



VOL. 1 ISSUE 1
2019-20
EMORY UNIVERSITY

JOURNAL OF
SOCIETY,
POLITICS, AND
ETHICS

an undergraduate research publication

Dear Reader,

The *Journal of Society, Politics, and Ethics* is honored to present the inaugural issue of our peer-reviewed, multi-institutional publication. We are excited to showcase theoretical and philosophical work of sociopolitical salience done by undergraduate students of broad academic backgrounds. We hope to provide a space and community to platform excellent undergraduate work.

Our goal is to empower students to address pressing and important questions through high-quality scholarship. In our first year, we have seen submissions nationally from several different states and universities. We are humbled by the incredible work and effort undergraduate students across the U.S. have invested in this innovative and creative scholarship. This issue showcases a snapshot of these submissions that we believe uniquely push disciplinary boundaries to shed new light on long-standing matters of concern in the humanities.

We hope you enjoy this compilation of undergraduate academic work. The team is proud of all the collective hard work involved in the curation and production of this publication.

Yours truly,

Sarah Lee
Founding Editor-in-Chief

Staff

Sarah Lee, Editor-in-Chief

Isabela Cardenas, Managing Editor

Abram Tapia, Managing Editor

Olivia Byrd, Content Editor

Tara Djukanovic, Content Editor

Noah Garberg, Content Editor

Lauren Hunady, Content Editor

Bisma Punjani, Content Editor

Maria Ferrando, Reviewer

Michelle Meeks, Reviewer

Tania Ndirangu, Reviewer

Katie Pleiss, Reviewer

Noah Taylor, Reviewer

Corey Wick, Reviewer

Emily Zhang, Reviewer

QingYan Zhang, Reviewer

Shreya Bandlamudi, Communications Chair

Professor Dilek Huseyinzadegan, Faculty Advisor

Professor Rocío Zambrana, Faculty Advisor

Table of Contents

False Consensus in the Era of McWorld

Devon Bombassei 4-16

“Extraordinary Measures”: Franz Kafka’s “In the Penal Colony” as a Model of Giorgio Agamben’s

Political Theory

Charles W. Karcher 17-28

Stolen Subsistence: Gardens in West Virginia Coal Company Towns, 1880-1930

Colin Hutton 30-41

False Consensus in the Era of McWorld

Devon Bombassei

Emory University, Economics

By crossing into a space whose curvature is no longer that of the real, nor that of truth, the era of simulation is inaugurated...

—Jean Baudrillard¹

In *Disagreement*, Jacques Rancière claims that “today democracy has given up posing as the power of the people.”² Consensus democracy, which dismantles the pluralistic modes of democratic action, constitutes a modern-day oxymoron. Democracy, as defined by Rancière, is “the appearance, miscount, and dispute of the people.”³ In other words, democracy is precisely the disruption of the established political order when a group lays claim to equality. Disagreement, then, is the exercise of politics; in a world of ostensible consensus, neither democracy nor politics can exist. This assumption has broad implications for the role and significance of emergent and minority voices. In our modern Information Age, any threat to different ideas or rigorous deliberation jeopardizes the struggle endemic to democracy. The exchange of information and ideas, however, is now commodified, monopolized, and even falsified by the technology goliaths of McWorld.⁴ McWorld, our contemporary era of fast food and fast politics, simulated through virtual public squares, is addictive. The seductive

¹ Baudrillard, Jean. 2018. *Simulacra and Simulation* (trans. by & Sheila Glaser). University of Michigan Press., p.1.

² Rancière, Jacques. 2010. *Dissensus: On Politics And Aesthetics*. Continuum International Publishing Group., 96.

³ *Ibid.*, 101

⁴ Barber, Benjamin. 1995. *Jihad vs. McWorld: Terrorism's Challenge to Democracy*. The Random House Publishing Group., 270.

illusion of full political participation is created by online platforms that masquerade as “open-access,” yet simultaneously exclude or censor particular voices. In this modernized McWorld, our ability to reason independently and voice dissent is jeopardized. Thus, I argue that tech companies – and the broader ethos of the expedient, manipulative, and profit-seeking McWorld – suppress the struggle inherent to democracy.

This paper proceeds with the true nature of democracy according to Rancière; I will demonstrate how the existence of disagreement and struggle in our modern Information Age depends on the democratic flow of information and ideas. Next, I illuminate how modern tech conglomerates, which constitute an omnipresent “technopoly,” hinder the democratic flow of information, knowledge, and opinion through the commodification, manipulation, and falsification of certain speech.⁵ In altering the exchange of information, I elucidate how the forces of McWorld effectually limit opportunities for dissent and struggle. In making this claim, I consider two important counterarguments: (1) the occasions in which technology/social media has given certain groups a platform for political dissent or resistance and (2) the classical argument – resurfacing in our contemporary moment – that rule by the wise few is a superior alternative in light of emergent challenges to democracy.⁶ I conclude that our present tech democracy – susceptible to algorithmic bias and the excesses of cancel culture – opposes Rancière’s definition of true democracy.

In *Disagreement*, Rancière states that “consensus presupposes the disappearance of the mechanisms of appearance, of the miscount and the dispute opened up by the name ‘people’ and the vacuum of their freedom.”⁷ In other words, democracy is dependent on disagreement, which is the prerequisite to dispute; however, that is jeopardized in our contemporary moment. Rancière states

⁵ Barber, Benjamin. 1995. *Jihad vs. McWorld: Terrorism's Challenge to Democracy*. The Random House Publishing Group., 270.

⁶ Somin, Ilya. 2013. “Democracy vs. Epistocracy.” *The Washington Post*, 1.

