

MYTH, MYSTIFICATION, AND THE DIALECTIC OF THE SCAPEGOAT:  
RHETORICAL TRANSFORMATIONS IN MUMIA ABU-JAMAL'S LIVE FROM  
DEATH ROW

by  
Jessica Kathelene Fifield

A thesis submitted to the faculty of the University of North Carolina at Chapel Hill in partial fulfillment of the requirements for the degree of Master of Arts in the Department of Communication Studies.

Chapel Hill  
2006

Approved by  
Advisor: Carole Blair  
Reader: V. William Balthrop  
Reader: Della Pollock

© 2006  
Jessica Kathelene Fifield

## ABSTRACT

Jessica Kathelene Fifield: Myth, Mystification, and the Dialectic of the Scapegoat:

Rhetorical Transformations in Mumia Abu-Jamal's Live from Death Row

(Under the direction of Dr. Carole Blair)

This essay explores rhetorical transformations in Mumia Abu-Jamal's Live from Death Row that function to expose and contest social inequalities. Pentadic analysis is used to explicate the transformation of scene into agency and illuminate *justice* as both a motive term and a cultural myth. The essay extends Burke's argument that the establishment of a scapegoat represents one form of mystification, and examines how the dialectic of the scapegoat functions to demystify *justice*. By shifting justice from an ultimate term into the dialectic, Mumia challenges rhetorics of dehumanization that are (re)produced in discursive and ritual practices of legal, judicial, and penal institutions and transforms understandings of death penalty politics and practice.

## DEDICATION

For Tsoai—your story, spirit, and strength inspire me.

## ACKNOWLEDGEMENTS

I am honored to recognize my committee members, Dr. Carole Blair, Dr. V. William Balthrop, and Dr. Della Pollock, for excellence in teaching and dedicated mentorship; to the faculty, staff, and graduate students at the University of Carolina, Chapel Hill, for intellectual community and loving friendship; to the faculty and staff at the California State University, Sacramento Communication Studies Department and the McNair Scholars Program, for preparing me for this journey; to my family, who number to many to name, for faith and love; finally, to Makaila and Jonathan for making Carolina home.

Don't tell me about the valley of the shadow of death. I live there. In south-central Pennsylvania's Huntingdon County a one-hundred-year-old prison stands, its Gothic towers projecting an air of foreboding, evoking a gloomy mood of the Dark Ages. I and some seventy-eight other men spend about twenty-two hours a day in six- by ten-foot cells. The additional two hours may be spent outdoors, in a chain-link-fenced box, ringed by concertina razor wire, under the gaze of gun turrets. Welcome to Pennsylvania's death row. (Abu-Jamal, Live xvii)

In 1982, Mumia Abu-Jamal was convicted of killing a Philadelphia police officer and sentenced to death. During the past two decades his case has drawn widespread attention from individuals, media outlets, and civil and human rights organizations.<sup>1</sup> Mumia emerged as a public figure during the eleven years preceding his trial when he worked in Philadelphia as a journalist and political activist who challenged the policies and practices of various governmental agencies, including the Philadelphia Police Department (Abu-Jamal, Live 214-215). In the time since his incarceration, Mumia has continued to report on and criticize the politics of race, class, corruption, power, and imprisonment through written and spoken commentaries.

In early 1995, Mumia published his first book, Live from Death Row, a comprehensive collection of forty essays addressing both the particularities of his case and systemic manifestations of injustice in various aspects of the criminal justice system. In the spring of 1995 Mumia was confronted with a signed death warrant (Burroughs 13). However, by August of 1995 Mumia had been granted a stay of execution. The judge in the case "said he granted the stay 'not on the merits of the defendant's motion,' but because higher courts would not have had enough time to review the case before the execution" ("The

Abu-Jamal Case” 20). Others have suggested that the stay of execution was due, at least in part, to the protesters who rallied in response to Mumia’s publications, including Live from Death Row, and public commentaries, many of which were disseminated via the internet. The combined effect of the protests and commentaries was to increase public awareness about the case and create national and international pressure for a new trial (Abu-Jamal “Mother” 27; Pogorzelski 47). As of the writing of this paper Mumia still sits on death row and is in the process of appealing his case in several jurisdictions. Although Mumia has not yet secured a new trial, his ability to narrowly escape two signed death warrants in twenty years suggests that he has been able to speak efficaciously from a place where state control is almost always ubiquitous and unyielding.

Despite the prominence of Mumia’s case, his written and spoken works, and the various movements and organizations that have called for his re-trial or even unconditional release, there has been limited scholarly inquiry. In a review of Live from Death Row, Gesualdi recommends Mumia’s “moving and powerful book for anyone interested in criminal justice (and injustice) and race relations in our nation” (47). The body of work that addresses (directly or tangentially) Mumia’s case or works has tended to focus on Mumia’s indictments of the criminal justice system and/or the particular injustices that are manifest in the case (including the arrest, trial, appeals, and practice(s) of imprisonment). Mumia’s case and works have been analyzed using a socio-historical perspective,<sup>2</sup> performance and activist framework,<sup>3</sup> and generic approach.<sup>4</sup> Although Mumia’s writings have drawn scholarly attention across the academy, the rhetorical force and functions of particular texts have not yet emerged as the focus of inquiry.

Now is an opportune time for scholars to engage Mumia in a critical conversation that addresses his public and influential works, such as Live from Death Row. Such a conversation offers the benefit of better understanding political possibilities in the contemporary moment—a moment that has been marked by three significant anniversaries. First, 2005 marked the ten year anniversary of the publication of Live from Death Row, a book that defied attempts to silence Mumia and prevent him from speaking out about the injustices that he sees as foundational to the U.S. criminal justice system, and which come to be enacted in the daily lives of death row inmates. Second, 2005 also marked the ten year anniversary of Mumia’s first stay of execution. These first two events, as noted earlier in the paper, are often seen as having a corollary, if not causal, relationship. Mumia foreshadows the third significant anniversary when he writes, “There is a quickening on the nation’s death rows of late—a picking up of the pace of the march toward death” (Live 19). Last year, the United States carried out its 1000<sup>th</sup> execution since the 1976 reinstatement of the death penalty, much to the dismay of an international community that has increasingly adopted an abolitionist stance.<sup>5</sup> In the contemporary moment, when executions are being carried out en masse in the United States, it is timely to explore texts, such as Live from Death Row that contest, challenge, and even transform our understandings of death penalty politics and practice.

Mumia’s book situates everyday practices of incarceration, dehumanization, and death within both the socio-historical and contemporary contexts out of which they emerge and flourish, calling into question the very notion of criminal justice. When I speak here of dehumanization, I refer to a complex set of practices that are premised on removing all traces of humanity. This begins by denying a familial name to those accused of crime and instead

are re-named as the accused, the defendant, the criminal, the inmate, and eventually another notch in the belt of justice. Dehumanization is continued in the denial of sentience; prisoners are held as captive subjects with little else to do but witness the prolonged drama of their own death. The death row inmate, alive in the biological sense, is always moving towards death; over time the embodied performance of life on death row is one of not-not-dead. Moreover, prison policies combine with internal and external geographic isolation to sever all connections to other human beings.<sup>6</sup> Dehumanization in this context isn't merely a case of treating someone as less than human. Instead, it is a process that first erodes all bridges to beings outside one's self. Absent these human relationships it is difficult to locate one's own self as belonging to humanity. The crisis point of dehumanization occurs when the prisoner not only ceases to be visible to the outside world, but in fact can no longer recognize himself.<sup>7</sup> It is at this crisis point that the not-not-human emerges. This is perhaps the most disturbing aspect of this type of dehumanization. The ambiguity of the not-not often works to bind the prisoner in a no-place of unrecognizability, somewhere between human and inhuman; this is the way station towards the obliteration of humanity achieved in execution. Examining the socio-cultural and historical conditions that produce this ritual of dehumanization can at best capture a trace of the illusion that Mumia is attempting to break apart. Although it is useful to know the history of the socio-cultural formation out of which these practices arise, it is essential to seek out critical tools and language that can address the rhetorical work of Live from Death Row, as well as its transformative possibilities.

