



360 DEGREES: PERSPECTIVES ON THE U.S.
CRIMINAL JUSTICE SYSTEM
Documentary, Method & the Law
By Ashley Hunt

“Formerly, architects were mainly concerned with solving the problem of how to make the spectacle of an event, an action, of a single individual accessible to the greatest possible number of people... Currently, the fundamental problem confronting modern architecture is the opposite. What is wanted is to arrange that the greatest possible number of persons is offered as a spectacle to a single individual charged with their surveillance.”

- Nicolaus Heinrich Julius, *Lessons on the Prisons* (1828)

“[The prison conveys] ‘This is what society is. You can’t criticize me since I only do what you do every day...So I am innocent. I’m only the expression of a social consensus.’”

- Michel Foucault, “Truth and Juridical Forms”

What can Documentary have to do with Criminal Justice?

Much has been made of the 360 DEGREES website previously, as an innovative example of new documentary that both exploits emerging technology and tells the stories of a range of U.S. prisoners. But aside from its ability to show what a documentary might look like on the web or how much it might captivate viewers with portraits of individuals, how does it succeed in relation to its avowed purpose: by making visible the condition of over-incarceration in the U.S. today, *to stimulate, through the use of media, social change?* And in order to frame that question, I will present another to which we’ll return throughout this article: what does documentary have to do with (criminal) justice?

This last question will color our insights into the 360 DEGREES website, but moreover, enable us to move outward from its example; to agitate our assumptions and expectations of documentary, documentary forms, and question what type of knowledge they give us; not only in what they convey but what they demand of us as viewers. And by comparing



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how methods of documentary and criminal prosecution both organize their subjects and their claim to ‘truth’ — through identification, examination, by mediating between “individuals” and “systems” — how then can documentary intervene in a system like criminal justice? Can it distinguish itself from the varied and dispersed technologies of the criminal justice system? Can documentary *take place*, be an action?

Today’s cable television and “reality-based” programs make it abundantly clear that documentary is not simply “non-fiction film.” The main engine of this new non-fiction work features our society’s favorite spectacle: the spectacle of criminal justice, the exercise of the authority of law. But this is only ‘new’ to television, as shows like *COPS* are part of a long lineage of spectacles that convert criminal justice functions into spectacle in order to extend legitimacy and social control further into society, and only recently have they begun to look like documentaries.

I would argue that *360 DEGREES* marks an important departure from the bulk of such work, distinguishing itself as documentary not because of its formal appearance or its non-fiction content, but because of its methodology: the methods it employs for organizing its content into a representation of the world, one that claims knowledge of the world. Perhaps because it was inspired by the avenues, parameters and expectations of the internet rather than those of cinema, the architecture of *360 DEGREES* privileges space over time in a way that demands a different kind of viewer, and privileges context over characters so as to present a more complex, constructed and ultimately changeable face of the reality it claims to represent.

SITE

360 DEGREES: PERSPECTIVES OF THE U.S. CRIMINAL JUSTICE SYSTEM is a web-based documentary project that, in its critique of the U.S. Criminal Justice System, points us as well to our fundamental understandings of what documentary is. Created by artists Alison Cornyn and Sue Johnson, co-directors of Picture Projects in New York, the website works through a combination of informational approaches.

Officially released in 2000, the response to the project has been successful and varied, from both documentary communities to criminal justice communities, experts and students. It is continually in development, adding new portraits of prisoners, posting new information, studies, and developing new types of interactions.

The project was inspired by the 1997 book, *The Real War on Crime*, which revealed the growing contradiction between the realities of prison, crime and criminal justice, and their representations by government and the media. Wanting to counter such misrepresentation, the website addresses a state of massive incarceration in the U.S., an unprecedented period of growth (650%) over the past thirty years, and aims clarify the public perception that has both produced it and has been induced to support it.

Cornyn comes from a background in interdisciplinary art practice and Johnson from documentary photography. They met during their graduate studies in New York University's Interactive Telecommunications Program, and this is the third in a body of successful on-line documentaries addressing issues of social and political justice.

Johnson and Cornyn highlight a few qualities of the internet which were instrumental for such a counter-representation. The primary qualities are those of networking and feedback, as they've tried to formulate their representation within what they call a "transactional space." They also emphasize the potential for a non-hierarchical organization of information, which they exploit through the website's architecture.

Largely, this is due to the spatial organization of the web, as opposed to the temporal organization of cinema; it allows their project to appear more than a simple lens onto reality; addressing instead a wide range of information and knowledge that together produce public opinion.