⁷ Rancière, Jacques. 2010. *Dissensus: On Politics And Aesthetics*. Continuum International Publishing Group., 102.

that “for parties to opt for discussion rather than a fight, they must first *exist* as parties.”⁸ The foundations of our democracy have been permanently altered by network speed, transmission, and access. Our era disproportionately rewards those with access and connection at the expense of those without service or the digital know-how to participate. Democratic assemblies have morphed into online groups; given inequitable access to the Internet, technology presupposes certain parties to the debate. In our modern Information Age, representative slices of society are no longer visible in town halls or village meetings; the views of select citizens with internet access are transmitted through an invisible and expansive network where they may be filtered, censored, or falsified.⁹ This false consensus precludes what legal scholar Jonathan Zittrain terms “dissenting gatherings”¹⁰ and thus belies the true notion of democracy as the dispute between distinct parties.¹¹

Our democracy is now conducted and adulterated through our devices. We reside in an irrepressible Information Age that subsists on convenience and connection. Citizens now represent themselves through meta-language: mere images, gifs, or short videos; the traditional caucus has been replaced by an “accumulation of spectacles.”¹² As such, powerful tech conglomerates are now intimately entwined with our ability to deliberate and vote and thus meddle between the body politic and the elected representatives. The varied technologies of McWorld force citizens to campaign and deliberate with microcosmic expressions such as tweets, emojis, likes, or shares.¹³ Algorithms then entrap consumers with an incessant stream of content that excludes perspectives unpopular with the user.

⁸ Ibid., 102.

⁹ Rancière, Jacques. 2010. *Dissensus: On Politics And Aesthetics*. Continuum International Publishing Group., 102

¹⁰ Zittrain, Jonathan. 2014. “Engineering an Election: Digital Gerrymandering Poses a Threat to Democracy.” *Harvard Law Review* 127, no. 8., 335.

¹¹ Rancière, Jacques. 2010. *Dissensus: On Politics And Aesthetics*. Continuum International Publishing Group., 102

¹² Debord, Guy. 2016. *Society of the Spectacle*. Black & Red., 3.

¹³ Barber, Benjamin. 1995. *Jihad vs. McWorld: Terrorism's Challenge to Democracy*. The Random House Publishing Group., 270.

Individuals, though nuanced and complex, are ultimately presented with a strikingly simple binary choice: to like or dislike, retweet or cancel, etc. Any pre-meditated consensus generated by algorithms, however, overshadows the critical struggle of “the part of those with no part.”¹⁴ In the era of McWorld, the democratic struggle defined by Rancière is contingent on our ability to expand access to diverse participants. This struggle is produced by the rigorous deliberation made possible only when “the part of those with no part” inserts itself into the established order.¹⁵ The achievement of full and authentic political participation in our tech democracy is further complicated by the temptation to filter or falsify, economic motives, and broken value systems. We are left with a meek online culture propelled by an individual’s fear of losing followers, a citizen’s hesitance to engage in difficult or uncomfortable conversations, and the immoral actions of tech conglomerates in pursuit of profit.¹⁶

In *Jihad vs. McWorld*, Benjamin Barber expounds the various forces that interfere with the realization of an authentic – as opposed to filtered – public voice or identity; these same forces, he furthers, are the distorting variables of an expedient age that prioritize consensus over reflection and rigorous deliberation.¹⁷ He states that “home voting via interactive television could further privatize politics and replace deliberative debate in public with the unconsidered instant expression of private prejudices.”¹⁸ The mere privatization that Barber admonished has now mutated and its derivatives – falsification, censorship, and conformance – have overwhelmed any authentic sense of “civil society.” Technology giants such as Facebook, Google, and Apple are private forces that have monopolized traditionally communal engagements such as speech, education, deliberation, and cultural exchange. In a sense, these companies prioritize “private prejudices and special interests” that effectually hijack

¹⁴ Rancière, Jacques. 2010. *Dissensus: On Politics And Aesthetics*. Continuum International Publishing Group., 12.

¹⁵ *Ibid.*, 12.

¹⁶ Kant, Immanuel. “What Is Enlightenment?” *CCREAD*, Columbia.edu., 1.

¹⁷ Barber, Benjamin. 1995. *Jihad vs. McWorld: Terrorism's Challenge to Democracy*. The Random House Publishing Group., 272.

¹⁸ *Ibid.*, 270.

“a ‘public’ status they do nothing to deserve.”¹⁹ In doing so, they preclude certain groups from raising an *equal* voice while masquerading as responsible stewards of minority interests and, most significantly, truth. They create, in a superficial sense, a false consensus only attendant to certain interests.

Several present-day examples illustrate the prevalence and perils of false consensus in the “technopoly” of McWorld.²⁰ In the *New York Times* (NYT) article “Dissent Erupts at Facebook Over Hands-Off Stance on Political Ads,” Mike Isaac discusses how some Facebook employees have engaged in civic dialogue to condemn the spread of misinformation on their own platform.²¹ These Facebook employees wrote an open letter to CEO Mark Zuckerberg to denounce the unethical practice of letting politicians post any claims they desired – especially falsehoods – in ads on the site.²² This is a quintessential example of politicians leveraging an identity that has been distorted through the lens of technology in order to interfere with democratic processes. While the letter signees were a small fraction of Facebook employees, they have formed a powerful internal resistance that will not go unanswered; their defiance is a bold display of politics as defined by Rancière within the “technopoly.”²³

Tech companies like Facebook, often aware of how they monopolize public platforms, have privatized a primary instrument of democracy – speech. Far-reaching consequences to our political processes – from deliberation to voting – arise from falsification, censorship, or excessive “cancellation.”²⁴ Employees thus protest that “free speech and paid speech are not the same thing.”²⁵

¹⁹ Ibid., 280.

²⁰ Ibid., 270.