This essay then will speak through the grammar offered by Kenneth Burke, using his formative question, "What is involved, when we say what people are doing and why they were doing it" as a starting point for inquiry (Grammar xv). The theoretical frame for this

essay is set in motion by Kenneth Burke's pentad as a way of both engaging and analyzing this text. Early application of the pentad generates two critical questions that are pursued in this essay; *what are the rhetorical possibilities for transforming death row into a site of agency?*; *how does Mumia turn back rhetorics and practices of dehumanization in order to counter the myth of "justice"?* Through the process of grappling with these questions, this essay further contributes to an understanding of the utility of Burke's pentad, myth, mystification, and dialectic for reading rhetorical possibility in Mumia's Live from Death Row, as well as the critical value in a reading of Mumia's book for underscoring critical possibilities in Burke.

#### About the Text

Many works that take up the machinery of capital punishment in its various forms focus on statistical accounts, "expert" analysis, legal theories, and quasi moral-ethical imperatives. However, Live from Death Row presents the reader with a series of forty short essays that emerge not only in response to death row conditions, but also from within those very conditions, thereby violating both generic and auteur conventions.<sup>8</sup> The essays are not arranged chronologically, nor do they form a linear narrative. Instead, they are unevenly divided into three topical sections: "Life on Death Row," "Crime and Punishment," and "Musings, Memories, and Prophecies." These sections are preceded by an introduction and afterward, each written by members of Mumia's legal team, as well as a series of acknowledgements and a preface offered by Mumia.

The structuring of the book suggests that the reader engage the essays in the order they appear as thematically aligned units. Readers who respond to this arrangement (as mapped out in the table of contents that designates Part One, Part Two, and Part Three)

encounter a series of acknowledgements and a preface written by Mumia, followed by the introduction written by his then lawyer, John Edgar Wideman. The acknowledgments locate the book and its author within a much broader context of social relations and histories. The preface, which reads very much like a radio broadcast—“From death row, this is Mumia Abu-Jamal” (xxi)—, introduces us to Pennsylvania’s death row as the intentional site of the essays which we will be reading. Furthermore, the introduction offers readers relevant contextual information, as well as a reading of Live from Death Row as a narrative that counters normative storytelling modes and accepted cultural myths that pertain to *freedom* and *justice*.

From this point, the reader is led through the sections of essays. The first section offers a depiction of the day-to-day existence of death row inmates. It further gives accounts of various instances of humiliation, degradation, and physical violence enacted on inmates bodies—disproportionately so on black inmates. In the first essay of the book, “Teetering on the Brink Between Life and Death,” Mumia brings readers into the prison yard, echoing what is for him a familiar refrain—“Yard in!” which is used to mark the movement “from cell to cage” (3-4). Mumia narrates the exchange between guards and prisoners:

“Yard in!” the white-shirt yells, sparking murmurs of resentment among the men. “Yard in?! Shit, man, we just got out here!” The guards adopt a cajoling, rather than threatening, attitude. “C’mon, fellas—yard in, yard in. Ya know we can’t leave y’uns out here when it gits ta thunderin’ an’ lightnin’.” “Oh why not? Y’all ‘fraid we gonna get ourself electrocuted?” a prisoner asks. “Ain’t that a bitch?” another adds. “They must be afraid that if we do get electrocuted by lightnin’, they won’t have no jobs and won’t get paid!” (4)

This passage points at the ritual drama that plays out in a system that attempts to masquerade as protection, rather than reveal itself as control.<sup>9</sup> Moreover, the exchange performatively enacts the complex web of power and economics of death row. Other essays in this section

rely on a similar style, weaving first person, present tense narration and dramatic dialogue, thereby presenting readers with the daily drama of life on death row.<sup>10</sup>

This dynamic is further illustrated in the essay “On Death Row: Fade to Black.”

Mumia writes:

Maintenance and construction staff...erected a number of steel, cyclone fenced boxes, which strikingly resemble dog runs or pet pens....The first day after completion of the cages, death cases, all free of any disciplinary infractions, were marched out to the pens for daily exercise outdoors. Only when the cages were full did full recognition dawn that all the caged men were African. Where were the white cons of death row? A few moments of silent observation proved the obvious. The death row block offered direct access to two yards: one composed of cages, the other ‘free’ space, water fountains, full-court basketball space and hoops, and an area for running. The cages were for the blacks on death row. The open yards were for the whites on the row. The blacks, due to racist insensitivity and sheer hatred, were condemned to awaiting death in indignity. The event provided an excellent view in microcosm, of the mentality of the criminal system of injustice, suffused by the toxin of racism. (33-34)

The first-person narrative and dramatic moments are complemented by descriptive analysis that critiques the justice system. The essays of Part One witness to the readers, exposing the ways humiliation, violence, and degradation are infused in every aspect of life on death row, resulting in what Mumia repeatedly labels “the criminal system of injustice” (34).

Part Two of the book focuses on the legal institutions that support and maintain death row and the dehumanizing conditions laid out in Part One. The section opens with an essay entitled “Human Waste Camps,” that explores the proliferation of control units, “where the barest illusion of human rehabilitation is stripped from the mission, to be replaced by dehumanization by design” (90). Later in “Skeleton Bay,” Mumia describes the special housing unit at Pelican Bay (a California prison) as the “lower depths [of hell], where nearly thirteen hundred men are consigned to a state program of torture and governmental terrorism” (100). The essays in this section analyze and critique the legal mechanisms that

support capital punishment. Furthermore, they draw out contradictions and reversals in case law, as well as the inherent contradictions that emerge within a system of “corrections” that denies inmates access to means to better themselves (including education). In “A Bill that is a Crime” Mumia writes, For prisoners, the crime bill outlaws knowledge, because it prohibits government funds for college courses... How any member of Congress can, in good faith, reason that human ignorance fights crime or protects society is beyond comprehension (129). In this essay, and throughout Part Two, Mumia cites court cases, opinions, and legislation to both illuminate and critique juridical and legal discourses. In “No Law, No Rights” he argues that “words like ‘justice,’ ‘law,’ ‘civil rights,’ and, yes, ‘crime’ have different and elastic meanings depending on whose rights were violated, who committed what crimes against whom, and whether one works for the system or against it” (105). Mumia tells readers that, “The solution is not in the courts but in an awake, aware people” (102).

Part Three explores other iterations of injustices, linking events such as the raid on the Branch Davidian compound in Waco, Texas to the bombing of MOVE offices in Philadelphia. Mumia argues that in both cases the people were portrayed “as insane for daring to resist the state” (138). He notes the parallel demonization of MOVE members as “terrorists” while the Koreshians were labeled “‘fanatics’ who were suspected of physical and sexual abuse of children—thus psychologically expendable” (139). The presentation of images and reports in the media that supported these labels allowed the ensuing government raids to be deemed “reasonable” (139). Accounts that might otherwise read as a short list of (then) current events and social welfare issues are thematically joined to serve as representations of systemic structures and practices that ensure the repetition of injustices, often couched as justice.

Live from Death Row concludes with three final sections. The afterward, written by Mumia's other attorney, Leonard I. Weinglass, reads very much like a set of closing arguments. It, like the introduction, reads more as a bracketing of the book than as an integrated section, and therefore is largely excluded from this analysis. The afterward is followed with a general biographical statement about Mumia (which offers content that is replicated earlier in the book). The final pages of the book comprise a list of contacts and resources "for more information on racism, the death penalty, and what you can do" (216).

Live from Death Row engages readers with a very accessible prose style that uses everyday language, including slang. At the same time, the essays offer a comprehensive account of relevant case law and significant cultural texts that apply to, support, or help explicate the claims that are being advanced. Most of the essays span little more than three pages, asking little of the reader in terms of time or attention to a given thesis. However, by organizing the book into thematic units, the text pulls at readers to make connections. It is, in fact, quite easy to move from one essay to the next, particularly within a "part." Although the thesis or topic may change, the essays work together to expose the present-ed past and to urge audiences to fight for a different future. Finally, the essays, and the stories and memories that they give voice to, are vividly told in a way that gives them a very tangible and human quality. Aside from making for engaging reading, this quality presents readers with a stark contrast between the human quality of the stories and the dehumanizing material conditions that the teller and the told about inhabit.