For within documentary, as in all representations, meaning is always contingent upon a broader field of media and information that exists outside of itself — rich in struggle, mediations and influence. Unquestioned, this field is reinforced, appearing self-evident, natural or invisible. This problem is acute within the current bulk of work addressing criminal justice, which, as common to the practice of law, fascinates itself with spectacle and polemics of guilt and innocence, virtue and vice, legal and illegal, but rarely looks outside their own frame to question the construction of such concepts as law, justice or criminality, constructions which will ultimately determine all of our outcomes.

Method: Space & Interactivity

Spatial Architecture: Resisting Polemics

The polemic often leaves this broader field of information ignored or repressed. Much as the lens of a camera can hide what lies just outside its frame as if it had never been there — including the presence of the photographer — the polemic limits our possibilities to the narrow pathway between its two poles. A polemic can serve as a strategy, an entry point or example, and although traditional structures of storytelling often rely upon them, orchestrating conflict between characters, events and choices (to which we shall return later), an object which claims knowledge of reality (such as documentary) has a responsibility to exceed the limits of its own frame or "story."

360 DEGREES resists dwelling within this type of polemic through its own structural



John's Room Panoramic Photo © Sue Johnson/ Picture Projects

innovation, by exploiting the spatial qualities of the internet and bringing a challenge to our general sense of documentary (cinematic) form.

The website is divided into five main sections: *Stories*, *Dynamic Data*, *Timeline*, *Resources* and *Dialogue*. This form incorporates the visitor into a different time-space: one of juxtaposition rather than montage, of interface rather than exposition, of user rather than viewer, the narrative 'becoming' rather than 'being,' tracing out a map of the user's own interaction and navigation rather than strict identification-conflict-rising action-resolution.

Each section provides different information, builds upon that of the other spaces and encourages different interaction; no one section appears comprehensive or complete by itself.

Often, the primary attention paid to the project focuses on one of its five main sections, the *Stories* section. Because it presents portraits of people, the *Stories* section comes closest to what we generally think of as documentary: portraits, comprised of audio interviews with prisoners, victims, family members and prison workers, accompanied by images of the spaces the interviewees occupy daily. But we must not mistaken this section to be the "documentary part" of the site, as if the other sections were merely support for it, like footnotes or appendixes that may matter or may not.

Instead, Cornyn acknowledges that the stories are in part an entry point to the rest of the site for those who might otherwise not be interested. Similarly, I would argue that the remaining sections and the structure that holds them in tension give the site its true strength, the depth of its representation and its character as documentary:

The *Timeline* section is a history of criminal justice systems and the prison in western culture, reaching back to the seventh century, AD. With paragraph-long essays and thumbnail size images of period illustrations, paintings or photographs which can be moved between interactively, its construction and mere presence reveal what the logic of criminal justice and law try most desperately to conceal: that they are constructed, not natural; that they are rooted in questions of power, class struggle and identity (racism).

The *Dynamic Data* section brings the visitor's own 'self' further into the site, allowing

them to plug their own statistics into quizzes and their opinions into questionnaires. “Have you ever committed a felony or a misdemeanor: Find out if you’re a criminal”, “What’s your theory: Why do people break the law? How should we punish them?” Although the latter two questions already make “punishment” and the “law” seem natural, facilitating such responses from the viewer can shift that viewer’s relationship to the material.

The *Resources* section grows the information of the site out into the world, offering connections and hyperlinks to other websites, reference materials and archived radio shows, a corresponding teaching curriculum and a glossary of criminal justice terms. It is currently being enhanced to include a database of organizations doing criminal justice and prison work, as well as chartings of recent prison related census data.

The *Dialogue* section is considered by Cornyn to be the site’s most important part. A virtual–forum, facilitating discussion and debate between visitors, it performs that space in society through which public opinion is formed. It includes an on–line panel–discussion between criminal justice experts, a chat–based forum for all visitors, and a third element, the “Social Action Network.” The Social Action Network so far has featured a four way, on–line conversation which took place over two months, between college and GED students, community residents, gang members, former prisoners, corporate volunteers and legislators, to discuss and critique the state of the U.S. criminal justice system today.

From Viewer to Participant, from Story to Discourse

Spatial organization and interactivity exploit the potentials of the internet and documentary alike: to *activate* the viewer and convert them into a participant, a user. It doesn’t simply show a document of the world to wash over them, but provides bits of knowledge that appear to the user part of a discourse that they too are a part of.