²¹ Isaac, Mike. 2019. “Dissent Erupts at Facebook Over Hands-Off Stance on Political Ads.” *The New York Times*, B1.

²² Ibid., B1.

²³ Barber, Benjamin. 1995. *Jihad vs. McWorld: Terrorism's Challenge to Democracy*. The Random House Publishing Group., 272.

²⁴ Rueb, Emily S., and Taylor, Derrick Bryson. 2019. “Obama on Call-Out Culture: ‘That’s Not Activism.’” *The New York Times*, 1.

²⁵ Isaac, Mike. 2019. “Dissent Erupts at Facebook Over Hands-Off Stance on Political Ads.” *The New York Times*, B1.

In other words, some tech companies not only commodify certain speech, but they monopolize certain opinions leading to the repeated exclusion of some voices or ideas. They mute, or isolate, unpopular voices, while amplifying the opinions of others. It is thus imperative to consider what is at stake when a false consensus precludes certain “parties” from establishing themselves on modern platforms and from raising contrarian points in the struggle of democracy.²⁶ If certain parties or views are not given the chance to *exist* or are not permitted an equal share on certain platforms, then our information networks have effectually dismantled the opportunity to participate in democracy through disagreement. To be clear, there are some beliefs so outdated or nefarious that they must be thoroughly called out and dispelled. The #MeToo movement is just one example of the power of call-out culture to hold aggressors accountable and challenge the power of figures who were previously out of reach.²⁷ Scholar and linguist Chi Luu has traced the origins of call-out culture, and reports that it has hastened the fall of “powerful Hollywood producers, racist and sexist comedians, white supremacists, and clueless corporations.”²⁸ It has also demonstrated the ability of self-assembled groups that may have never exerted such power individually to affect social change.²⁹ For these reasons, and several others not touched upon here, call-out culture must be dutifully lauded as an important and transformative mode of justice.

Recently, however, scholar-activist Loretta Ross discussed the perils of a cancel culture that is hyper-fixated on “insulting and shaming” rather than open dialogue.³⁰ While Ross acknowledges that not every person who has made an offensive or ignorant remark will be willing to re-examine his or her beliefs if given the opportunity, this should not deter others from educating the provocateur. The excesses of cancel-culture, however, leave little room for constructive feedback. The various merits of

²⁶ Rancière, Jacques. 2010. *Dissensus: On Politics And Aesthetics*. Continuum International Publishing Group., 12.

²⁷ Ross, Loretta. 2019. “I’m a Black Feminist. I Think Call-Out Culture Is Toxic.” *The New York Times*., 1.

²⁸ Luu, Chi. 2019. “Cancel Culture Is Chaotic Good.” *JSTOR Daily*., 1.

²⁹ *Ibid.*, 1.

³⁰ Ross, Loretta. 2019. “I’m a Black Feminist. I Think Call-Out Culture Is Toxic.” *The New York Times*., 1.

call-out culture are often marred by the harms of its derivatives: the belittling, shaming, and, at times, “ruthless hazing” that has erupted in digital circles across different platforms.³¹ These juvenile acts that intend to entirely discard of ill-informed people forces yet another binary onto a nuanced population: those who were “born woke and are good” versus those who “weren’t and are bad.”³² Humanity is incredibly complex and the childish “mud-slinging” that often occurs online is an ineffective means to achieve transitional justice in its most robust form.³³ Significantly, in eliminating the appearance of struggle between viewpoints that appears during rigorous debate or educational instruction, McWorld has contributed to the end of politics as defined by Rancière.

False consensus is also prevalent when the technological giants of McWorld are complicit in promoting a value system inconsistent with their own. Another *NYT* article titled “Apple and Google Urged to Dump Saudi App That Lets Men Track Women” speaks to the complacency of American tech giants in failing to remove a Saudi app that facilitates Saudi guardian laws over women. The article further examines the responsibility of for-profit corporations to cut, or weaken, economic ties with foreign countries who do not share similar values.³⁴ Most significantly, the article illuminates how consensus with an amoral system is an equally perilous form of expression. As Barber states, “technopoly suggests ‘the submission of all forms of cultural life to the sovereignty of technique and technology.’” Technology now holds a certain dictate over our lives that warps our sense of authenticity, and, most critically, our sense of civic duty.³⁵

The byproduct of our touch-screen generation, or the “endless presentation to each and every one of us of a real indissociable from its image” is the erosion of democracy.³⁶ The core of politics

³¹ Ibid., 1.

³² Achieng', Garnett. 2018. “The Problem With ‘Cancel Culture.’” *Women's Media Center.*, 1.

³³ Ross, Loretta. 2019. “I’m a Black Feminist. I Think Call-Out Culture Is Toxic.” *The New York Times.*, 1.

³⁴ Hubbard, Ben. 2019. “Apple and Google Urged to Dump Saudi App That Lets Men Track Women.” *The New York Times.*, 1.

³⁵ Barber, Benjamin. 1995. *Jihad vs. McWorld: Terrorism's Challenge to Democracy*. The Random House Publishing Group., 280.

