Introduction

College inside prison creates new choices, new and alternative ways of being, that lie between the extremes of compliance and disobedience, between resistance and surrender.

Sandy-haired Peter Bay sat across from me, silent and stiff, his face purged of expression. The flatness of his gaze offered no clue as to what he wanted to say or how much he felt was at stake. He was a white, working-class man in his mid-thirties who had dropped out of school in the ninth grade and had completed the high-school equivalency exam in prison.

He and I and the other interviewer sat face to face at the admissions interviews for the college we represented. We sat in a clinical, brightly lit classroom near the back of the hundred-acre, maximum-security prison compound. The tinny acoustics made each spoken exchange feel distant, although we sat directly across from each other on either side of a small table. Mr Bay had applied in each of the two previous years and had been rejected both times. He was in pursuit of something he wanted deeply, in an environment starved of opportunity. This was his third application in as many years, and it was not going well.

Like many applicants, Mr Bay had worked his way from prison to prison across the state specifically to get himself to a location where he could apply to the college. For, although our college had built six different satellite campuses in prison, these were almost the only such places left after Congress eliminated college from America’s prisons in the mid-1990s. Many men sweat heavily when writing their timed application essays, and
later, when they sit for their interview. They search, with little clue, for what they think “the college” wants to hear, and grapple with how honest to be about their ambitions, misgivings, and suspicions. Despite operating under such extraordinarily difficult conditions, most applicants speak profusely, generating a lively exchange in their interview with the college representative they’re meeting, almost always for the first time.

Mr Bay, however, barely spoke. He didn’t sweat, he didn’t confront, and he certainly didn’t try to charm. His mouth was parched, and he tried to moisten his lips repeatedly without success. He spoke in heavy, awkward measures as if his words were being dislodged one at a time. When he did speak, I heard a mid-Atlantic, working-class white accent with a colonial-era twang that sounded a lot like that of my mother, who had grown up in a post-industrial shipping district along the Delaware River. As he halted and censored himself throughout the interview, he made, for the third year in a row, a very unconvincing case for admission.

His stillness suggested an intense effort at self-control. I knew his face as well as his application file from the previous two years. Once again he was among a hundred men competing for fifteen spots in the incoming class of Bard College inside the Eastern Correctional Facility, a maximum-security prison in upstate New York, an hour’s drive from the Bard campus. Yet again he had written a lackluster—in fact, a barely competent—essay and, although among the forty to be chosen for an interview, he was once again on track to be denied.

A huge floor fan whirred deafeningly in the far corner, drowning out our voices but barely moving the stale, heavy air. Noises from the prison yard ricocheted in through the armored windows and rattled around the bare walls and tiled floor.

He took a breath.

“I have never—” he broke off—“I have never wanted anything like this before.” I waited for more, but that was all.
“Mr Bay,” I said. “It is clear that you want this and it matters a lot to us that you do. We pay no attention to GED scores, and try to disregard the familiar battery of diagnoses about student deficits. Desire and seriousness of purpose mean a lot. We don’t want to waste an opportunity that’s precious on someone who doesn’t really give a damn, on someone not really committed to doing the work.” I continued, “Your sincerity, the strength of your desire can carry you a long way. This college is really hard, and most people might not have your kind of determination to manage, to forge ahead with the work, to confront their own limitations and put up with ours. . . .”

From Bay, more silence, not dead, but rather faltering.

I could talk a bit more, I thought, giving him time to collect his thoughts under the cover of someone else’s chatter. I continued.

“But wanting it really badly can’t be—or let’s say it isn’t, in our case—all that we consider. Let’s assume many guys want it badly, and that all of them are more or less sincere. We can’t get too hung up on our own impressions of sincerity—least of all in here, under these conditions. But it does matter greatly that someone will make the most of the opportunity, and will find something in common in their ambitions and ours.”

Bay nodded, listening. I hoped it was obvious that I was trying above all to buy him time.

“Look,” I said, “people can simply write their way into the college—just on the strength of their essay alone. That’s because reading those texts, the prompts we give—the Du Bois, the Tocqueville, the Adrienne Rich—whatever—reading them and writing those essays in response to them—that sort of thing actually stands pretty well for a lot of what we actually do in the college.”

Now he was looking at me, listening rather than struggling for his own words.

“Mr Bay, I don’t want you to walk out of this interview and feel that there were things you had wanted to say but forgot under the pressure. We have plenty of time.”
We did not, of course. There were rooms up and down the prison hallway full of people waiting to interview.