This strategy exceeds the demands of typical non–fiction storytelling, of “narrativizing reality,” whereas faith in merely narrativizing the appearances that cameras and microphones capture can limit the story’s meaning to that which appears within the frame, beholden to our typical expectations of meaning. Activating the viewer and framing the stories as one way of knowing among others allows the information presented to escape being codified by the strict confines of narrative events, subordinated to the demands of storytelling.

Story Against the Archive

“Knowledge is always the historical and circumstantial result of conditions outside the domain of knowledge... Knowledge is always a misconception.”

- Michel Foucault, Truth and Juridical Forms

While it’s important not to focus on the Stories section as central or primary to the site, it is useful to consider how the stories are set against the rest of the site in order to think

more deeply about method. As with polemics, can the individual story relate to what might be outside that immediate representation, and what again does the individual story have to do with documentary and criminal justice alike? A way to push the distinction between the stories and the rest of the site might be to consider the stories examples of individual experience set against an “archive.”

We typically consider archives to be a physical store of information or knowledge — historical documents, artifacts, scholarly work, letters, papers, images — upon which the meaning of the things of today are based. Yet we can also consider an archive to be that range of information, assumptions, images and impressions that influence us from outside the immediate “frame” of a representation, whether their presence is acknowledged or forgotten, visible or hidden, conscious or unconscious. If the purpose of a project is to create a counter-representation, which is trying to convey a critical knowledge that is typically unavailable in hopes that it will stimulate social change, then are stories constructed to confirm, contradict or critique that archive? How do we approach that archive?

The Stories

Each story in 360 DEGREES functions as a portrait of one prisoner, presenting an interview with the given prisoner and four or five people who surround them in their life and punishment.

The most recent portrait they’ve added is of Ronald Frye, a man executed by the State of North Carolina on August 31st, 2001. Frye’s portrait contains his own interview, which is surrounded by interviews with his brother, his defense attorney, the sister of his victim, the warden of the prison that houses North Carolina’s death row, and another prisoner of that same death row.

The interviews are not integrated or montaged together but exist in simple juxtaposition. Upon entering a subject’s portrait, the viewer is shown a small constellation of icons — circular thumbnail photos of each interviewee arranged in a larger circle. This is the only image you will see of the subject.

When you click on a face, their thumbnail floats to the middle of the circle and their audio interview begins, accompanied by a QuickTime VR of their daily space: a prison cell, an attorney’s office, a living room, a warden’s office, etcetera. Cornyn outlines their intentions with the stories as being deliberately non-sensational, and working toward an “ethical identification.”

They selected subjects who would paint a complex image of prison, wanting to interview all that occupy that space and are affected by it. Therefore, they create an ethical space for subjects to speak from while showing contradictions — the contradictory relations within prison and punishment.

But while such contradiction is the stuff great stories are made of, the authors knew better than to leave it at that. Confronted with contradiction alone, we might remain distracted



Lawyer's Office Panoramic Photo © Sue Johnson/ Picture Projects

by these individuals, by the tragedy, the folly, impossibility or seeming inevitability of their contradictions without considering the social and political forces at work throughout, or a possibility of things being otherwise. That which is a problem of social and political systems becomes individualized: a matter of contradictions between individual subjects and their personal choices. We may be entertained, pick one subject we like, become indifferent, or ultimately, resign ourselves to ambivalence.

Ironically, this individualization of systemic social problems is common to much social-issue based documentary today, especially work on criminal justice. But what does this have to do with criminal justice?

Stories, Testimony and Law

If we ask the question, “How does a documentary come to know its subjects?” we see that it relies largely on a journalistic model: a perceived objectivity, evidence, and testimony. We can also recognize an affinity between this documentary model and the model of a trial and criminal prosecution.

Both assuming recourse to an idea of “truth,” they call upon testimony: the testimony of the suspect, the victim and eye-witnesses as primary evidence (in journalistic terms, “primary sources”); the testimony of family, friends, co-workers or experts as character witnesses (“secondary sources”); all to support the prosecutor’s case (“story” or “thesis”). The similarity between these models reveals a fine line between narrative identification and the State’s administering of criminal justice: its own method of “identification.”

For the sake of documentary’s claim to truth however, we remember that the trial is not by itself a means to achieve “justice.” The trial is merely a procedure, contingent upon a previously established body of knowledge — an archive of philosophies and beliefs about individual and collective rights, the role of the state and who will be the arbiters of justice. And yet this archive remains locked away, manifest in the word of the law, which maintains that it is self-evident, natural and unquestionable. Systems of power cannot be uttered; we have only the individual to examine.

