyond a logic of supplementation, **it would be unfair to consider the Lacanian subject as the point of** an unacceptable **reduction.** **This would be the case only if** the **Lacanian** notion of **subjectivity was a** simple **reproduction of an essentialist subject**, of a subject articulated around a single positive essence which is **transparent to itself and** fully **representable in theoretical discourse. But this essentialist subject**, the subject of the humanist philosophical tradition, the Cartesian subject, or even the Marxist reductionist subject whose essence is identified with her or his class interests, is exactly what has to be questioned and has been questioned; it **cannot be part of the solution because it forms part of the initial problem.** The Lacanian subject is clearly located beyond such an essentialist, simplistic notion of subjectivity. Not only is Lacan ‘obviously the most distant from those who operate with essentialist categories or simplistic notions of psychic cause or origin’ (Barrett, 1991:107), but **the Lacanian subject is radically** opposing and **transcending** all **these tendencies without**, however, **throwing away** the baby together with the bath water, that is to say, **the *locus* of the subject** together with its essentialist formulations. For Lacan it is ‘true that the philosopher’s *cogito* is at the centre of the *mirage* that renders modern man so sure of being himself even in his uncertainties about himself’ (E: 165). But this essentialist fantasy, **reducing subjectivity to the conscious ego**, **cannot sustain itself any more**: ‘the myth of the unity of the personality, the myth of synthesis…all these types of organisation of the objective field constantly reveal cracks, tears and rents, negation of the facts and misrecognition of the most immediate experience’ (III:8). It is clear that the Freudian discovery of the unconscious, of an agency splitting the subject of this whole tradition, cannot be overlooked; it brings to the fore something that this tradition had to foreclose in order to sustain itself. As Lacan formulates it in the ‘Freudian Thing’, as a result of Freud’s discovery the very centre of the human being is no longer to be found at the place the humanist tradition had assigned to it (E: 114). It follows that, for Lacan, any project of **asserting the autonomy of this essentialist free ego is** equally **unacceptable**—which is not the same, of course, with promoting heteronomy as a general theoretical or political principle: ‘I designated that the discourse of freedom is essential to modern man insofar as he is structured by a certain conception of his own autonomy. I pointed out its fundamentally biased and incomplete, inexpressible, fragmentary, differentiated, and profoundly delusional character [which should not be confused with psychosis but, nevertheless, operates ‘in the same place’]’ (III:145). Lacan argues that Freud’s discovery of the unconscious is more radical than both the Copernican and the Darwinian revolutions in that they both left intact the belief in the identity between human subject and conscious ego. In his view, we owe to Freud the possibility of effecting a subversion of this conception of the subject. It is the subversion of the subject as *cogito* which, in fact, makes psychoanalysis possible (E: 296): psychoanalysis opposes ‘any philosophy issuing directly from the *cogito*’ (E: 1).2 But if Lacan dynamitises the essentialist conception of subjectivity, if he moves beyond the metaphysics of a conscious (present) subjectivity, what does he introduce in its place? (Because in opposition to poststructuralists who, in reality, eliminate the *locus* of the subject by reducing it to a set of subject positions, Lacan does introduce something.) **‘We are told that man is the measure of all things. But where is his own measure?** Is it to be found in himself?’ he asks in his first seminar (I:68). And the answer is no. **If there is an ‘essence’ in man it is not to be found at the level of** representation, in **his representation of himself. The subject is not some** sort of **psychological *substratum* that can be reduced to its own representation.**

During the mirror stage, the child looks in the mirror and sees its reflection, and it understands that the image is one of itself. However, there is a disconnect between the image we see in the mirror and how we can will that the image be brought under our control. The image in the mirror is something external to the infant; it knows that the image is one of itself, but it is not identical to how the infant thinks of itself. Thus, there needs to be something uniting what the infant sees with what the infant is. Stavrakakis 2:

In Lacan’s view, **the ego can only be described as a sedimentation of idealised images** which are **internalised during the** period Lacan names the **‘mirror stage’.** **Before this** phase **the self as** such, as **a unified whole**, **does not exist.** In the mirror stage, during the period from the sixth to the eighteenth month of the infant’s life,the **[F]ragmentation** experienced by the infant **is transformed into an affirmation of** its **bodily unity through the assumption of its image in the mirror.** This is how the infant acquires its first sense of unity and identity, a spatial imaginary identity. At first, the infant appears jubilant due to its success in integrating its fragmentation into an imaginary totality and unity. **Later on**, however, **the** joyousaffirmation of imaginary **unity is replaced by** a resurfacing of **the distance between this new unity and the continuing fragmentary**, uncoordinated **and lacking character of the infant’s** lived **experience of its real body.** Besides, the image in the mirror could never be identical to the infant since it is always of different size, it is inverted as all mirror images are, and, most importantly, it remains something alien—and thus fundamentally alienating: The fact is that the total form of the body by which the subject anticipates in a mirage the maturation of his powers is given to him only as a *Gestalt,* that is to say, in an exteriority in which this form is certainly more constituent than constituted, but in which it appears to him above all in a contrasting size *(un relief de stature)* that fixes it and in a symmetry that inverts it, in contrast with the turbulent movements that the subject feels are animating him. Thus, this *Gestalt*…by these two aspects of its appearance, symbolises the mental permanence of the I, at the same time as it prefigures its alienating destination. (E: 2) The ego, the image in which we recognise ourselves, is always an alien *alter* *ego:* we are ‘originally an inchoate collection of desires—there you have the true sense of the expression *fragmented body* [very well depicted, according to Lacan, in the art of Hieronymus Bosch]—and the initial synthesis of the ego is essentially an alter ego, it is alienated. The desiring human subject is constructed around a centre which is the other insofar as he gives the subject his unity’ (III:39). In this regard, the Lacanian theory of the mirror stage is probably one of the first instances in which the radical ex-centricity of human subjectivity is recognised within our cultural terrain. What is most important here is that in the mirror stage,the first jubilant moment is anticipating its own failure. **Any imaginary unity** based on the mirror stage **is founded on an irreducible gap: ‘the human being has a special relation with his own image—a relation of** gap, of **alienating tension’** (II:323). Unity in the imaginary is a result of captivation, of a power relation between the infant and its image. But this captivation, the anticipation of synthesis, can never eliminate the real uncoordination of the body of the infant, it can never erase the external and alienating character of its own foundation. **This ambiguity is never resolved.** One important consequence of this is that narcissism starts appearing in a different light, as constituting the basis of aggressive tension: the imaginary is clearly the prime source of aggressivity in human affairs.7 What characterises every narcissistic relation is its deep ‘ambiguity’ (III:92–3). The ambiguity of the imaginary is primarily due to the need to identify with something external, other, different, in order to acquire the basis of a self-unified identity. The implication is that the ‘reflecting specular image’ in imaginary relations, ‘always contains within itself an element of difference’: what is supposed to be ‘ours’ is itself a source of ‘alienation’. In that sense, ‘every purely imaginary equilibrium or balance with the other is always marked by a fundamental instability’ (Lacan in Wilden, 1968:481). **This alienating dimension of the ego**, the constitutive dependence of every imaginary identity on the alienating exteriority of a never fully internalised mirror image, **subverts the whole idea of a stable reconciled subjectivity based on the conception of the autonomous ego.** It is not surprising then that when Lacan discusses the idea of the autonomous ego in the ‘Freudian Thing’ it is enough for him to say ‘It is autonomous! That’s a good one!’ (E: 132).

This gives rise to the importance of symbolic language. If we knew exactly what we were, we would not need to be represented as something other than the world; but since the image is external to the ego, the image is something in the world that needs a representative symbol to establish its meaning in relation to other things in the world and, thus, meaning to us. When the infant learns what linguistic terms mean, he can confirm that these meanings unite his image with his ego, but from some external metric instead of internal reflection. Language needs to recognize that the symbolic represents a lack, not some concrete concept. We solidify our identity through the symbolic, but the language itself isn’t us. We allow the symbolic to define how we ought to view our identity and complete our inner unity between ego and image. Stavrakakis 3:

**If the imaginary**, the **field of** specular images, of **spatial unities** and totalised representations, **is** always **built on an illusion which is** ultimately **alienating for the child,** his or her **[their] only recourse is to turn to the symbolic** leve**l, seeking in language** a means to acquire **a stable identity. By submitting to the laws of language the child becomes a subject in language**, it inhabits language, **and hopes to gain an adequate representation through the world of words**: ‘the symbolic provides a form into which the subject is inserted at the level of his being. **It’s on this basis that the subject recognizes himself as being this or that’** (III:179). As Lacan puts it in his unpublished seminar on *Identification* (1961–2), the signifier determines the subject, the subject takes on a structure from it (seminar of 30 May 1962). In *The Four* *Fundamental Concepts of Psychoanalysis* this thesis is reiterated with clarity: ‘the subject is the subject of the signifier—determined by it’ (XI:67). The subject comes to being as long as it agrees to be represented by the signifier: ‘it is the symbolic order which is constitutive for the subject’ (II:29). In that sense, it depends on the signifier, it is located in a secondary position with respect to the signifier. This is what Lacan, in his seminar on Poe’s *Purloined* *Letter,* describes as the ‘pre-eminence of the signifier over the subject’ (1988:51). But instead of transgressing alienation in the direction of acquiring a solid identity, the subject of the signifier, the subject constituted on the basis of the acceptance of the laws of language, is uncovered as the subject of lack *par excellence.* Already this is indicative of the political relevance of the Lacanian category of the lacking subject. This lack can only be thought as a trace of the ineliminable act of power at the root of the formation of subjectivity, as the trace of an *ex nihilo* decision entailing the loss of certain possibilities or psychic states (the imaginary relation with the mother, for example) and the formation of new ones. As mentioned above, **the subject can only exist on the condition that it accepts the laws of the symbolic. It becomes an effect of the signifier.** In that sense it is a certain subordination, an exercise of power, that constitutes the condition of possibility for the constitution of subjectivity. Judith Butler is right when, in her recent book *The Psychic Life of Power,* she argues that there is no formation of subjectivity without subordination, the passionate attachment to those by whom she or he (the subject in question) is subordinated (Butler, 1997:7). It seems however that she remains within the limits of a somewhat traditional conceptualisation of power when she is personalising her account (those to whom we are subordinated are presumably our parents, especially during our early formative years). In Lacan, it is the signifier that is revealed as the *locus* of this power forming the subject: ‘power is coterminous with the logic of the signifier’ (Dyrberg, 1997:130). This power of the signifier cannot be reduced to the physical presence or the behaviour of the biological parents. As we shall shortly see, it is the Name-of-the-Father, the symbolic and not the real father, who is the agent of this power, the agent of symbolic Law. Obviously, this symbolic dimension of power is different from its imaginary dimension.12 Imaginary power is limited within a destructive game of rivalry between equals. Symbolic power, on the other hand, is based on the recognition of difference, and makes possible the institution of a certain order: the imaginary destruction of the other can be replaced by a coexistence by pact (Julien, 1994:55). The Other, the field of the symbolic, is the order of a Master and a Guarantor (seminar of 9 May 1962); coexistence is never a natural given but an effect of symbolic power. To this symbolic dimension of power we will return in a while; for the time being, and this is a prerequisite for any further elaboration of the symbolic dimension of power within the Lacanian problematic of subjectivity, let us concentrate on the Lacanian conception of the symbolic. Lacan’s radical decentrement of subjectivity with respect to the signifier depends on a particular understanding of this symbolic level, the register of the signifier, the big Other. This conception of the symbolic is developed through Lacan’s encounter with structural linguistics. It is to this encounter that we have to turn our attention now. To start with, we know that the main aim of Lacan’s return to Freud was to reinvigorate analytic theory by taking into account developments in the vanguard of the scientific thought of his age. He considered linguistics, as founded by Saussure—since Saussure ‘can truly be said to be the founder of modern linguistics’ (E: 125)—as the guide in such an enterprise, a role he would later assign to mathematics and topology:13 ‘Linguistics can serve as a guide here, since that is the role it plays in the vanguard of contemporary anthropology, and we cannot possibly remain indifferent to it’ (E: 73). Linguistics is of great importance for psychoanalysis for two main reasons. First of all, it can assist in the development of analytic theory, a development which depends, for Lacan, on its adequate formalisation: Psychoanalysis has played a role in the direction of modern subjectivity, and it cannot continue to sustain its role without bringing it into line with the movement in modern science that elucidates it. This is the problem of the grounding that must assure our discipline its place among the sciences: a problem of formalization, which, it must be admitted, has not got off to a very good start. (E: 72) And, of course, linguistics is suitable for this psychoanalytic reappropriation because analysis operates through language: psychoanalysts are ‘practitioners of the symbolic function’, and it would thus be astonishing if they should ‘turn away from probing deeper into it, to the extent of failing to recognize *(méconnâitre)* that it is this function that situates us at the heart of the movement that is now establishing a new order of the sciences’ (E: 72). Lacan’s advice ‘Read Saussure’ (E: 125) is furthermore legitimised by the fact that Freud himself saw language as the grounding of his discovery of the unconscious. Lacan’s argument is that Freud had anticipated Saussure since his main interest, from the time of *The Interpretation of Dreams* (1900) is not to articulate a psychology of dreams but to explore their elaboration, that is to say their linguistic structure (E: 259). Lacan makes very clear that what Freud presents as formations of the unconscious—jokes, dreams, symptoms—are