Talking through the Grammar

In A Grammar of Motives, Burke offers five key terms of dramatism "as generating principle" for critical investigation (xv). Often, Burke's terms of agent, act, scene, purpose,

and agency are compared to journalistic questions of who, what, where, why, and how (Bobbitt 6). The pentad is then used in conjunction with other aspects of dramatism (or other theories of rhetoric) to produce not only an extensive description, but also analysis of the rhetorical movement in a given situation or text(s). The pentadic elements work within Burke's larger grammar and offer critics a language to explore human motives and behavior. Burke writes, "the explicit and systematic use of the dramatist pentad is best designed to bring out the strategic moments of motivational theory" (Grammar 67). Discovering significant ratios between the elements of the drama provides the critic with a basis for understanding of human motives and behaviors as well as transformations that take place in and through the drama (Grammar 69).

Solomon's work on the Tuskegee Syphilis Study provides a useful model for how to apply the concepts that Burke outlines. Solomon theorizes rhetorical transformations in the drama as well as rhetorics of dehumanization. Medical reports of the Tuskegee Syphilis Study are read through Burke's pentad, elucidating the ways that patients were transformed (through the discourse of science and medicine) into scene for the disease as well as agency for the doctors. Solomon concludes that these transformations are indicative of the particular generic constraints of scientific discourses, which function ultimately to dehumanize patients. In Solomon's work dehumanization becomes a shorthand for the drama (a motive) as well as a transformation that takes place in the ritualized drama of scientific discourse. This essay extends Solomon's use of the pentad in order to explore the possibilities for transformation of death row into a site of agency.<sup>11</sup>

In addition to understanding the transformations that take place in and through the drama, this essay argues that the ratio of scene to agency is productive in understanding

justice as both a term that grounds the rhetoric and as a cultural myth that is transformed from its status as an ultimate term into the realm of the dialectic, where it becomes open to contestation. Rushing and Frenzt argue that pentadic analysis is useful in analyzing the rhetorical function of cultural myths, in part because “myth can be examined from the perspective of a highlighted ratio” (64).<sup>12</sup> Furthermore, they place cultural myth(s) within the realm of the dialectic, suggesting that mythic transformations can function as a vehicle for social change (77). In A Rhetoric of Motives Burke describes positive, dialectical, and ultimate terms. A positive term refers to things whereas dialectical and ultimate terms refer to ideas. Dialectical terms retain “competing voices in jangling relation with one another” while “the ‘ultimate’ order would place these competing voices themselves in a *hierarchy*...” (187). In this sense, ultimate terms are essentially resolved dialectical terms. Burke’s vocabulary of order allows us to explore the use of language to not only transform the elements of the drama, but also to consider the cultural myth (or motive term) as an additional cite of transformation. By locating cultural myth as a relevant cite of transformation, I hope to demonstrate also that rhetorical understandings and framings of the drama are essential to locate points of contestation in the ongoing struggle (both conservative and liberal) centering on the politics of capital punishment.

In addition to Burke’s language for order (including dialectic), I draw from Burke’s work on the dialectic of the scapegoat. Burke’s theory, in conversation with Mumia’s essay, are used to explicate the ways the construction of the criminal scapegoat is used to justify and ritualize practices of dehumanization. Moreover, I argue that by entering into the dialectic of the scapegoat in a scene that has been re-sited as agency, Mumia is able to demystify the rhetorics of dehumanization in ways that are not only rhetorically compelling, but also place

the audience in a position to enter into the drama as agents for social change or as agents who are complicit in the criminal enactment of justice.

This essay concludes by arguing that shifts in the configuration of pentadic elements are strategically useful in eliciting both discursive transformations that in turn suggest a possibility for material interventions. Moreover, this essay expands our understanding of Burke's Grammar by demonstrating that the pentad can be used to reveal cultural myths as motive terms *and* as an analytic for understanding the demystification and transformation of the same. Justice, as the motive term derived from highlighting scene-agency, provides insight into how the situation is rhetorically framed and the transformative possibilities that arise out of re-framing the situation. In the section that follows I will begin by exploring the ratio of scene-agency in order to explicate the transformation of the social drama known as criminal justice. Through this process I will identify *justice* as both the motive term in this situation and as a cultural myth.

### Scene-Agency

At first glance, the relationship between scene and agency is such that death row, as scene, is the physical place from which the writing of Live from Death Row can take place. The book in turn functions as the means by which Mumia is able to (1) critically indict the racialized and disparate (mis)application of justice within the U.S. criminal justice system and (2) establish justice as a cultural myth that, in the context of criminal justice functions criminally. A critical reading of the text suggests that the functioning of scene-agency is much more complex, in part because scene is a multifaceted construct. While the book is enveloped by scene as the physical place of death row, signaled first and foremost by the title of the book, the internal contents complicate scene, such that it both encompasses and

exceeds the place of death row. The book constructs scene as a complex intersection of the built environment, the embodied practices of those people who comprise the scene, and the discursive practices that are constitutive of and constituted by the scene. These intersections create a tension that asks the critic to theorize scene as both spatial and temporal. Moreover, these intersections and this tension work to create ambiguities, whereby both discursive and material transformations can take place.<sup>13</sup> Therefore, we will begin by examining the complexities of scene as built, embodied, spatial, and temporal.

Although my focus is on the complexities of scene within this particular text, the tension that exists between the scene of the rhetorical drama which has created the exigence that Mumia is responding to and the drama that unfolds in the text are also implicated in this analysis. The text initially introduces readers to scene as it exists prior to the writing of the book, and then later begins to shift the construction of scene in ways that make scene increasingly ambiguous, and at times seemingly elusive. This essay argues that Live from Death Row rhetorically reconfigures the drama such that Mumia, as an agent performing the rhetorical act, uses the book in the first instance as agency. In this configuration of the drama, Mumia is acting to counter the agency of criminal justice as a system of control that usurps agency from inmates by and through a process of humiliation, control, and dehumanization. Through the writing of the book, Mumia acknowledges the drama as once configured, by rhetorically constructing a scene that is representative of what *was*. By interweaving personal narrative, journalistic accounts, and critical analysis of race and justice in the United States, Mumia re-presents the drama in a way that creates strategic ambiguities. It is in the spaces of ambiguity that Mumia cultivates the transformations discussed in the latter sections.

## Complexities and Ambiguities of Scene

The book is bound by the invocation of scene as constituted not only by the built environment, but by the particular physical and geographical place of death row. Live from Death Row, in its simplest sense, calls forth a particular location, within U.S. prisons, that houses what are commonly referred to as the worst of the worst. These are the prisoners who have been marked by legal and juridical discourses as guilty of crimes for which the penalty is their very lives. These are the men and women who reside on death row, occupying a liminal space between life and death.<sup>14</sup> Mumia writes:

For approximately twenty-four hundred people locked in state and federal prisons, life is unlike that in any other institution. These are America's condemned, who bear a stigma far worse than "prisoner." These are America's death row residents: men and women who walk the razor's edge between half-life and certain death in thirty-four states or under the jurisdiction of the United States." (5)

They are those for whom erasure is doubly enacted.<sup>15</sup> First, they are detached from society and sentenced to death row; they cease to "live" in the world, and instead await death. This erasure is doubled through the permanence of execution that demolishes not only spirit, but also the body.

Death row as spatially constructed figures prominently in the book. Readers are confronted with terms that mark the corridors of prison space—the *cell*, *cage*, *hole*, *block*, *tier*, and *hell*. These terms introduce the reader to the internal geography of death row; the walls that construct the outside of the prison appear yet again in the internal labyrinth.

Scenic elements not only mark off space within the prison, but function also to divide inside from outside, criminal from citizen, and prisoner from free. These dialectics, which cluster around justice, are not merely linguistic constructions, but are rhetorical constructions of scene that have material effect. In "The Visit" Mumia describes the physical barrier

created by the Plexiglas that separates him from his daughter when she comes to visit him. Mumia writes, In the midst of darkness, this little one was a light ray. Tiny, with a Minnie Mouse voice, this daughter of my spirit had finally made the long trek westward, into the bowels of this man-made hell, situated in the south-central Pennsylvania boondocks. She, like my other children, was just a baby when I was cast into hell... (25). This essay is an exemplar of how scene comes to be marked as the built environment that is then discursively constructed and materially experienced as otherworldly. Scene is further constructed as a series of landmarks that distinguish between “free” space and prison space, intertwining the dialectic of justice once again with the dialectic of freedom. Scene as a spatial construct extends to include not only Pennsylvania’s death row, but also death row in prisons across the U.S. This complexity of scene is significant because it calls into question assumptions about the relationship between death row as a discrete geographical place and the scene of criminal justice. Death row begins to shift from an ultimate term that signifies a fixed (spatially and temporally) place to a dialectical term invoked in the construction of scene.