“Your essay, Peter, as you probably kind of know, showed that you might be able to do that sort of work. That’s why—well, frankly, that’s why you keep getting interviews. This is your third, isn’t it?”

“My second,” he said. “Two years ago I didn’t get an interview.”

I paused and let him continue; he seemed not to be searching for the right words, but to be silencing those that came to mind.

“Well, your essays show it, Mr Bay, but you’re not offering us much beyond that. Writing like that, reading like it—it’s a very difficult thing to do—it’s a practice—by which I mean it’s a habit and a skill that has to be acquired. A beautiful one—you’ll enjoy it eventually. What you do with your mind, and your heart, when you really read someone else; what it takes to move your thoughts and feelings into writing... none of that is ‘natural,’ it doesn’t come naturally. You have to learn how to do it.” I paused. “Your essay has promise, it has gotten you an interview—”

“The last two times,” he added, a smile mixing self-criticism and accusation. Surely there was much he might justifiably say to accuse us of being inscrutable in our demands, opaque in our preferences, capricious in our decisions. I waited, hoping he might say more.

“Obviously,” I added thoughtlessly, defensively, “spaces in the college are scarce—”

And I was the one to interrupt myself this time. It’s cowardly when people in any authority invoke scarcity to justify their actions. I was going to form a judgment and make a decision, both of which would be my own. And I had to own up, along with my colleagues, to the shortcomings of our admissions process. We were committed to keeping each incoming cohort small enough so as to engage them with the level of academic rigor and individualized study that is typical of a college like Bard. Of course, if “scarcity” were truly a first principle, we wouldn’t be sitting there
in a maximum-security prison trying to run a first-rate liberal arts college with students who could never afford to pay, and with no public financial support whatsoever. Scarcity is the beginning of justice, David Hume had said, and I always felt that to be wrong. Very concise, very intuitive, and very wrong.

I tried again. “Mr Bay, the group of us that read the essay—there’s a whole crew of us on campus, faculty, staff, etc., as you know . . . each of us reads each of these essays. Five people read a hundred, sometimes two hundred essays, ranking them in private, discussing them around the table. It’s quite a chore; though it can be fun and is always, once or twice a year, inspiring. Anyway, we can usually agree on four, maybe five that seem really ready, or really promising, or obviously worth the risk. We ask ourselves, Are they reading the text? Do they understand it? Can they pay attention, really, to the words of the author before them? Do they write something that is insightful or attentive? Can they write a solid sentence? A paragraph? Is there a composition here? That sort of thing.

“But really,” I said, “beyond four or five essays—out of say a hundred—beyond that, there’s a lot of guesswork. But we’ve decided to replicate the process of getting into a high-quality, selective college—so as not to create something in the prison that’s so completely different from how it works ‘out there,’ on the main campus. And that’s also why we have these interviews. The point here is to give applicants an extra chance to say something relevant, interesting, insightful, something of their own. About the text maybe. About college. About reading, or even the jails. God knows it can be easier to talk than to write.”

He nodded gravely.

I was repeating things I’d heard myself say a hundred times before. Bay tried to moisten his lips. I resisted looking up at the clock, or down at my wrist. We were out of time.

“Right,” I went on, “So we understand that the college may be a mystery to you. You haven’t been to one before; you got your GED inside. That’s fine. Coming to college is supposed to be a
discovery.” I cringed hearing this. I had run out of things to say, but I went on. “Finding out what it is, and how it might matter to you, how it might be or become important to certain parts of you.”

He nodded slightly, listening intently, and waited.

“Why this, Mr Bay? Why the college?”

“They,” he broke in, “they have…” and he stopped.

“Look, Peter. I don’t work here. I and the other faculty are here as guests of the Department of Corrections, and we try to be the best guests possible. But our employer is the college, and our calling comes as teachers and scholars, and during admissions we’re here in search of new students. Speak your mind.”

“They have their own ideas of rehabilitation,” he said.

I looked at him and raised my eyebrows in invitation.

“Who are ‘they’? I asked.

“Yes,” Bay answered, licking his dry lips to no effect, speaking slowly. “I can see why you would ask me that. It sounds like I mean the whole world when I say that.”

And for an instant, a real smile seemed to break out across his face.

“By ‘they’ I mean the people here, who run this place. The COs—the correctional officers—the civilian staff.”