³⁶ Rancière, Jacques. 2010. *Dissensus: On Politics And Aesthetics*. Continuum International Publishing Group., 104.

becomes instantaneously hollow as citizens kowtow to algorithms, quickly becoming susceptible to the “digital gerrymandering” that preys on the passive civic mind.³⁷ As our technology has morphed into weaponry, we are quick to peg controversial and uncomfortable ideas as “problems”³⁸ and a nuanced person with a problematic idea as “disposable.”³⁹ As Rancière states, “this elimination of the appearance of the people and of its difference from itself then finds corresponding processes for eliminating the dispute by putting any object of dispute that might revive the name of the people and the appearances of its division in the form of a problem.”⁴⁰ Worse yet, the objects of disagreement are cast as topics to expediently resolve – remedied by “only one objectively possible” solution. Rancière’s discussion of intellectual intolerance is pronounced in our contemporary moment: disputable ideas, and even the innocent faux pas, may not only be categorized as “problems” but may also be entirely canceled, demonstrating a fatal reluctance to engage and challenge competing notions.⁴¹ This, in turn, fuels a carceral logic. In many instances, not only has the actual struggle characteristic of democracy disappeared, but our *willingness* to tolerate and engage in the struggle has also atrophied. As such, we depend on false consensus to preclude the fact-based, often uncomfortable deliberation intrinsic to rigorous politics.

While false consensus has tarnished our deep history of civic responsibility and intellectual resilience, it is important to consider how democracy might be facilitated through modern technologies. The Pew Research Center (PRC) raises a pertinent counterargument that traces instances in which citizens have leveraged tech/social media for political dissent or resistance. A primary example is the role of “citizen journalism” that developed online during the Arab Spring Uprisings.

³⁷ Zittrain, Jonathan. 2014. “Engineering an Election: Digital Gerrymandering Poses a Threat to Democracy.” *Harvard Law Review* 127, no. 8., 335.

³⁸ *Ibid.*, 107.

³⁹ Ross, Loretta. 2019. “I’m a Black Feminist. I Think Call-Out Culture Is Toxic.” *The New York Times.*, 1.

⁴⁰ Rancière, Jacques. 2010. *Dissensus: On Politics And Aesthetics*. Continuum International Publishing Group., 107.

⁴¹ *Ibid.*, 107.

Civil society leaders in Arab countries have emphasized the role of technology, and social media specifically, in creating a space for civil engagement, free speech, and activism. Oftentimes, social media is a convenient means to propagate a salient idea, expose the invalidity of a nefarious claim, or foster a sense of online activism. Long after the Uprisings, scholars and civil leaders continue to evaluate the influence of technology and online activism in catalyzing political and social change.⁴²

It is impossible to rigorously explore this important correlation, however, without first deciphering how the role of technology is altered by issues of access. PRC has aptly distinguished between “the importance of social media in communicating to the rest of the world what was happening on the ground during the uprisings” and its importance as a “rallying cry” to unite activists within the country. The Center found that the majority of Egyptians do not have access to the Internet and thus social media was not a “mobilizing force in the uprisings.”⁴³ Most significantly, this research highlights what Rancière elucidated as the *raison d’être* of postmodern democracy: that distinct *parties* are not given a chance to appear, and thus, in the image-centric McWorld, to exist.⁴⁴ In this case, modern technologies have precluded certain people from engaging issues that directly affect them as citizens. As such, the omnipresent “technopoly” can hardly be understood to facilitate democracy as defined by Rancière.⁴⁵ Rather, our screens hypnotize us with the noble lie of our time: the internet masquerades as the great equalizer – feigning open communication amongst the citizenry and broad political participation – while it habitually excludes certain voices. As often as our technopoly is open, it is inaccessible; as long as it is exclusionary, it is undemocratic.

⁴² Brown, Heather, et al. 2012. “The Role of Social Media in the Arab Uprisings.” *Pew Research Center: Journalism & Media*, 1.

⁴³ *Ibid.*, 1.

⁴⁴ Rancière, Jacques. 2010. *Dissensus: On Politics And Aesthetics*. Continuum International Publishing Group., 102

⁴⁵ Barber, Benjamin. 1995. *Jihad vs. McWorld: Terrorism's Challenge to Democracy*. The Random House Publishing Group., 272.

Another counterargument draws on the anti-democratic sentiment of particular classical philosophers. Plato, for instance, proposed rule by an elite class of wise philosopher-kings over self-governance by the citizenry.⁴⁶ He viewed the democratic man as an intellectual nomad: imprisoned by the latest trends or transient pleasures irrespective of a higher purpose or goal.⁴⁷ In light of modern cyber threats to democracy, scholars have re-envisioned the benefits of rule by the wise few. For instance, Georgetown University professor Jason Brennan claims that social media has inspired a kind of “information warfare” that threatens our democratic processes.⁴⁸ In other words, the advances of McWorld often work in opposition to our political ethos through exclusion, falsification, and censorship.

In a radical stance, Brennan proposes the complete elimination of democracy and the adoption of “epistocracy,” or “rule of the knowers.”⁴⁹ Similar to Plato, Brennan is inspired by an elusive ideal that privileges a select few with the responsibilities of government. This counterargument is weakened when considering the distinction between the technologies, themselves, and the profit-seeking companies behind such innovations. In their open letter to Mark Zuckerberg, Facebook employees did not advocate de construction of the platform itself but vied for a policy of civic responsibility.⁵⁰ These technologies eliminate the struggle of democracy as defined by Rancière through false consensus only so long as the humans behind such devices fail to actively revise their approach to civic duty. It is radically injudicious, however, to eliminate democracy in its entirety: the backlash against the manipulative technologies of McWorld is, itself, made possible through our democratic infrastructure.

⁴⁶ Plato. 2012. “The Republic” (ed. by Steven Cahn). *Classics of Moral and Political Philosophy*, Second ed., Oxford University Press., 109.

⁴⁷ Plato. 2012. “The Republic” (ed. by Steven Cahn). *Classics of Moral and Political Philosophy*, Second ed., Oxford University Press., 146.

⁴⁸ Rosenbach, Eric, and Katherine Mansted. “Can Democracy Survive in the Information Age?” *Technology and National Security: Maintaining America's Edge*, 3.

⁴⁹ Somin, Ilya. 2013. “Democracy vs. Epistocracy.” *The Washington Post*, 1.