nothing but the result of his ability to discern the primary *status* of language. Thus, Lacan’s strategy is to use modern linguistics in order to ‘recover’ the truth of the Freudian enterprise, a truth long lost for analytic theory. Is this, though, his sole motivation? There is no doubt that this is a two-way movement. By searching in Freud for a certain linguistic element, Lacan reconstructs Freud in a way influenced by modern linguistics. The strategic genius of Lacan’s move is that while interpreting Freud according to his view of modern linguistic theory he can also claim to recover the lost meaning of Freud.14 This is not to say that, for Lacan, psychoanalysis is reducible to linguistics. As we shall see, it is a particular reading of linguistic theory which can be made relevant for analytic theory. This is again a two-way movement. In other words, the linguistic insights which are of interest for psychoanalysis are already constructed and defined through a particular analytic reading of structural linguistics. What psychoanalysis discovers in linguistics becomes equivalent only to what linguistics can mean within a psychoanalytic framework. The nodal points of Lacanian theory emerge as the points that over-determine the specific terms of the relation between the two domains. Within this dialectic Lacan seems almost to be fulfilling Saussure’s own thesis that psychology will determine the proper use of semiology, although in a way that Saussure was certainly in no position to foresee. In *Encore* (1972–3) it becomes clear that, in Lacan’s schema, Saussure’s *langue* is effectively substituted by Lacan’s *lalangue,* that Lacan’s linguistic insights do not really belong to linguistics but institute a separate terrain of *linguistérie:* ‘The fact that I say *(Mon dire)* that the unconscious is structured like a language is not part and parcel of the field of linguistics’ (XX:15).15 Lacan starts his exploration of structural linguistics with the founding stone of modern linguistics, the concept of the sign. For Saussure, **language is a formal system which is constructed on the basis of pure difference**: ‘In the language itself there are only differences’ (Saussure, 1983:118). **The content of a word is not determined by what it contains but by what exists outside it.** The value of a concept is purely differential: concepts are defined negatively by contrast with other items in the same linguistic system (Saussure, 1983:115). Accordingly, defining one unit demands taking into account the whole structure of language, a structure that classical structuralism accepts as a closed system—this closure will later on be disputed and deconstructed by poststructuralism. But Saussure retains the concept of difference as applicable only to the levels of the signifier (the ‘sound pattern’) and the signified (the ‘concept’) when viewed independently from one another. Viewed together they produce something positive: the sign. Lacan is not keen in retaining this isomorphism characteristic of the Saussurean schema. In that he is in agreement with developments in linguistics towards a greater formalism; he seems to be in touch, for example, with the theoretical progress from Saussure to Jakobson and Hjelmslev: if all language is form and not substance and if an isomorphism exists between these two levels, then it becomes very difficult to differentiate them without reintroducing some conception of substance. If, for Saussure, isomorphism functioned as a trap, Lacan is clear from the beginning that there is no isomorphism between the two domains, that of the signifier and that of the signified. Their relation is not a relation of two equivalent levels. There is, however, one more problem with the Saussurean schema beyond the form/substance relation in its strict sense. Saussure, despite his efforts to avoid such a development, appears to be reintroducing a representationalist conception of signification. In Saussure, the distinction between signifier and signified can be described as ‘a relic, within a theory allergic to it, of a representationalist problematic of the sign’ (Borch-Jacobsen, 1991:175). It is clear that Lacan’s reformulation of Saussurean linguistics moves beyond any such kind of representationalism. Lacan articulates a refined position which seems to take into account the critique of the Saussurean idea of the arbitrariness of the sign. For Saussure, **arbitrariness is a defining characteristic of the relation between signifier and signified, a relation which is conceived as alien to any kind of natural connection.** It is this idea of the absence of any natural connection that puzzles Benveniste. If by signified we mean the concept and not the referent (as Saussure was keen to point out from the beginning) then what is the meaning of Saussure’s statement that there is no natural connection between the two domains? Why would one think something like that? It is clear that the argument is falsified by an unconscious and surreptitious recourse to a third term which was not included in the initial definition. This third term is the thing itself, reality. Even though Saussure said that the idea of ‘sister’ is connected to the signifier *s-ö-r,* he was not thinking any the less of the *reality* of the notion. When he spoke of the difference between *b-ö-f* and *o-k-s,* he was referring in spite of himself to the fact that these two terms applied to the same *reality.* Here, then, is the *thing,* expressly excluded at first from the definition of the sign, now creeping into it by detour, and permanently installing a contradiction there. (Benveniste, 1966:44) This contradiction is never resolved in Saussure’s work, since the problem of external reality is never elaborated in length. There is a certain realist representationalism still haunting Saussure’s work or some of its many applications:16 between the lines it seems to be presupposed that the signified precedes the emergence of the signifier which is there only in order to express and communicate it; meaning springs from the signified to the signifier (Barthes, 1990); language is conceived as standing in for or as being identical with the real world (Coward and Ellis, 1977:47). As Derrida has put it, in such a schema, **not only do signifier and signified** seem to **unite, but** in this confusion, **the signifier seems** to be erased or **to become transparent so as to let the concept** [a concept **linked to external reality] present *itself****,* just as if it were referring to nothing but its own presence. (Derrida, 1981:32–3) For Lacan, **a theory of meaning founded on** a recourse to some kind of referent, to **a[n]** supposedly accessible order of **objective reality, is** clearly **insufficient.**