Scene becomes further complicated as Live from Death Row exceeds the incorporation of buildings by drawing in bodies. The bodies are incorporated as object-elements as well as a ritualized set of embodied practices. The embodied, lived existence of those who inhabit death row is invoked throughout the essays. Readers are introduced to bodies and subjects who not only occupy and move in the scene, but also are substantial elements of the scene; the bodies and embodied practices performed in the space are constituted by and constitutive of scene.<sup>16</sup> Moreover, bodies that do not occupy the physical place of death row, discursively figure into the spatial construction of scene, such that one need not be present on death row to be sited, and incorporated into scene. Bodies that figure

into the literal and discursive construction of scene are significant in both mapping out how scene is constructed and how scene is transformed into agency.

Scene exceeds the architectural place of the prison and the contained place of death row as it incorporates both bodies that physically and discursively intersect the built environment. Live from Death Row opens with Mumia's acknowledgements, which immediately bring several bodies, named and unnamed, into the scene; he brings not only their beings, but their histories forward into presence.<sup>17</sup> Their individual bodies are implicated in a broader set of social relations that seek to exert state control over those named as criminal. Moreover, they are discursively grouped together in an effort to demonstrate solidarity in a fight against these same forces. Mumia writes "to Stephen Luther Evans, a jailhouse lawyer extraordinaire who opened the door for countless dudes, but who had death slam the door before he could take that long walk to freedom..." and later "soldiers and ministers of *John Africa's Revolution* who are doing a century in Pennsylvania's hellholes for refusing to betray their faith in the teaching, despite their innocence; who are prisoners of a political order bent on their destruction on August 8, 1978, May 13, 1985, and even this very day" (xiii; xiv). Mumia acknowledges social justice movements and organizations, including the NAACP. He re-sites the names of those who have been "massacred" and other political prisoners, including Leonard Peltier, as well as celebrities such as the actress and comedian Whoopi. Scene in this sense begins to blur the lines between those who are not only included and excluded from scene, but those who *live from death row*. Death row as a dialectical term renegotiates our understandings of what bodies count, which in turn suggests that justice and freedom are not only ambiguous, but are also contestable terms.

“The Visit” is not only useful in understanding the relevance of the built environment to scene, but also offers a poignant example of how bodies constitute scene, are constituted by scene, and also how ambiguities of scene-agency begin to unfold. Mumia remembers his daughter’s interaction with the scene during her first visit:

She burst into the tiny visiting room, her brown eyes aglitter with happiness; stopped, stunned, staring at the glassy barrier between us; and burst into tears at this arrogant attempt at state separation. In milliseconds, sadness and shock shifted into fury as her petite fingers curled into tight fists, which banged and pummeled the Plexiglas barrier, which shuddered and shimmied but didn’t shatter. (26)

This separation is yet another moment that reminds readers that Live from Death Row enters into a drama already in play that has constructed (materially and discursively) a scene that marks bodies as criminal and therefore not innocent—as prisoner and therefore not father. Mumia’s words draw our attention to the way the body has been marked as property, as part of the prison. However, Mumia’s words contest the drama of state control. He does not present an image of the innocent and free protected by the scenic constraints. Instead, he depicts the trauma and horror inflicted on this young girl, his daughter, and himself, her father. He details her inability to understand why she could not touch her father and the way she fought to break the barrier that separated her—that kept her outside, and in doing so penalized her innocent body. He closes the essay by reflecting, “Over five years have passed since that visit, but I remember it like it was an hour ago: the slams of her tiny fists against the ugly barrier; her instinctual rage against it—the state-made blockade raised under the rubric of security, her hot tears. They haunt me” (27). Mumia incorporates this innocent into the scene of a criminal place, and not only further blurs the lines between inside and outside, but also begins to create an uncertainty about how rhetorics of criminal justice function in the scene. Increasingly, justice operates as something that is outside of the realm of the real; it is

a phantom of what was—what never was. The construction of scene as a blur, or even blending, of inside and outside suggests that regardless of the physical locale of one's body, anyone is susceptible to being duped by and exposed to the horror of the justice myth.

The pairing of scene and agency further reveal the myth of justice as we encounter a racially marked scene (again, both discursive and physical) which works through the criminal justice system to disparately mark black bodies as the scene of injustice. Mumia locates himself as a part of this scene when he writes, “You will find a blacker world on death row than anywhere else. African-Americans, a mere 11 percent of the national population, compose about 40 percent of the death row population. There, too, you will find this writer” (5). The bodies that constitute and occupy this scene move differently based on how they are marked, as exemplified in the earlier quote from the essay “On Death Row: Fade to Black” which outlined the unequal conditions between prisoners who are black as compared with those who are white. The scene that is constructed by (and constructs) bodies marked as “black”, “criminal”, and “prisoner” creates a space where the politics of racial injustice are performed on and through the body. This politics of injustice, masquerading as justice, comes under further scrutiny with each essay. The pairing of scene and agency unearths justice as root term and cultural myth, which Mumia's criticisms function to shift from the realm of the ultimate into that ambiguous space of the dialectic. Although the shift into dialectic is explored later in the essay, I should note here that the terms that cluster around justice are also called into question such that their role in the ritualized performance of state violence can be interrupted, and increasingly are, as scene is transformed into agency.

The construction of the body as part of the spatial scene makes visible the dehumanizing practice of criminal justice. Mumia composes several essays that detail the

ways bodies are denied their human subjectivity and agency, and instead function as property over which state control is absolute. Mumia describes the “horrifying spectacle” that takes place before noncontact visits: “Open yer mouth. Stick out your tongue. You wear any dentures? Lemme see both sides of your hands. Pull your foreskin back. Lift your sac. Turn around. Bend over. Spread your cheeks. Bottom of yer feet. Get dressed” (10). The description of body-cavity strip searches illuminates the way the body functions as object-element of scene—it is property over which the state has control. However, Mumia counters this denial of subjectivity and humanity by asking us to see the way that these bodies are *incorporated* into scene, which in turn opens up the possibility to transform both scene, and our understanding of death penalty politics and criminal justice. Shifting these bodies from background to foreground creates a visibility that draws attention to the dehumanizing conditions that also mark the scene. The “horrifying spectacle” of the body-cavity search, when written as life on death row, shifts scene to seen; the spectacular abuse of the inmate’s body is used to turn around the power of humiliation and dehumanization and instead use it to reveal the monster behind the curtain of state control. By rhetorically tearing down the curtain that has shielded injustice behind the cloak of justice, scene becomes the means (agency) for debunking the myth of justice—a critical first step in restoring political agency to those who experience the horrors of justice, notably death row prisoners. The visibility that produces and is produced by the transformation re-sites the prisoner’s body from the position of object-element (scene) into a means (agency) for exposing injustices at work. The relationship between death row and justice becomes increasingly tenuous; the criminal justice regime betrays itself as the relationship between death row and the unjust and dehumanizing practices of criminal justice become increasingly undeniable.

Examining scene as a temporal construct, as well as a spatial one, calls forth further complexities and ambiguities. It is worth noting that the temporal scene isn't something that exists separate from, or as an after thought to the physical scene, but rather the two coexist, space and time both part of the drama, discourse, and material functioning of the rhetoric. Time is invoked early and often. For example, in the acknowledgements discussed earlier in this section, Mumia not only constructs the scene to include the spaces of persons and discourses geographically outside of death row, but also such that the temporality of scene reaches into the past and future, as well as the present. Mumia references the past in those who died in slavery, in the name of political revolution, and at the hands of the state. He invokes the present in those who currently share his struggle, as well as future generations that are being fought for. In "The Lost Generation" Mumia cites research that "found a deep and profound alienation among youth, and a fundamental streak of fatalism about the promise of tomorrow" (163). However, he refuses to surrender them as "the lost generation" destined to eventually arrive in prison or on death row. He re-sites them both spatially and temporally from a lost past, a present nothingness and a future of despair. He writes, "They are *all* potential revolutionaries, with the historic power to transform our dull realities" (165).