Certainly, the documentary which does not break the limits of this same discourse of individualization, this method of examining individuals and representing the law as merely objective, a given, can find itself an extension of the criminal justice system rather than struggling to make it accountable. For in today’s context, where prisons are surging

with individuals whose individual punishment stands in as proxy for solving our larger social contradictions, the courtroom and the spectacle of the media work hand in hand. The war on crime and the war on drugs as we know them are media driven political movements which work by individualizing social problems – blaming addicts for the conditions that create mass addiction, blaming the thief for their need to steal, creating a cast of media-icons to blame as the “bad people” from whom bad things come.

Archive

It is within this underlying discourse, the archive of a given subject of representation, which we must have available to us and which is the burden of documentary. If the challenge is to avoid this process of individualization which is both a problem of journalism and of criminal justice, then documentary must challenge and struggle with the archive itself.

To better understand the relation of the archive to that of the law, we’ll turn briefly to the introduction of a 1994 lecture by Jacques Derrida, where he begins by excavating the word archive itself (“the archive of the archive”, he states).

Derrida points out that the word’s root, *arkhé*, means at once “commencement” and “commandment.” While commencement has the connotation of origin, a “natural” emergence or the ontological, commandment connotes the law, the nomological, the power to interpret and name.

Why confuse the natural with the named? He traces this word to its Greek root, *arkheion*, which means a house, “...the residence of the superior magistrates, the *archons*, those who commanded.” He continues, “The citizens who thus held and signified political power were considered to possess the right to make or to represent the law...It is at their home, in that place which is their house...that official documents are filed...They are ensured hermeneutic right and competence. They have the power to *interpret the archives*.” (Italics added)

We see here that the archives have to do with the power of interpretation, moving from the documents of history and culture to the word of law. This confusion of the natural and the named intends to *naturalize the law*, to keep the interpreted from seeming interpreted; eliminating contradiction, questioning, or the suggestion of other possibilities. In short, it enables power to force an interpretation of the world which makes their own power appear legitimate, and anyone else’s power illegitimate.

This understanding of the archive, interpretation and its relationship to power is essential to documentary. Especially in its relationship to work on criminal justice, it has great implications for how *documentary sees itself*, for as Derrida goes continues, “It is thus, in this *domiciliation*, in this house arrest, that archives take place.”

What does he mean by “archives take place?” While the pieces of the archives exist materially fixed, accessing them is always and only an act of interpretation. We might say that representation is an act stands at the mouth of Plato’s cave and interprets for the

others the shadows they see upon the wall. Documentary must strive not to simply interpret the shadows, but bring the others to the mouth of the cave — to get the hell out of the cave.

The qualities Cornyn and Johnson bring to a knowledge of the U.S. criminal justice system through 360 DEGREES can certainly work toward this goal, by activating the viewer into a participant, and agent who can see not only what knowledge is being offered to them, but can gain a better — more critical and active — sense of how to interpret that knowledge themselves.

360 DEGREES

If we look at the choice of name, “360 DEGREES,” it could mean a few things, and Cornyn and Johnson don’t insist on any one particular one.

The most obvious reference is to the QuickTime VR technology which provides the formal motif of the Stories section — the interactive, 360 degree, photographic panoramas of various spaces, which the viewer can move through with their computer mouse. It could also reveal an unspoken desire for the project to affect a “360 degree turn” in the policies which have generated the U.S. prison boom, ending its condition of massive incarceration. Some refer it to the physical view from a central tower of Jeremy Bentham’s Panopticon model of architecture, its circularity mirrored by the QuickTime VRs.

But perhaps Bentham’s Panopticon can be applied less literally, if we take the Nicolaus Heinrich Julius quote from the beginning of this article, a man who anticipated Bentham’s designs, he states “...to arrange that the greatest possible number of persons is offered as a spectacle to a single individual charged with their surveillance.” Most appropriate might be to reverse this statement, whereas 360 DEGREES presents a model that can make the ‘greatest amount of the criminal justice system and its archive available to the greatest number of people in charge with the surveillance of that system.’

The possibilities I’ve drawn from 360 DEGREES: PERSPECTIVES OF THE U.S. CRIMINAL JUSTICE SYSTEM are not of course limited to works which deal with the historical or with archival material, nor to projects which deal with criminal justice or which base themselves on the internet. It is a way of thinking for documentarians, storytellers and audiences alike; a method of approach to any subject, re-presented through any medium. The archive not need always appear so overtly either, but can be intervened in subtly, implicitly.

In the end, an assessment of a site like 360 DEGREES that a reviewer would expect to give could only fall short. What I have attempted here is more of a critical engagement with the site, working outward from it. The value and efficacy of the site will always be determined each time it is encountered by a new visitor.