⁵⁰ Isaac, Mike. 2019. “Dissent Erupts at Facebook Over Hands-Off Stance on Political Ads.” *The New York Times*, B1.

While democracy is challenged by our expansive networks and often unbridled informational exchange, it is also the form of governance most permissive of protest against its ills. It is, as eloquently defined by Rancière, the struggle itself.⁵¹

Rancière states that postdemocracy depends on “procedures exhaustively presenting the people and its parts and bringing the count of those parts in line with the image of the whole.”⁵² Postdemocracy is thus contingent on false consensus. This superficial unanimity subsists on an expedient culture tempted by quick expressions of “likes” and “dislikes” absent rigorous reflection and independent reason.⁵³ Most significantly, however, the technologies of McWorld flout our robust history of democracy by denying open access to distinct “parties.”⁵⁴ In order to secure the struggle characteristic of democracy, platforms of free speech must be truly accessible to distinct groups. If democracy must necessarily be conducted through our devices, we must uncover the means to promote factual information, increase access in impoverished areas, and reconsider ideas that were rashly “canceled.”⁵⁵ If McWorld is to empower rather than efface democracy, online policies and access must secure the indispensable struggle between distinct parties.⁵⁶

⁵¹ Rancière, Jacques. 2010. *Dissensus: On Politics And Aesthetics*. Continuum International Publishing Group., 99.

⁵² *Ibid.*, 103.

⁵³ Kant, Immanuel. “What Is Enlightenment?” *CCREAD*, Columbia.edu.

⁵⁴ Rancière, Jacques. 2010. *Dissensus: On Politics And Aesthetics*. Continuum International Publishing Group., 102

⁵⁵ Rueb, Emily S., and Taylor, Derrick Bryson. 2019. “Obama on Call-Out Culture: ‘That’s Not Activism.’” *The New York Times*, 1.

⁵⁶ Rancière, Jacques. 2010. *Dissensus: On Politics And Aesthetics*. Continuum International Publishing Group., 102

Bibliography

- Achieng', Garnett. 2018. "The Problem With 'Cancel Culture.'" *Women's Media Center*.
- Baudrillard, Jean. *Simulacra and Simulation* (Sheila Glaser). University of Michigan Press, 2018.
- Barber, Benjamin. 1995. *Jihad vs. McWorld: Terrorism's Challenge to Democracy*. The Random House Publishing Group.,
- Brown, Heather, et al. 2012. "The Role of Social Media in the Arab Uprisings." *Pew Research Center: Journalism & Media*.
- Plato, "The Republic" (ed. by Steven Cahn). *Classics of Moral and Political Philosophy*, Second ed., Oxford University Press, 2012: 31-168.
- Debord, Guy. 2016. *Society of the Spectacle*. Black & Red.
- Hubbard, Ben. 2019. "Apple and Google Urged to Dump Saudi App That Lets Men Track Women." *The New York Times*.
- Isaac, Mike. "Dissent Erupts at Facebook Over Hands-Off Stance on Political Ads." *The New York Times*, October 28, 2019: B1-B6.
- Kant, Immanuel. "What Is Enlightenment?" *CCREAD*, Columbia.edu.
- Luu, Chi. 2019. "Cancel Culture Is Chaotic Good." *JSTOR Daily*.
- Rancière, Jacques. 2010. *Dissensus: On Politics and Aesthetics*. Continuum International Publishing Group.
- Rosenbach, Eric, and Katherine Mansted. "Can Democracy Survive in the Information Age?" *Technology and National Security: Maintaining America's Edge*, 1–25.
- Ross, Loretta. 2019. "I'm a Black Feminist. I Think Call-Out Culture Is Toxic." *The New York Times*.
- Rueb, Emily S., and Taylor, Derrick Bryson. 2019. "Obama on Call-Out Culture: 'That's Not Activism.'" *The New York Times*.

Somin, Ilya. 2013. "Democracy vs. Epistocracy." *The Washington Post*.

Zittrain, Jonathan. "Engineering an Election: Digital Gerrymandering Poses a Threat to Democracy." *Harvard Law Review* 127, no. 8 (June 20, 2014): 335–41.

“Extraordinary Measures”: Franz Kafka’s “In the Penal Colony” as a Model of Giorgio Agamben’s Political Theory

Charles W. Karcher

University of Florida, International Studies and English

Introduction

Franz Kafka’s “In the Penal Colony”⁵⁷⁵⁸ tells a story of a traveling man who witnesses the arbitrary execution of a soldier at the hands of a high-ranking military officer on an unspecified colonized island. As the imprisoned soldier is brutally executed by an unorthodox machine (the “apparatus”) that inscribes words representing his criminal offense into his back, the officer gushes about his strange obsession and admiration for the machine. The story takes a turn when the officer releases the condemned soldier and instead puts himself into the machine, leading to his unpleasant demise. In typical Kafka fashion, the reader is left with a story that has ended far from where it has started, leaving much room for interpretation.

Published in 1919, “In the Penal Colony” could be read at face value as a commentary on European colonization in the beginning of the twentieth century. It could also be understood as a representation of the forms of torture that Michel Foucault documents in his penultimate project, *Discipline and Punish*.⁵⁹ A holistic reading, however, reveals the story’s value as a model for

⁵⁷ Kafka, Franz. 1919/1971. *Franz Kafka: The Complete Stories*, trans. by Willa Muir and Edwin Muir. New York: Schocken Books.

⁵⁸ While several translations of “In the Penal Colony” exist, I will be almost exclusively using the one found in *Franz Kafka: The Complete Stories*, which was translated from the German by Willa and Edwin Muir.