For what seemed like the first time that morning, Bay was listening to himself and imagining how he sounded to somebody else, he was imagining me as a listener. He was not merely “self-conscious” and self-censoring, but more than that, he was thinking in a way oriented outward, to me, to the college.

He continued. “I suppose when I say ‘they’ it’s a way of referring not just to this or that person, but to ‘the system.’” He made the gesture for scare-quotes.

“You know, Mr Bay, I always ask who ‘they’ are. Once a student laughed at me and answered: ‘Well, when I was growing up, ‘they’ was everybody beyond 55th and Flatbush.’ And so I asked him ‘So, who is it now?’ And he grew sober and said, ‘The prison.’”
We paused there for a moment, and then I spoke again.

“What we take for granted is revealing. I listen to myself—I keep an ear out—for whenever I myself use the word ‘they’—and I always learn something about what it was I was thinking, what I was taking for granted, when I said it.”

Bay nodded, but his smile disappeared, and he added gravely, “You can tell where a man thinks he is. Where he thinks he can go,” he paused, “and where he thinks he can’t.”

I looked at him expectantly, waiting for more.

“Our sense of the boundaries . . . the limits between ‘us’ and ‘them,’” he went on.

“Why do you use the scare quotes, Mr Bay?” I asked, making the gesture with my fingers in the air as I spoke. His decision to do that interested me greatly, but he seemed to ignore the question.

“What we feel lies within our control,” he went on, “and not.”

I nodded. “It may be worth noting too,” I offered, “that there’s always a hypothesis, inside our minds, an implicit theory, about who ‘they’ are and what ‘their’ motives, powers, and interests are.”

He nodded, as if waiting to hear more. I said nothing.

Bay added: “Our use of the word says as much about us as it does about ‘them.’”

I frowned, with my eyebrows raised, as a sign of appreciation. I quite liked that idea. Then there was a long silence again, and he gave no sign of going on. I tried to pick up an earlier thread.

“You were saying that they have their own ideas of rehabilitation?”

“You’re expected to be obedient,” he went on, “not just to conform only, I mean not just to, you know, follow the basic rules of living in society, to try and make yourself a better person (whatever they think that means, I mean I have my own ideas, very much so)—but . . .”

He trailed off and then resumed.
“I want it to be about living different, finding out how in the hell you can live different, for the first time in your life . . . find . . . who you should be. But . . .”

“But?”

“Too often it just becomes about someone trying to get you, to force you, to do what they say.”

For the first time it was easy to look at him, and I in turn felt easier having him look at me, sitting in front of him as a representative of the college, deciding on admissions without embarrassment.

“It’s not about anything in here,” he went on. “It seems to me . . . It’s just about humiliation. It’s not corrections—that’s what they call it. ‘Corrections.’ It’s not—” he broke off and fell silent, his thin lips immobile again, and cold. I guessed that the missing word he had halted at was “rehabilitation.” He seemed not to want to say it, to use it to describe what went on in there.

I tried to appear neutral, for I agreed with him perhaps too much.

“That’s what it means to them.” He started again, stopped, and resumed. “I know. I need—to change.” He stopped again. “My life. The college. Can be different.”

He put the pieces out there, and then he strung it together. “It’s a different way. Not their way. Something else. I know I need it. Of course I do. Look at me. Look at what I’ve made of everything. But I could do that. It could be a way for me. I know it could.”

I said nothing.

“I have never pursued anything like this before,” he said. “Never put myself out there for . . . for something I really wanted. Nothing has ever mattered to me like this.”

Bay fell silent.

He had come full circle and we were out of time.

I later learned that Bay was incarcerated since his early twenties for what seemed, based on the record, a nonviolent and
mid-level crime. He’d already served a long bid for that kind of charge. I assume that his case, like that of so many others, involved a plea bargain or, more accurately, his refusal to bargain. And so the book, as they say, had been thrown at him. It is ironic that one reason American justice is so harsh is because it’s so democratic—or at least populist. One of the most democratic features of our system is the breadth of discretionary power given to locally elected prosecutors—district attorneys—who channel popular passion and opinion directly into the administration of the criminal law. We don’t have a civil service of professional prosecutors, with expertise in cost-benefit analysis or risk management, insulated from the daily tides of popular opinion. It’s telling that the only true tribunes of the people we have in our political system are the prosecutors who run the front end of our systems of punishment.