The term "live" also functions throughout the book to construct time as an important element of scene. "Live" is inherently a temporal construct; it is a verb that references a finite action, bounded by time (e.g. lifetime). Time in the context of death row takes on unique meaning from time in other prison contexts. Mumia writes, "Unlike other prisoners, death row inmates are not 'doing time.' Freedom does not shine at the end of the tunnel. Rather, the end of the tunnel brings extinction" (6). The death row prisoner experiences a doubling of the temporal scene that is hurried and finite while simultaneously delayed and prolonged.

Mumia reveals the double-bind that is created by the seemingly contradictory doubling of time. In the introduction when he writes to those who are “doing a century in Pennsylvania’s hellholes” he acknowledges that although these prisoners are sentenced to die, for most of them the sentence is not simply to die, but also to live, waiting for death. In “Spirit Death” Mumia writes of the significance of time:

The most profound horror of prisons lives in the day-to-day banal occurrences that turn days into months, and months into years, and years into decades. Prison is a second-by-second assault on the soul, a day-to-day degradation of the self, an oppressive steel and brick umbrella that transforms seconds into hours and hours into days. While a person is locked away in distant netherworlds, time seems to stand still; but it doesn’t of course. (64-65)

The dramatic scene again is complicated by an ambiguous sense of time as being both finite and eternal. Although this contradiction fails a metaphysical logic of time, it is resolved in the time of state control; prison time as an element of scene both closes in and stretches out the act of state control. In this sense time functions as both a material and discursive constraint. By appropriating time as a tool for drawing attention to the “day-to-day banal occurrences” time is refigured as repetition. By transforming scene into agency, repetition becomes the means through which the logic of control is not only visible, but can be interrupted. The repetition of rituals of control, such as the body cavity searches referenced earlier, which are wielded against inmates, can also be strategically useful in appropriating time as a locus of power.

Several essays in the book exhibit the interrelationship between time and politics, highlighting the increasing move towards a politics of death in this country as a complex series of events, ideas, and practices at play. The global drama is such that a politics of fear operates temporally to create a sense of desperate urgency—do something, now! Mumia notes the movement of time as a scenic element when he writes:

States that have not slain in a generation now ready their machinery: generators whine, poison liquids are mixed, gases are measured and readied, silent chambers await the order to smother life. Increasingly, America's northern states now join the rushing pack, anxious to relink themselves with their pre-Furman heritage. (21)

The politics of the death penalty span across a judicial time that is created by the nation's courts, and marked by political preferences for, against, and again for the death penalty. The urgency of now is extended beyond judicial time, and merged with the time of contemporary public opinion. In "Two Bites of the Apple in Dixie" the politics of time is implicated such that the absence of national consensus concerning the death penalty becomes a "seal of approval on the execution of the mentally retarded" (106). Time and politics, perhaps more so than the spatial elements discussed earlier, often operate outside of the realm of the visible. However, the essays of this book coalesce to re-site both spatial and temporal elements of scene in a way that holds them out for scrutiny.

The temporal scene in which Mumia locates himself, the book, and the readers blurs the line between past and present, denying us our ability to encapsulate the injustices depicted in the book as things passed or past. These are ongoing events that construct the contemporary moment as one of complicity in injustice. By creating a multifaceted scene that demands that we consider time and politics as essential elements of the drama, Mumia denies readers the comfortable luxury of standing outside and looking in, or looking back. This is not merely a historical account; this isn't just *his* story. Mumia further creates rhetorical ambiguity concerning the role of readers as political subjects in the temporal scene that works in tandem with the spatial scene to discriminate, define, and dehumanize in the name of judicially sanctioned justice and in the name of all U.S. citizens. This ambiguity not only creates yet another opportunity for transformation, but it also creates a demand for

readers to respond. The shift from scene into seen denies us ignore-ance of the myth of justice. The temporal and spatial scenes unite to demand that the reader act as part of “an awake, aware people” (102) or else remain complicit in the continued performances of injustice.

The temporal construction of scene furthers the transformation to agency as time not only becomes the background in which the act takes place, but in fact is increasingly constructed as the means for transforming the social.<sup>18</sup> Given that the scene of criminal justice has historically undergone transformations that have evacuated justice and constructed a dehumanizing machine of death, it is necessary that we look beyond the reconfiguration of the elements of the drama, and also explore how the terms and practices of dehumanization are open to transformation.<sup>19</sup> The remaining sections of the essay will suggest that transformation of scene into agency not only heightens the visibility of injustice in the criminal justice system, but also that the construction of scene as a dehumanizing force becomes the catalyst by which justice falls from the realm of the ultimate to that of the dialectic. By shifting the cultural myth of justice into the realm of the dialectic, the politics and practices of criminal justice, in particular the politics of the death penalty are demystified.

#### Scene as Dehumanizing Force

In Live from Death Row several essays converge to both explicitly and implicitly label the scene in which Mumia is intervening as one of dehumanization. The spatial and temporal constructions of scene, as described in the prior sections, underscore justice as a cultural myth that operates in a complex interrelationship of forces that act on both the built environment and bodies. For Mumia, dehumanization isn't an abstract or even extraordinary

construct. It doesn't reference an ideal, but rather the everyday rituals performed both in the nation's death rows and in the multifaceted, often overdetermined, scene of criminal justice. It is worth noting that dehumanization isn't a necessary element of criminal justice.<sup>20</sup> Within the genealogy of criminal justice (and its more or less visible counterpart, punishment) we can trace rises and falls in dehumanization as an ideal as well as a practice. The contemporary moment that Mumia constructs isn't a return to some essential "before." Rather, outmoded forms of punishment have been once again made current through the incorporation of contemporary tactics and discourses.<sup>21</sup> Although scene is constructed as a dehumanizing force, the transformations noted earlier in the essay serve as strategic points for both questioning the current rituals, and for strategically turning them into points not only of resistance, but also power.

Mumia's constructions of scene are significant here because they engage the reader in a new understanding of the broader social drama that not only implicates the bodies of prisoners, but also joins them with those who believe themselves to be free. In "A Toxic Shock" Mumia describes an incidence of water contamination that poisoning the water supply for those on both sides of the bars. He writes:

The heavy gaseous odor still lingers, and a dark oily ring stains cups ...bars, steel, and court orders can't stop the seepage of pollution that afflicts both the caged and the "free." Despite the legal illusions erected by the system to divide and separate life, we the caged share the air, water, and hope with you, the not-yet-caged. We share your same breath....It was, for me, a jarring revelation. For an instant it took me beyond the bars, and over the walls, to Love Canal, New York; to Times Beach; and to toxic dumps known and unknown, which sit like silent springs of death. (62)

This essay, as with many others referenced already, demonstrates the excess of scene; scene exceeds the boundaries of geography and pulls the outside in, while allowing the inside to

slip out. In the context of dehumanization this is particularly relevant. If scene is an excess that links the world of the prisoner with those of the free, then the “not-yet-caged” become the not-not-yet caged. In this, readers are warned that they too are eligible, and in fact are already, written into this drama of criminal justice. There is possibility here, too. This writing hinges on the acceptance and acquiesces to the myth of justice. Therefore, let us examine how this myth works in concert with the scene of dehumanization.

Scene as a dehumanizing force is invoked throughout the book. In describing the physical scene many of the terms Mumia uses connote places where a human being does not live. For example, the outdoor recreation cage is referred to as the “dog pen” (7). Moreover, Mumia references the death row practice of storing human bodies, calling forth visions of Nazi interment camps that, like death row units, house bodies for extermination by the state—the difference being that history labels Hitler a madman, murderer, and criminal, while in the contemporary moment such exterminations are carried out in the U.S. in the name of justice.<sup>22</sup> By making such enthymematic comparisons, justice is not only shifted into the realm of the dialectic, but is further positioned such that if readers are not willing to engage in a dialectical inquiry, then justice must be returned to the ultimate as a devil-term.