⁵⁹ Boyer, Daniel. 2015. “Kafka’s Law-Writing Apparatus: A Study In Torture, A Study In Discipline”. *Yale Journal Of Law And The Humanities* 27 (1). <https://digitalcommons.law.yale.edu/cgi/viewcontent.cgi?article=1423&context=yjlh>.

understanding these topics and others within the matrix of authority, sovereignty, and the state apparatus. Specifically, the characters, setting, and storyline of “In the Penal Colony” can be understood as manifestations of Giorgio Agamben’s political theories.

Giorgio Agamben (b. 1942) is an Italian political philosopher that has spearheaded contemporary critical thought about the nature of sovereignty, jurisprudence, and political ontology. The “state of exception,” perhaps his most popular concept, describes the way in which governments craft and enforce law while simultaneously operating outside of its jurisdiction, creating a liminal space that allows states to employ extrajudicial practices: “The paradox of sovereignty consists in the fact the sovereign is, at the same time, outside and inside the juridical order...the sovereign, having the legal power to suspend the validity of the law, legally places himself outside the law.”⁶⁰ The state of exception may be most salient to the global public when an external political event, such as a war or terrorist attack, allows a government to mobilize public support⁶¹ for a given practice under the guise of increasing the security or well-being of the country.⁶²

Parlance such as “states of emergency” or “wartime measures” often describe instances of governments instituting policies that are only permissible as a result of the state of exception. The state of emergency that the French government instituted after the 2015 terrorism attacks in Paris exemplifies the state of exception *par excellence*. “The newly introduced state of emergency had granted the authorities exceptional new powers, including the authority to search any premises - without judicial oversight – on very vague grounds far below the threshold required under French criminal law.”⁶³ Another, more tangible, example of violence resulting from the state of exception includes the

⁶⁰ Agamben, Giorgio. 1998. *Homo Sacer*. Stanford, Calif.: Stanford University Press.

⁶¹ While this public support often exists, it is by no means necessary. Inherent to the state of exception is the ability for the state to operate without the consent of the population.

⁶² Because of this, the state of exception is relevant when accounting for the proliferation of global securitization and militarization, especially in a post-9/11 world.

⁶³ Perolini, Marco. 2017. "France's Permanent State Of Emergency" Amnesty.org.
<https://www.amnesty.org/en/latest/news/2017/09/a-permanent-state-of-emergency-in-france/>.

U.S. government's set of practices at its prison in Guantánamo Bay, Cuba. Although both the methods of torture and the ambiguous legal proceedings that are earmarks of Guantánamo Bay have been criticized as being violations of the U.S. Constitution,⁶⁴ the prison is able to insulate itself from legal culpability since it is operated by the same body that would be the one to hold it accountable for its behavior – that is, the U.S. federal government. Within Agamben's theoretical framework, Guantánamo Bay and France's state of emergency both offer great real-world examples of the state of exception; thus, I will occasionally draw comparisons between them and Kafka's penal colony.

Kafka's Characterizations

We can begin our descent into the specifics of "In the Penal Colony" by evaluating Kafka's construction of the story's characters. The "prisoner," who is later referred to as the "condemned man," is important to understanding the dynamics of the penal colony's sovereignty. In an inner dialogue nearly halfway through the story, the explorer notes, in regard to himself, that "[h]e was neither a member of the penal colony nor a citizen of the state to which it belonged."⁶⁵ This offers us a reference point from which we can understand that the country that owns the penal colony *does* have legal constructions such as citizenship that provides its subjects with some sort of legal recognition. A logical extrapolation this information is that the mother country also offers legal rights and protections for its citizens – these may include things such as *habeas corpus* and protection from egregious forms of punishment. However, the prisoner, who had been serving as a soldier of the state in the penal colony before committing his offense, no longer has basic tenants of legal personhood:

Many questions were troubling the explorer, but at the sight of the prisoner he asked only:

"Does he know his sentence?" "No," said the officer, eager to go on with his exposition, but the explorer interrupted him: "He doesn't know the sentence that has been passed on him?"

⁶⁴ "Editorial: Guantanamo Detainees Are Still Trapped In A Legal Black Hole". 2019. Los Angeles Times. <https://www.latimes.com/opinion/editorials/la-ed-breyer-guantanamo-20190612-story.html>.

⁶⁵ Kafka, 151

“No,” said the officer again, pausing a moment as if to let the explorer elaborate his question, and then said: “There would be no point in telling him. He’ll learn it on his body.” The explorer intended to make no answer, but he felt the prisoner’s gaze turned on him...So he bent forward again, having already leaned back in his chair, and put another question: “But surely he knows that he has been sentenced?” “Nor that either,” said the officer, smiling at the explorer as if expecting him to make further surprising remarks. “No,” said the explorer, wiping his forehead, “then he can’t know either whether his defense was effective?” “He has had no chance of putting up a defense,” said the officer...⁶⁶

While the prisoner was once a subject of the government with all the rights and protections thereof, he is now classified as a body that only exists as a biological entity with no social or legal subjectivity,⁶⁷ making him representative of Agamben’s bare life, a state in which, as Judith Butler explains, a “subject [is] deprived of rights of citizenship enters a suspended zone, neither living in the sense that a political animal lives, in a community and bound by law, nor dead and, therefore, outside the constituting condition of the rule of law.”⁶⁸ This semiotic marker is what allows the officer to give such an egregious punishment – the execution – to the soldier without giving him any opportunity for redress or defense.

Given the explorer’s inner dialogue, he can also be considered bare life, another instrument of sovereignty as theorized by Agamben. It can be understood that subjects of the state – citizens or otherwise – are deprived of the essence of their subjectivity by the state when the state operates from the state of exception and/or otherwise classifies bodies as bare life. The explorer is classified as bare life not because he has committed a crime, but simply because he is a foreigner to the colony and its

⁶⁶ Kafka, 144-145.