There is no static conception of identity, only identifications. We know which identifications are wrong; those that preclude individual self-realization and impose stigmas and labels inconsistent with or obstructive to self-conscious evaluation of oneself. Identification in politics should be reflections of the unity between outer perceptions and the individual’s internal understanding of the self. Stavrakakis 4:

What are the implications of the constitutive alienation in the imaginary and the symbolic for a theory of subjective identity? **The fullness of identity that the subject is seeking is impossible both in the imaginary and in the symbolic level.** The subject is doomed to symbolise in order to constitute her- or himself as such, but **this symbolisation cannot capture the totality and singularity of the real body**, the close-circuit of the drives. Symbolisation, that is to say **[T]he pursuit of identity** itself, **introduces lack and makes identity ultimately impossible.** For even the idea of identity to become possible its ultimate impossibility has to be instituted. **Identity is possible only as a failed identity; it remains desirable exactly because it is essentially impossible.** It is this constitutive impossibility that, by making full identity impossible, makes identification possible, if not necessary. Thus, it is rather misleading to speak of identities within a Lacanian framework. **What we have is only attempts to construct a stable identity**, either on the imaginary or the symbolic level, **through the image or the signifier.** The subject of lack emerges due to the failure of all these attempts. What we have then, if we want to be precise and accurate, is not identities but identifications, a series of failed identifications or rather a play between identification and its failure, a deeply political play.The concept of identification becomes crucial then for any understanding of the Lacanian conception of subjectivity; it was already crucial in Freudian theory. In Freud, identification emerges as a concept of major importance as it refers to the mechanism through which subjectivity is constituted. Identification refers to the ‘psychological process whereby the subject assimilates an aspect, property or attribute of the other and is transformed, wholly or partially, after the model the other provides. It is by means of a series of identifications that the personality is constituted and specified’ (Laplanche and Pontalis, 1988:205). What Lacan adds to this picture is two qualifications. First of all the distinction between imaginary and symbolic identification, which clarifies a lot of ambiguities in Freud’s account, and, second, the important emphasis on the idea that identification cannot result in a stable subjective identity: The ontic horizon of identification is that of ultimate failure; its ontological horizon that of impossibility.19 Yet this is not, strictly speaking, a failure of identification, but a failure of identity, that is to say a failure to achieve identity through identification. It is, however, this same impossibility to achieve identity (substance) that makes identification (process) constitutive. **This is** not only **true for** the life of the child but for **the life of the adult as well, something which reveals the relevance** of the concept **of identification for social and political analysis.** **Since the objects of identification** in adult life **include political ideologies and other socially constructed objects, the process of identification is revealed as constitutive of socio-political life.** It is not identity which is constitutive but identification as such; instead of identity politics we should speak of identification politics.