Another way the reader encounters dehumanization is through the frequent description of practices of isolation. One way isolation from the outside world is enacted is by the denial of technology, such as a typewriters and televisions (8). The non-contact visits preceded by strip-searches are further examples of rituals of dehumanization that are enacted in the name of justice. Mumia links the humiliation and control that are ritually performed through the strip-searches to the denial of humanity achieved by non-contact visits. He writes, “The ultimate effect of noncontact visits is to weaken, and finally to sever, family

ties. Through this policy and practice the state skillfully and intentionally denies those it condemns a fundamental element and expression of humanity—that of touch and physical contact...” (11). Mumia intervenes into the scene constructed in the drama of criminal justice whereby the bodies of prisoners are turned into non-human entities (which certainly justifies their treatment, up to and including execution). Through this intervention, and the subsequent rhetorical shifting of the bodies as object-elements of scene into subjectivities that perform as agency, the dehumanizing practices can no longer remain unseen. As object-elements the conditions and practices that prisoner’s bodies were subjected to were not only invisible, but irrelevant. However, by shifting their bodies into agency, their status as object-element is replaced with a highly relevant image of a human being who is being used as a tool for dehumanization. This image tugs at the moral and political sensibilities of the reader suggesting that yet another transformation must take place. The readers are positioned as newly relevant agents, no longer merely witnesses to the drama, but rather recruited to perform as agents.

“‘On Tilt’ by State Design” is an essay that explicates the ways in which dehumanization is an essential, vital, function of criminal justice as lived on death row.

Mix in solitary confinement, around-the-clock lock-in, no-contact visits, no prison jobs, no educational programs by which to grow, psychiatric ‘treatment’ facilities designed only to drug you into a coma; ladle in hostile, overtly racist prison guards and staff; add the weight of the falling away of family ties, and you have all the fixings for a stressful psychic stew designed to deteriorate, to erode one’s humanity—designed, that is, by the state, with full knowledge of its effects. (29-30)

Mumia draws readers’ attentions to the lived conditions that not only constrain the bodies of the agent, but in fact work to erase him from the spectra of humanity. Drawing attention to the dehumanizing practices that have both discursively and materially written his and other

bodies further supports the shift of scene to agency. This agency then becomes part of a rhetorical performance where bodies marked as not human are rearticulated as not-not human. Mumia re-presents the not-human body by identifying the ways human subjectivity has been denied visibility and actualization. The not-not human body is the newly visible body that arises in the shift from scene to agency. This not-not human body has been shifted from an object or embodiment of scene to agency such that erasure through the dehumanizing practices of criminal justice is no longer feasible. As scene is transformed into agency, so too are the bodies of prisoners moved from the background which is the locus of state control,<sup>23</sup> into the foreground of visibility, which in turn becomes the territory and terrain of agency in both the Burkean, and more commonly invoked political senses. Mumia's own body denies the agency of state control and discourses of criminal justice. In and through the transformation from scene to agency, Mumia enacts a new discourse of life on death row, such that the reader is charged to acknowledge that there are lives there—human lives—that are being denied their very humanity. The bodies who have been denied their humanity, and all sense of subjectivity and political agency function as not only agency for the critique, but in fact as the means for transforming justice from a cultural myth and an absolute term into contested and challenged term of the dialectic. Moreover, they too implicate the audience as necessary agents in ensuring that the opportunities for material transformation are realized.

#### Demystification and the Dialectic of the Scapegoat

The previous sections of the paper have established that the pentad is useful in identifying and explicating the ways Live from Death Row intercedes rhetorically to identify justice as a cultural myth invoked to justify ritualized practices of dehumanization on the

bodies of prisoners, particularly those of death row. Moreover, I have argued that it is in the transformation from scene to agency that justice is cast from the realm of the ultimate into that of the dialectic. This section will further explore how justice is contested by drawing from Burke's work on the dialectic of the scapegoat. Here I will trace how Mumia's representation of the drama of criminal justice re-presents the scapegoating of death row inmates, and how such scapegoating has created a dystopic unity. Moreover, I will argue that Mumia not only shifts justice into the realm of the dialectic, but in fact turns the dialectic of the scapegoat in order to contest the dehumanizing practices performed in the name of justice. Finally, this section will argue that the transformations outlined earlier in the essay couple with the invocation of the dialectic in order to create uncertainty and ambiguity concerning the relationship of scene, agency, and myth. These elements grate against each other, opening up a third space—an in-between space. It is in this in-between space that Mumia compels readers to not only demystify the myth of justice, but also of their own freedom from the rituals of state control. Readers are left with the charge to refuse continued complicity in the myth of justice and instead accept the response-ability of citizenship.

In A Rhetoric of Motives Burke argues that the establishment of a “scapegoat” represents one form of mystification. In A Grammar of Motives Burke offers the example of a criminal as one common form of a scapegoat in society.<sup>24</sup> Burke writes, “Criminals either actual or imaginary may thus serve as scapegoats in a society that ‘purifies itself’ by ‘moral indignation’ in condemning them, through ritualistic elements” (406). Burke adds that “the scapegoat is the ‘essence’ of evil, the *principle* of discord felt by those who are to be purified by the sacrifice” (407). Burke describes the dialectic of the scapegoat:

All told, note what we have here: (1) an original state of merger, in that the inequities are shared by both the iniquitous and their chosen

vessel; (2) a principle of division, in that the elements shared in common are being ritualistically alienated; (3) a new principle of merger, this time in the unification of those whose purified identity is defined in dialectical opposition to the sacrificial offering. (Grammar 406)

Mumia re-presents the process whereby he, and other death row inmates, emerged as scapegoats. Moreover, the re-presentation of this process both encompasses and exceeds criminality as the locus of merger and division. This strategic representation re-presents the dialectic of the scapegoat as a dystopic unity; it is a unity that perpetually invokes merger *and* division, and in this sense is what Burke might call, rotten with perfection.<sup>25</sup> By emphasizing how those who perceive themselves as free and therefore divided from the realm of the criminal, are in fact united by their common delusion in the myth of justice Mumia elides the boundaries of division and merger. Moreover, by blurring the distinctions between inside and outside (as noted earlier in the essay), Mumia illuminates the ways those who perceive themselves as free are incorporated into the scene of criminal justice—a scene which is active in rituals of dehumanization. Those who read this book from a place comfortably outside of the sphere of criminal justice not only become complicit in the performances of injustice, but in fact are identified as eligible, through a shifting of the dialectic of the scapegoat, to become scapegoats themselves. Justice is universally illusive, a dystopic unity which we can either commiserate in or confront.

In outlining the original state of merger (and its dialectical pairing, division), let us begin with race as a locus for scapegoating. In the Preface Mumia sites his own imprisonment and death sentence in the context of “America’s long history of legal lynchings of Africans” as well as Supreme Court holdings, such as in “the infamous *Dred Scott* case, where America’s highest court held that neither Africans nor their ‘free’ descendants are

entitled to the rights of the Constitution” (xviii). In marking the border between those inside and outside of the physical place of death row, Mumia notes the disparity between the numbers of “blacks” who constitute the population of America’s death row versus America’s free (xix). Moreover, Mumia routinely cites the McClesky decision where the court ignored evidence that ““there was a significant chance that race would play a prominent role in determining if [a defendant] lived or died”” (14). In the context of race, scapegoating isn’t merely a process of criminalization, but also discrimination. Mumia identifies the process where by “in this America, [it] is the cheapening of black life and the placing of a premium on white life” that establish not only who is alienated, but also who is both figuratively and literally sacrificed. Live from Death Row merges racial discrimination and criminalization as substantial elements in the construction of the scapegoat.

Another aspect of merger in criminal justice is founded on politics. Mumia notes that in a given political climate, such as those marked by “conservative” or “liberal,” judicial decisions frequently follow public opinion. In a climate of political conservatism, we find “a ringing endorsement of capital punishment” (13). In Mumia’s discussion of California’s three strikes law he further exemplifies the ways scapegoating exceeds criminalisation. Those who understand the law, such as justices, are divided from those who do not, such as the public (125). Mumia writes, “What most politicians know, however, is what most people do not—that ‘three strikes, you’re out’ will do next to nothing to eradicate crime, and will not create the illusive dream of public safety” (125). The criminal who pays the penalty so that society can feel safe, have removed the offending element, is in fact no safer; the criminal is a political scapegoat. In “Deadly Déjà Vu” Mumia continues this argument when he writes that “race, class, and politics” were used to justify the “mass murder of MOVE men, women,

and children” as well as the raid on the Koreshians in Waco, Texas. Mumia again constructs inside and outside (merger and division), as well as the logic of the scapegoat, in excess of criminality. Those who are divided from the dominant political logic, or those who are knowledgeable concerning the myth of justice, become the targets of not only criminalisation, but also scapegoating. For “awake and aware” readers, this means that they too are targets, and if they have thought themselves safely in the land of justice, freedom, or innocence they must acknowledge that just as the elements of the drama are open to transformation, so too is their position in any of these dialectical pairings.