⁶⁷ This reduction is reminiscent of the label that inmates at Guantanamo Bay are given: “enemy combatant,” which positions them as subjects that exist outside of the scope of the U.S. Constitution and legal system.

⁶⁸ Butler, Judith. 2004. *Precarious Life : The Powers Of Mourning And Violence*. New York: Verso.

country – much like the inmates at Guantánamo Bay. This is noticeably different from how the marker of bare life was placed onto the prisoner as he was a subject of the state until he committed a crime. With this differentiation in mind, two processes by which bare life is created can be isolated. First, as with the case of the explorer, the categorization of bodies as bare life can be understood as a *passive* process; the state classifies him as bare life since he is a foreigner that has never been privy to legal incorporation into the government. Second, the marking of bare life can also manifest via *active* processes; the condemned soldier has been reduced down to bare life as a result of his offense to the state's authority. Although he was once a legal subject of the state, the state of exception has allowed the officer to punish him without judicial proceedings, and his existence as bare life allows the officer to treat him as a fungible body and conduct the execution without hesitation.

The officer's power can be contested by the apparent superiority of the commandant. Foucault writes in *The History of Sexuality: Volume 1*, "For a long time, one of the characteristic privileges of sovereign power was the right to decide life and death."⁶⁹ The ability of the officer to order the arbitrary execution of a soldier – without any oversight or contemplation – places him at the levers of sovereign power.⁷⁰ Although the officer has such liberal jurisdiction, the commandant is noted to be superior to the officer, but officer insists that the commandant would never hold him accountable for his actions: "Although he is powerful enough to take measures against me, he doesn't dare to do it yet."⁷¹ The officer further explains that the only motive that the commandant may have to stop the practices of the officer – notably, the execution method – would be if outside criticism, such as from the explorer, indicated that the execution method is unjust or inappropriate. This relationship is similar

⁶⁹ Foucault, Michel, 1926–1984. *The History of Sexuality*. New York: Pantheon Books, 1978.

⁷⁰ Using Foucault's observation, it is clear that the penal colony represents the former way that sovereignty was able to wield power. Foucault goes on to observe that the modern power of the sovereign only allows for the killing of subjects if the very existence of the government is at risk – this aligns well with the idea that Guantánamo Bay is a modern instance of the state of exception. Even the prison does not kill inmates, it is still a gross demonstration of sovereign power.

⁷¹ Kafka, 155.

to the relationship that the government has with itself as per Agamben's theories; a government may have an interest in abolishing unjust practices if it is faced with external criticism (such as outcry from the global public or international watchdog organizations) or legal culpability (such as the tenants of the Geneva Convention or a ruling from an international court). In the same way, the officer explicitly explains that his actions would only be stopped if the explorer were to mention his disapproval of the apparatus to the Commandant, "but he certainly means to use your verdict against me, the verdict of an illustrious foreigner."

The officer goes on to explain that the commandant would make a large, public deal out of the explorer's hypothetical disapproval of the apparatus, "I can see him, our good Commandant, pushing his chair away immediately and rushing onto the balcony..."⁷² If the apparatus were to be subject to external criticism, this action by the commandant would give the public the perception that the commandant largely disapproved of the apparatus and its cruel punishments. However, this is not the case – he was previously very complacent with it, and the officer even bragged about not having to worry about being punished by the commandant. While this symbolizes the complicity that a government will have with state violence until it is challenged by an outside source for its hypocrisy, it more broadly indicates that the colony is able to operate without having to answer to its own population during times of disorder – a characteristic that is intrinsic to the state of exception. It is also noted that the commandant was the one to invite the explorer to view the execution in the first place: "The explorer seemed to have accepted merely out of politeness the commandant's invitation to witness the execution of a soldier condemned to death."⁷³ While these lines seem to imply that the state is self-regulating (because the commandant was interested in a third-party opinion on the apparatus), they actually reify the penal colony as an example of the state of exception, as outsiders

⁷² Kafka, 156.

⁷³ Kafka, 140.

require consent from the ruling government to investigate the apparatus. Outside of the state of exception, the procedures of the state would ideally be transparent and the investigation of them would not require an approval from the actor that is behind them.

Geographic Considerations

The geographic setting of *In the Penal Colony* is another area in which the story demonstrates Agamben's political theories. The opening paragraph's⁷⁴ description of the characters and the apparatus outlines a situation that the reader would imagine to be in a prison in a Western civilization. However, Kafka sprinkles in clues that this is not the case; descriptions such as "sandy," "naked crags," and "tropics" are used. It can thus be understood that the story is set in a colonized location in the Global South, which, given time period that Kafka wrote this story, implies that the colonizing state is a European power. This is further supported by the fact that the officer notes that the uniforms that the colony's military wears are not suited for the tropics because they are "too heavy" and then explains that "they mean home to us; we don't want to forget about home."⁷⁵ If the uniforms, which are too heavy for the tropics, are suitable for 'home' but not the 'tropics,' 'home' is comparatively colder than where the story is set, indicating that the colony's mother country is the global north, far away from the penal colony. Thus, the colonizing state has established the penal colony as a way to escape its own jurisdiction, allowing it to commit extrajudicial practices such as the use of the apparatus.

This makes the colony a physical manifestation of the state of exception (just as Guantánamo Bay is). Although the story is about the punishment of a soldier that was already stationed in the colony, the fact that the colony is referred to as a "penal colony" implies that its purpose is to punish subjects. The entrance of a body into the colony thus marks its ontological reduction from a legal

⁷⁴ Kafka, 140.