Thus, language symbols indicate what we don’t understand about ourselves—namely, how our image is a reflection of the ego. The use of language completes the individual identity by affirming that the ego we have influences the image we want to have and what this image means to the rest of the objects in the world. By using a symbolic term to isolate us from the rest of the world, we know that our image is projected externally and exists as something notably different from everything else. Symbolic representation is corrupt when the symbol strays from what the subject understands itself as being or imposes totalizing and inaccurate notions of being upon the subject.

The standard is RESISTING HEGEMONIC DISCOURSES OF TOTALIZATION.

The discourse of criminality inherent to the criminal justice system creates a false dichotomy between those who are “innocent” and those who are “guilty”. This rhetorical structure of the criminal justice system perpetuates institutionalized forms of racism by monitoring and criminalizing the very existence of minorities. Criminality is the means by which those in power justify their anger and hatred towards minorities as “just punishment”. Bervera:  
Xochitl Bervera, 9/29/7, “The Justice That Jena Demands,” Dissent Voice, former Soros Justice Fellow working with Grassroots Leadership to implement southern strategies for radical criminal justice reform, co-director of Families and Friends of Louisiana’s Incarcerated Children

Of course **we must relentlessly** and persistently **demand justice** for the Jena 6. But we must demand justice, not only in the form of dropping the charges against these specific youth, but **in the systematic** and thorough **rooting out of racism from all wings of the criminal justice system**s across the United States of America. Justice in Jena requires justice for all the others as well — for all those who have suffered (and some who have died) silently behind bars and for their families who have fought without benefit of TV cameras and news reporters. It requires understanding that we will not, we cannot achieve racial justice in this country if we do not fight against the criminal justice system, not just in individual instances, but in its institutionalized, systemic form. If we do not understand this — and understand it deeply — then this newly discovered energy, this tidal wave of outrage, this beautiful, intergenerational protesting isn’t going to mean a damn thing past next week’s news. **Justice** in Jena **requires** all of **us** across the country **to rise up against the** racism and **exploitation of the criminal justice system** in all the places where we’ve come to see it and grown to accept it whether that’s allowing for an abysmal public defender office in your county or turning away **when you see a police officer trample the rights, and** perhaps **the body, of a fellow citizen. We must cast off** once and for all, **the** fundamental **lie that the system has anything to do with** criminals or **justice or public safety**. We must not back down, as so many movements have, when we are “crime-baited,” accused of defending rapists and murderers, accused of defending crime itself. **We must not make excuses for some parts of the system while protesting others.** Similar to opposing the war, the whole war, and not simply certain battles or certain strategies, **we must oppose the system in its entirety.** We must dismiss, once and for all, the urge to discuss what’s wrong with the system — what’s broken and needs to be fixed. There is nothing broken in this system. In fact, usually (when it is not disrupted by 50,000 protestors), it is quite efficient at doing precisely what it was created to do. In the Deep South, **the criminal justice system** as we know it **was built** after the abolition of slavery, **as part of the terror machine which destroyed the** briefly federally protected **Reconstruction era**. Without nuance or subtlety, **the system was created by wealthy,** land owning **whites to keep Blacks “in line,**” on the plantation, and working for next to nothing. Thanks to the Thirteenth Amendment which abolished slavery “except as a punishment for crime,” **laws** and codes **were invented that criminalized the very existence of Black people,** police were hired to “enforce” those laws, and courts were mandated to send these newly created “criminals” to jail, or better yet, to be leased out to the very plantation owners they had been “freed” from just months before. **The “justice” that was once meted out by slave owners** who were “masters” of their property, **was now taken care of by the law**. **The word “slave” was replaced by the word “criminal.”** And yet, even with this history known, the stigma of criminality has remained so strong that our own movements have turned their backs on this issue over the years. Too many of our movements today want to dismiss, minimize, or overlook the necessity for a racial justice movement to prioritize organizing around criminal justice. Too often, our members meet others — even those who should be allies — who hold the entrenched belief that if a child is in prison, he must be “bad,” he must have done something wrong. Even in progressive circles, organizations prefer to focus on the school children who need an education, the families who want affordable housing, the victims of street violence and drive-by shootings. These people are portrayed as “innocent” and deserving while currently and formerly incarcerated people are “guilty” — of something. Of course, it’s a false dichotomy. Everyone knows that the same communities, the same people, who are most impacted by violence, the lack of health care, education, and housing are those most brutally impacted by policing and prisons. But the idea of **the dichotomy has been essential to maintaining the stigma which justifies the system**. And it’s been a handy and effective tool to explain away a great deal of racial injustice in this country. In Jena, when asked about the incident which led to the arrests of the Jena 6, a white librarian confidently explained to the NPR reporter, “It’s not about race. It’s about crime.” **Crime — the ultimate proxy for race, the ultimate justification for racism**.