At the level of daily life in prison, Bay seemed prepared to submit to the basic rules and codes of behavior. If not, he would have been moved out of a relatively peaceful prison like Eastern to somewhere harsher, or more rigid, and with fewer programs, typically farther upstate. But Bay had been telling me that he was not prepared to fully submit to the inner logic of the prison or the morality that he thought animated many of its demands. He desired a change for himself, but at the same time he opposed many features of the moral machinery charged with his “correction.” Its discourse of rehabilitation and its practices of correction seemed to him to threaten, rather than facilitate, his own desire for change.

I believe that students who apply to the college inside realize that an effort like BPI is in fact a collaboration, often a very close one, between the college and some of the prison’s staff and leadership. Indeed, resentment of this collaboration may keep many people in prison from ever applying. Bay was no doubt aware of the cooperation between the two institutions, but he was even more drawn to the gulf that he sensed between them. I understood him to be saying that to enroll in the college was not merely
to fight against the system, but to transform his daily life into a struggle that could be won here and now, and that served the purposes about which he felt most strongly.

In an instant, Bay had clarified for me what for years I had only intuited: that the college is important in part because it presents definitions of participation and modes of conformity that differed from those of the prison. In the broadest view, this is why I feel the college inside the prison is an important political space, with implications for the nation at large, even as we work to reduce our generation’s overuse of prisons. I have also come to learn, from a vantage point so different from his, that many professionals and officials within corrections think that it is entirely within the public mission of prison systems to cultivate, inside prisons, alternative ways of being, with alternative modes of discipline, dignity, and respect.

Bay spoke to me of this with yearning, and articulated a clear understanding of the work that I myself had long sought. His initial vagueness, his struggle for clarity, suggested that he was being drawn toward something unlike anything he had known before. As I understood it, his sense was that by getting himself into the college he would join in a rigorous discipline that he himself would help create; that in the college he might find the way to participate in a system without giving in to it. This means to join with others, perhaps for the first time, in building something vulnerable but resilient, and something that can only be made, and understood, in common.

Later that day we admitted Mr Bay to the college.

When I was a student of constitutional law I learned a lesson that for me is a bridge to the political significance of establishing an independent liberal arts college inside a prison. Victor Osiatynski is a Polish human rights lawyer who was involved in writing a new constitution for his country after Poland gained its independence from the Soviet Union in 1989. I met him
while I was in law school at the University of Chicago, where he was a regular visiting professor. Short, with a round belly and rosy cheeks, he wore a gold signet ring set with a tiny ruby on his pinky finger. The theme of Victor’s seminar was the question: “What defines constitutional government?” and he had a surprising answer. It is not, he argued, the separation of powers, or a rule of laws not persons, or any of the things we were used to being taught.

“Rather,” Victor argued, “constitutionalism is that form of politics that creates as many options as possible that are neither submission nor rebellion. A constitutional regime takes these two points and opens up a space between them, as wide a space as possible. This implies,” Victor concluded, “that tyranny collapses the range of differences, leaving people with a frightening but quite simple choice: you either transgress, or you obey.”

For me, this is the primary significance of what Peter Bay said when he was applying to study with Bard at Eastern. He sought a way forward, through the institutions of punishment, not to avoid his own responsibilities in life, but rather to embrace them with dignity. This, too, says much about the dramas played out by so many others represented in the pages that follow.

I’ve come to believe that much of what BPI does—as a liberal arts college—is to open up these spaces where the range of what is appropriate is broadened. There, our urges to praise, to condemn, or to solve a problem are deferred, and as a result, judgment flourishes by becoming more complex and more self-conscious. With Victor’s reasoning about constitutional regimes in mind, and the highest regard for the republican roots of America’s own political culture, this form of learning and socializing takes on additional significance in the landscape of the prison. It is one reason why, as discussed in depth below, the liberal arts education is actually in no need of alteration when it is taken up inside such a setting: the contrast it presents to the tendencies of the governing institutional regime are already pervasive and profound.
If there’s any element of truth in this characterization of the college, then it resembles the sort of practice my old teacher of constitutionalism was talking about, where the proliferation of questions, challenges, and revisions is not conceived as rebellion, but as a form of participation and respect. In lieu of compliance, or obedience, one is called to contribute to the creation of a larger, common institution, the college, by way of the cultivation and embellishment of the self.

It is a way of engaging and confronting the authorities that we encounter in the world around us, and those that we hear—and interrogate—within ourselves.

To read more of Daniel Karpowitz's 'College in Prison: Reading in an Age of Mass Incarceration,' visit the Rutgers University Press website: http://www.rutgersuniversitypress.org/college-in-prison/9780813584126