Mumia’s re-presentation of the dialectic of the scapegoat suggests that such a rhetorical practice needn’t always function conservatively. Mumia creates an oppositional dialectic between criminal and justice by demonstrating the ways that criminal justice is in fact criminal. This oppositional dialectic works in part to invert justice in the hierarchy of terms. The criminal and justice are displaced as the criminal is reordered as a martyr, having suffered at the hands of the dehumanizing and oppressive forces of state control. In this transposition, dehumanization and scapegoating are highlighted as mystifying practices that sustain the myth of justice. Racial discrimination, politics, and knowledge are all invoked not only in creating the criminal as scapegoat, but in fact are performed in excess of criminalization; as ritual practices of a corrupt justice, the pillars that support a practices of scapegoating offer a target resistance. Furthermore, Mumia’s construction of the dialectic of the scapegoat reveals a dystopic unity, which in turn functions to not only dispel the myth of justice, but also the myth of freedom. This move is critical in turning the dialectic of the scapegoat, because it unwinds the “original state of merger” that was presupposed to have

been shared, and instead creates an ambiguity concerning the boundaries between merger and division, in and out, criminal and free, and finally justice and injustice.

## Conclusion

Live from Death Row functions as an intervention into the myth of [criminal] justice and the ritual performances of dehumanization. By engaging Live from Death Row through Burke's Grammar this essay has demonstrated that the rhetorical construction of the drama of criminal justice has functioned historically to create and reify both the myth of and ritual practices that are performed in the name of justice. This analysis suggests that Live from Death Row rhetorically reframes the elements of the drama such that scene is transformed into agency. As such, the complex elements of scene become the means for both identifying and contesting the myth of justice and the practices of dehumanization. Working through the dialectic of the scapegoat uncovers the ways justice, as cultural myth, is both illuminated and challenged as a "'mystifying condition' in social inequality" (Rhetoric 123). It is here that the intervention offers ongoing promise; so long as this myth and the practices of dehumanization remain in the realm of the dialectic, they will remain "in the realm, not of knowledge, but of ideas and action. . . . unless the terminology becomes ultimate, there is an unresolved, parliamentary jangle, a discordancy of conflicting voices" (Burke Rhetoric 194). It is that jangle of conflicting voices that holds the potential to maintain the level of visibility achieved in Live from Death Row.

Although Live from Death Row takes readers through a series of rhetorical transformations, many conflicts are left unresolved. By turning the dialectic of the scapegoat and demystifying the myth of justice, Mumia incorporates the reader into the drama such that s/he is pushed to choose between complicity and activism, an emergent dialectic to be

negotiated. This is both a limitation and an opportunity. To the extent that readers are moved to a place of uncertainty and ambiguity concerning their own positioning in scene and agency, the book can be successful in creating an in-between space for the conflicting voices that Burke speaks of to engage. An emergent dialectic between complicity and activism mark that new space where justice is fractured. Certainly, there are those who have and will respond with apathy; others have and will continue to attempt to rehabilitate the myth of justice. However, for those who have, and continue to be committed to fighting against the death penalty, racism, and other performances of injustice, Live from Death Row creates a space and a call to pursue rhetorics of protest that can discursively and rhetorically contest the power and politics of state control. It is in this space, this in-between space, that Mumia allows readers to not only demystify the myth of justice, but in fact to transform understandings of criminal justice, death penalty politics, and the potential for individuals to respond as an agents in the ever unfolding drama. It is in this space that we can (and for some of us must) refuse continued complicity in the myth of justice and instead accept the response-ability of citizenship.

## Works Cited

- Abu-Jamal, Mumia. Live from Death Row. Reading: Addison-Wesley, 1995.
- Abu-Jamal, Mumia. "The Mother Tongue: Black English Revisited." The Black Scholar 27.1 (2001): 27.
- "The Abu-Jamal Case." Christian Science Monitor 87.181 (1995): 20.
- Bates, Benjamin R. "Audiences, Metaphors, and the Persian Gulf War." Communication Studies 55 (2004): 447-63.
- Bobbitt, David. The Rhetoric of Redemption. Lanham: Rowman & Littlefield, 2004.
- Burke, Kenneth. A Grammar of Motives. Berkeley: U California P, 1969.
- Burke, Kenneth. A Rhetoric of Motives. Berkeley: U of California P, 1969.
- Burroughs, Todd Steven. "20 Years after Trial, Abu-Jamal Case Still Lingers." The Crisis July/August (2002): 13-14.
- Caster, Peter. "Staging Prisons: Performance, Activism, and Social Bodies." The Drama Review 48.3 (2004): 107-16.
- Crable, Bryan. "Burke's Perspective on Perspectives: Grounding Dramatism in the Representative Anecdote." Quarterly Journal of Speech 86 (2000): 318-33.
- "Executions in the United States." Death Penalty Information Center. 2006. 31 March 2006 <<http://www.deathpenaltyinfo.org/article.php?did=414&scid=8>>.
- Floyd-Thomas, J.M. "The Burning of Rebellious Thoughts: MOVE as Revolutionary Black Humanism." The Black Scholar 32.1 (2002): 11-21.
- Foucault, Michel. Discipline and Punish: The Birth of the Prison. New York: Vintage Press, 1995.
- Gesualdi, Louis. "Book Reviews: Live from Death Row." Humanist Sept./Oct. 1996. 47
- Gosse, Van and Kavita Philip. "Mumia Abu-Jamal and the Social Wage of Whiteness." Radical History Review 81 (2001): 5-14.
- Guillaumaud-Pujol, Claude. "Une Biographie à L'image des « Fictions we Live in » : Live from Death Row." La Revue LISA 2 (2004): 104- 18.
- Pogorzelski, Wendy S. "Review of Live from Death Row." Journal of Criminal Justice and Popular Culture 4.2 (1996): 42-47.

Rountree, J. Clarke. "Coming to Terms with Kenneth Burke's Pentad." The American Communication Journal 1.3 (1998): 1. 11 Dec 2005  
<<http://www.acjournal.org/holdings/vol1/iss3/burke/rountree.html>>.

Rushing, Janice Hocker and Thomas S. Frenz. "The Frankenstein Myth in Contemporary Cinema." Critical Studies in Mass Communication 6 (1989): 61-80.

Samuels, Christina A. "Court Strikes Down Death Penalty for Juveniles." Education Week 24.26 (2005): 26.

Solomon, Martha. "The Rhetoric of Dehumanization: An Analysis of Medical Reports of the Tuskegee Syphilis Project." The Western Journal of Speech Communication. 49 (1985): 233-247.

---

1 Diverse audiences that include popular American celebrities, international organizations such as Amnesty International, and graduation commencement committees have converged to challenge and counter the particular politics of Mumia's case and of the death penalty in general. Burroughs argues that Mumia is "the world's most famous symbol of how race and politics intersect with the death penalty and the American judicial system" (13). It is also worth noting here that the majority of written and spoken commentary (including this essay) refers to Mumia Abu-Jamal by his first name.

2 Gosse and Philip analyze a letter that appeared in the American Historical Association's magazine in December of 2000. Their essay explores the broader contexts out of which the case and social movement(s) arise and coalesce, leading them to conclude that Mumia "has not focused mainly on the merits of his case, but rather on the systemically unjust nature of the justice system, and on the systemically exploitative nature of U.S. social and economic policy, both foreign and domestic" (14).

3 See for example Peter Caster's work that delineates between staged activism and activist performance. Caster analyzes "Live from Death Row," a staged performance which was inspired by Mumia's radio program, as part of an exploration of the performance possibilities of staged activism.

4 Guillaumaud-Pujol offers a generic analysis of *Live from Death Row* that argues that although the book falls into the autobiographical genre, the doubled use of "I" to stand in for the author as well as those collectively impacted by the death penalty metaphorically creates a fictitious self. This shift denies the genre of autobiography its status of truth-telling, ultimately functioning to "reveal the 'Fictions we live by,'" including the promise of a fair and equitable justice system (117).