US policymakers attempt to exploit and criminalize the existence of minorities for capital gain. Davis:  
Masked Racism: Reflections on the Prison Industrial Complex, by Angela Davis, September 10 1998 http://colorlines.com/archives/1998/09/masked\_racism\_reflections\_on\_the\_prison\_industrial\_complex.html

Imprisonment has become the response of first resort to far too many of the **social problems** that burden people who are ensconced in poverty. These problems often **are veiled by being conveniently grouped together under the category “crime” and by the automatic attribution of criminal behavior to people of color.** Homelessness, unemployment, drug addiction, mental illness, and illiteracy are only a few of the problems that disappear from public view when the human beings contending with them are relegated to cages. Prisons thus perform a feat of magic. Or rather the people who continually vote in new prison bonds and tacitly assent to a proliferating network of prisons and jails have been tricked into believing in the magic of imprisonment. But **prisons do not disappear problems, they disappear human beings.** **And the practice of disappearing vast numbers of people from poor, immigrant, and racially marginalized communities has literally become big business.** The seeming effortlessness of magic always conceals an enormous amount of behind-the-scenes work. When prisons disappear human beings in order to convey the illusion of solving social problems, penal infrastructures must be created to accommodate a rapidly swelling population of caged people. Goods and services must be provided to keep imprisoned populations alive. Sometimes these populations must be kept busy and at other times — particularly in repressive super-maximum prisons and in INS detention centers — they must be deprived of virtually all meaningful activity. Vast numbers of handcuffed and shackled people are moved across state borders as they are transferred from one state or federal prison to another. All this work, which used to be the primary province of government, is now also performed by private corporations, whose links to government in the field of what is euphemistically called “corrections” resonate dangerously with the military industrial complex. The dividends that accrue from investment in the punishment industry, like those that accrue from investment in weapons production, only amount to social destruction. Taking into account the structural similarities and profitability of business-government linkages in the realms of military production and public punishment, the expanding penal system can now be characterized as a “prison industrial complex.” Almost two million people are currently locked up in the immense network of U.S. prisons and jails. **More than 70 percent of the imprisoned population are people of color.** It is rarely acknowledged that **[T]he fastest growing group of prisoners are black women** and that Native American prisoners are the largest group per capita. Approximately five million people — including those on probation and parole — are directly under the surveillance of the criminal justice system. Three decades ago, the imprisoned population was approximately one-eighth its current size. While women still constitute a relatively small percentage of people behind bars, today the number of incarcerated women in California alone is almost twice what the nationwide women’s prison population was in 1970. According to Elliott Currie, “[t]he prison has become a looming presence in our society to an extent unparalleled in our history — or that of any other industrial democracy. Short of major wars, mass incarceration has been the most thoroughly implemented government social program of our time.” **To deliver up bodies destined for profitable punishment, the political economy of prisons 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. Colored bodies constitute the main human raw material in this vast experiment to disappear the major social problems of our time. Once the aura of magic is stripped away from the imprisonment solution, what is revealed is racism, class bias, and the parasitic seduction of capitalist profit.** The prison industrial system materially and morally impoverishes its inhabitants and devours the social wealth needed to address the very problems that have led to spiraling numbers of prisoners.

Their representations of the criminal conflate the criminal with enemy, a disease in society that must be eradicated. We must investigate the way these individuals are discursively represented to break down violent dichotomies. Hutton:  
Christopher M. Hutton, 2000, “Cultural and conceptual relativism, universalism and the politics of linguistics,” professor in Department of English at the University of Hong Kong

One aspect of General **Semantics is** **scrutiny of labels such as ethnic designations or social categories. If we say that John is a criminal we** seem to **label John absolutely, although John may have many other attributes** (John is a father, John is 39 years old, John is nice to animals, etc.). **By using the word criminal, we link murderers and violent bank-robbers with less serious forms of crime, and construct an identity rather than applying a contingent label**. A General Semanticist would prefer to say John committed a crime or John committed the crime of theft rather than simply label John as a criminal. General **Semantics** therefore **has links to** twentieth century **critiques of political propaganda and media language, with their scrutiny of rhetorical devices** such as personification (Clinton is bombing Saddam Hussein), depersonification (e.g. talking of the enemy's war-machine), etc. Terms such as "collateral damage" with a history of use from the Vietnam war to the present are condemned as euphemistic; legal jargon and advertising slogans are analyzed; dichotomies are deconstructed. This form of critical analysis has been practiced by linguists such as George Lakoff who are also -- broadly speaking -- in the Whorfian tradition. The critique relies on an implicit sense of there being a level of abstraction appropriate for the context, and a possibility of a corrective to the bias introduced by metaphor (Lakoff 1991: 8): **"Reality exists. So does the unconscious system of metaphors that we use without awareness to comprehend reality.** [Ö] Because of the pervasiveness of metaphor in thought, we cannot always stick to discussions of reality in purely literal terms."

Only rehabilitation promotes the enfranchisement of criminal defendants. Rotman:  
Edgardo Rotman “Do Criminal Offenders Have a Constitutional Right to Rehabilitation?” The Journal of Criminal Law and Criminology, Vol. 44, No. 4 (Winter 1986). pp. 1023 – 1068

The humanistic model of **rehabilitation affirms** the concept of **prison inmates as possessors of rights[,].** This legal status **generates feelings of self-worth[,]** and trust in the legal system **and favors the possibility of self-command** and responsible action within society. **This** conception ultimately **leads rehabilitative efforts toward the paradigm of the inmate as a full-fledged citizen.'" The prisoners' legal status reinforces their** eventual **participation in** the shaping and governing of **society. Thus, prisoners' rights can be qualified,** using Ely's terminology, **as representation-reinforcing.** **This continuum of rights culminates in the right to rehabilitation,** which can be formulated as **the right to an opportunity to return to society with an improved chance of** being a useful citizen and of **staying out of prison.** This right requires not only education and therapy, but also a non-destructive prison environment and, when possible, less-restrictive alternatives to incarceration. **The right to rehabilitation is consistent with** the drive towards **the full restoration of the civil and political rights of citizenship** after release.

I recognize that rehabilitation includes its own set of norms, but those norms aren’t aimed at the perpetual attempt to disappear the “chaotic minority” from society. Harsh retributive sentences are a reflection of society’s desire to transform disorder into a peaceful Utopian fantasy by silencing and manipulating the existence of millions of people. Rehabilitation policies that promote reincorporation try to reduce crime, but not trick society into believing that the problem has disappeared. Only rehabilitation recognizes the perpetual existence of the threat instead of pretending prison magically cures society’s ills.

The racist discourse of exclusion has only one conclusion—the perpetual effort to exterminate the group. Stavrakakis 5:

In order to realise the problematic character of the utopian operation it is necessary to articulate a genealogy of this way of representing and making sense of the world. The work of Norman Cohn seems especially designed to serve this purpose. What is most important is that in Cohn’s schema we can encounter the[re are] three basic characteristics of **utopian fantasies** that we have already singled out: first, their **link to instances of disorder, to the element of negativity. Since human experience is a** continuous **battle with the unexpected** **there is always a need to represent and master this unexpected, to transform disorder to order.** Second, **this representation is** usually **articulated as a** total and **universal representation, a promise of absolute mastery** of the totality of the real, a vision of the end of history. **A future utopian state is envisaged in which disorder will be totally eliminated.** Third, **[T]his symbolisation produces its own remainder; there is always a** certain **particularity** remaining **outside the universal schema.** It is to the existence of this evil agent, which can be easily localised, that all persisting disorder is attributed. **The elimination of disorder depends** then **on the elimination of this group. The result is always horrible: persecution, massacres, holocausts.** Needless to say, no utopian fantasy is ever realised as a result of all these ‘crimes’—as mentioned in Chapter 2, **the purpose of fantasy is not to satisfy an (impossible) desire but to constitute it as such.** What is of great interest for our approach is the way in which Cohn himself articulates a genealogy of the pair utopia/demonisation in his books The Pursuit of the Millennium and Europe’s Inner Demons (Cohn, 1993b, 1993c). The same applies to his book Warrant for **Genocide** (Cohn, 1996) which will also be implicated at a certain stage in our analysis. These books are concerned with the same social phenomenon, **the idea of purifying humanity through the extermination of** some category of **human beings** which are **conceived as agents of** corruption, **disorder and evil.** The contexts are, of course, different, but the urge remains the same (Cohn, 1993b:xi). All these works then, at least according to my reading, are concerned with the production of an archenemy which goes together with the utopian mentality.