5 There have been simultaneous moves to recognize the cruel and inhumane nature of capital punishment. For example, in March of 2005, the Supreme Court reversed itself when it declared the execution of persons who were juveniles at the time of their offence unconstitutional (Samuels 26). In an earlier effort to recognize the inherent fallibility of the U.S. criminal justice system, the Governor of Illinois commuted the sentences of 167 death row prisoners. Despite these acts of recognition and resistance, the machinery of death is still well at work today. In 2005 sixty people were executed in the United States; nearly 1/3 of those executions were carried out in the state of Texas alone ("Executions").

6 Mumia explicates the ways the prison denies one familial contact, but I refer also to the isolation of death row inmates from general populations as well as the often remote locations of prisons that make even the permitted visitations complicated. Combine this with the realization that those on death row are for the most part America's poor, families may perceive letting go of their loved one as an economic necessity.

7 Although my argument would likely apply to female inmates as well, I choose the male form here because it is typically men who operate death row, and therefore experience the particular type of dehumanization of which I write.

8 Guillaumaud-Pujol's generic analysis offered a placement of *Live from Death Row* within the literary genre of autobiography. However, that analysis does not address the unconventional critique of death row written from death row, nor does the essay address the failure to conform to a narrative focused on innocence or guilt (as other prison narratives frequently do).

9 For more on ritual and performance in death row politics, see Conquergood, Dwight. "Lethal Theatre: Performance, Punishment, and the Death Penalty," *Theatre Journal* 54 (2002): 339-367.

10 When I say here that it presents readers with the drama, I refer to present in three senses. First, Mumia submits the story for their attention, much as one might present an example. Second, Mumia presents the story in the dramatic sense; it is a performance staged in the pages of the book. Third, the audience is presented with the story in that the story is shifted from the distant (and unknown) past to the immediate and increasingly knowable present.

11 When I speak of agency here, I refer both to a Burkean sense of agency as tool or means, but also in the more contemporary sense of agency as political intervention. Both of these conceptions are highly relevant, given that the transformation of scene into agency transcends the prior scene that encompasses a dehumanizing system of criminal justice that denies political agency while functioning as agency (tool, means) for further dehumanization. So, while Burke does not use the term agency to reference political subjectivity, intervention, or power, they are in this case very much implicated in the ways agency is performed, and the way that performance shifts via the rhetoric of the book.

---

12 Rushing and Frenzt describe cultural myth as a meaningful symbolic narrative that emerges within historical and contextual specificities of a given culture. Cultural myths are produced by “singular public expressions” are united into narrative (64).

13 On ambiguity as the space of transformation see the Grammar, especially p. xix.

14 This liminality is described at length in the first essay of part one—“Teetering on the Brink Between Life and Death.”

15 Later in the essay I take up both the scene as bodily constituted as well as other performative doublings that are enacted materially and discursively in the scene of U.S. criminal justice, as well as the ways these are rhetorically countered in Mumia’s book. Although I make these separations to flush out/ flesh out particular implications, they are absolutely artificial; it is impossible for me to remove bodily discourses and practices from descriptions of the built environment. Here though, the focus of the body is as part of the physical environment; death row is not death row absent those who are sentenced to die. Therefore, when we talk about the built environment in this sense, it is as much built by those who inhabit it. Later, when we talk about how scene is embodied practice as well, I will focus on how the day to day embodied performances are incorporated into scene as a rhetorical practice that is then taken up by Mumia.

16 In thinking this through, I find it helpful to think of a movie theater. Although the building and screen are substantial elements of the place, the bodies of movie-goers are also substantial in the ways we conceive of and talk about this place, or this place as an element of scene in a relevant discourse. If you remove the bodies from the scene, it is changed. Death row is not death row without bodies, in part because the death (or anticipated death) of inmates is both rhetorically and materially significant to the scene.

17 I choose presence rather than present because I am here concerned with the spatial construction of scene; later I will examine the temporal construction of scene.

18 It is worth noting here that Mumia isn’t simply seeing social change; the transformative power of rhetorical discourse can function to further oppression as well. Mumia’s critique of progress notes the way that time can extend tyranny rather than freedom (31).

19 This critic is acutely aware that although this essay is heavily concerned with the rhetorical transformations opened by and performed in the text that move away from the practices critiqued in the text, that a different reading, perhaps in a different moment, might reveal transformations that re-entrench the very system of critique.

20 In *Discipline and Punish* Foucault notes the shift in the 18th century from a system of justice that was enacted via torture on the body to one that is often credited with recuperating the inherent humanity of the criminal. This shift is credited to a reconfiguration of the practice of power, suggesting that it is power that is ultimately at stake. Other more contemporary developments suggest that dehumanizing practices do in fact ebb and flow as power and knowledge are rearticulated. For example, in “1972 the Supreme Court in *Furman vs. Georgia* had declared capital punishment—‘as then practiced,’ which proved to be a fatal loophole phrase—‘cruel and unusual punishment’ and therefore unconstitutional” (Conquergood 341). In “Lethal Theatre” Dwight Conquergood traces both the demise and return of criminal justice that relies on methods of bodily violence and torture. In explicating the current rituals and performances of capital punishment he notes that “rituals are neither static nor discrete....like all ‘restored behavior,’ they reverberate within the traditions they simultaneously reinvent and re-deploy for historically situated needs and purposes” (343).

21 For example, Conquergood notes the ways technologies spare “civil society—from the horror and anguish of exterminating a human being” while continuing to discipline the criminal body through the use of pain (Conquergood 364). Both Conquergood and Mumia deal with the specific geographical locale of prisons and death rows as a significant element of the scene Conquergood is certainly more explicit in making this argument, given that his essay in part takes up the dramaturgy of “Lethal Theatre,” including the “elaborate staging of props, participants, and players” (360). Although Conquergood does indicate that the performance rituals of the death penalty are tied to dramas outside of the prison (e.g. criminal court proceedings), his focus on the technology of the death penalty as a critical marker of the contemporary performance that attempts to distinguish between “juridical killing and murder” lead him to focus most closely on the scene of the prison, and the sites of execution (360).

22 It isn’t my contention that all state sanctioned killings are the same, nor that the U.S. prison system is the same as what happened under Hitler’s rule in Nazi Germany. Only that the ways in which Mumia describes the dehumanizing practices under the U.S. federal government are phrased in ways that use the same language used to critique genocide in international contexts.

---

23 An example of scene as state control is offered when Mumia writes, “A dark, repressive trend in the business field known as ‘corrections’ is sweeping the United States, and it bodes ill both for the captives and for the communities from which they were captured. America is revealing a visage stark with harshness. Nowhere is that face more contorted than in the dark netherworld of prison, where humans are transformed into nonpersons, numbered beings cribbed into boxes of unlife, where the very soul is under destructive onslaught” (89). In the shifting of scene to agency, we begin to see the ways that criminal justice as a myth has operated to transform bodies into objects of scene, and further witness yet another transformation. My argument isn’t that we have a reversal back to the old; there is not an instant restoration of human status. Rather, the not-not human bodies as agency become the means to not only transform bodies back into human beings, but to further transform elements of the drama, including the very practices that have acted to erase humanity and being.

24 Generally, when research takes up the notion of the scapegoat, it occurs in a discussion of redemption, often in opposition to victimage as a strategy of purification. My concern here isn’t with this cycle, but rather with the invocation of the dialectic. Therefore, Burke’s dialectic of the scapegoat is useful here in pointing towards how I arrive at the language of mystification in understanding the work that is done in *Live from Death Row*. I find this more theoretically useful than other theories of myth or narrative because it assumes the Grammar I have been working through to this point. Furthermore, it offers a compliment to simply looking at dialectic because it theorizes one outcome to engaging in the language game of polarizing terms.

25 In labeling this representation as strategic, I do not mean to suggest some form of authorial intent. Mumia does not explicitly discuss the criminal as scapegoat, although, as I argue in the remainder of the essay, he does offer several examples that do demonstrate the construction of not only the criminal as scapegoat, but also as those outside of the margins of society, whether because of race, class, mental capability, or political ideologies.