⁷⁵ Kafka, 140-141.

subject to nothing but a biological organism that is not deserving of any legal recognition; that is, it becomes bare life. This reduction allows the killing or torturing of such subjects to be permissible to the government of the colony. The similarity between the penal colony and the United States' use of Guantánamo Bay in terms of location is clear – both states use a location far from home to conduct practices that would be repugnant within their own borders, as per their own legal system. Once subjects enter either the penal colony or Guantánamo Bay, they are reduced to bare life and the amount and extremity of violence that occurs to them no longer matters to the government.

The descriptions of the juridical aspects of the penal colony that are given by the officer are also helpful in understanding the penal colony as representative of Agamben's political thought. In the beginning of the story, the inner dialogue of the explorer reveals important information about the legal context of the colony: "He had to remind himself that this was in any case a penal colony where extraordinary measures were needed and that military discipline must be enforced to the last."⁷⁶ There is a clear connection here to the use of the state of exception in the real world – governments use discursive markers such as the "state of emergency" to justify real-world "extraordinary measures" such as indefinite detention and warrantless searches. In fact, this part of the story is reminiscent of the vernacular that the Obama administration used regarding the operations of Guantánamo Bay when they were challenged in the court system, "The Obama administration opposed the litigation and had urged the high court to reject the appeal. The government argued that "special factors" related to military protection of national security preclude judicial involvement in allowing such litigation to move forward in "sensitive circumstances such as these."⁷⁷

⁷⁶ Kafka, 146.

⁷⁷ Richey, Warren. 2009. "Supreme Court Refuses Case On Guantanamo Detainees And Torture". *The Christian Science Monitor*. <https://www.csmonitor.com/USA/Justice/2009/1214/Supreme-Court-refuses-case-on-Guantanamo-detainees-and-torture>.

In the same way that the Obama administration dictated temporal pace of the litigation, *In the Penal Colony*'s officer demonstrates a sense of urgency when he is preparing for the execution: "Much as I dislike it, I shall have to cut my explanations short. But of course tomorrow, when the apparatus has been cleaned...I can recapitulate all the details."⁷⁸ This utterance implicates two things: First, the rapid process of the execution represents the artificial urgency that politicians construct during a state of emergency – for example, the PATRIOT Act (which included many provisions that were later ruled unconstitutional⁷⁹ – suggesting that its passage was a function of the state of exception) was passed just over a month after the events of September 11th, 2001, even though it was a massive piece of legislation that could not have realistically been sufficiently reviewed, edited, and critiqued within such a time span. Second, the officer's promise to "recapitulate all the details" in the future represents the constant deferral of the law that is inherent to the state of exception. Butler writes, "...sovereignty extends its own power precisely through the tactical and permanent deferral of the law itself."⁸⁰ By avoiding the discussion of how the apparatus functions, the officer is able to avoid coming to terms with its lack of legitimacy. This constant deferral is symbolic of the state's ability to infinitely avoid accountability or culpability as a result of the state of exception.

The unorthodox nature of the apparatus is obvious throughout the story. The opening line of one translation of the story, a line said by the officer himself, reads, "It's a peculiar apparatus."⁸¹ The officer's concern about the explorer's opinions about the apparatus also proves that the apparatus is out of the ordinary for the time period in which the story takes place. Furthermore, the punishment that the apparatus inflicts on subjects is gratuitous – the inscription of words on the subject's back is

⁷⁸ Kafka, 147.

⁷⁹ "Jude Rules Part Of Patriot Act Unconstitutional". 2007. NBC News.
http://www.nbcnews.com/id/20999950/ns/us_news-security/t/judge-rules-part-patriot-act-unconstitutional/#.Xfxnb9ZKi9Y.

⁸⁰ Butler, 68.

⁸¹ Kafka, Franz. 1919/2003. *In the Penal Colony*, trans. by Ian Johnston.
https://manybooks.net/titles/kafkafraother05penal_colony.html

pointless in the context of rehabilitation since the apparatus continues its machinic torture to the point of death, even if the prisoners eventually understood what they were being punished for. Thus, the apparatus represents the physical manifestations of activities that are permissible because of the state of exception, similar to the prison at Guantánamo Bay and the ability for French law enforcement to conduct searches without much oversight post-2015. Coincidentally, It is likely that the apparatus' inscription on the prisoner's was written in French, which was previously noted to not be understood by either the soldier or the prisoner, "...the officer was speaking French, and certainly neither the soldier nor the prisoner understood a word of French."⁸² It is also unlikely that enemies (the likely source of most of the colony's subjects) of the mother country would understand French given their inherent opposition to the mother country. Moreover, it is even said that "no sign was visible of the promised redemption,"⁸³ even for the officer (once he subjects himself to the apparatus), who understands French.⁸⁴ Thus, the apparatus can be understood as a form of gratuitous punishment that is used to instill fear and the logic of security into the state's population. Just like how much of the PATRIOT Act was not needed to combat terrorism and how the practices at Guantánamo Bay have been more of a display of human rights abuses⁸⁵ than a significant help to U.S. counterterror efforts, the apparatus is an arbitrary form of torture and death that only exists to make the state's population – and the state itself – feel secure in the face of disorder. The elimination of state-classified bare life via practices that are permissible as a result of the state of exception is exemplary of Agamben's political thoughts.

Conclusion

⁸² Kafka, 142.

⁸³ Kafka, 166.

⁸⁴ This goes to show that the punishment that the apparatus inflicts is Kafkaesque in its sheer ridiculousness – even if the apparatus wrote in a language that its subject understood, it is not as though they would be able to understand what is being aggressively carved into their back anyway.

⁸⁵ "Guantánamo Bay: 14 Years Of Injustice". 2018. *Amnesty.Org.Uk*. <https://www.amnesty.org.uk/guantanamo-bay-human-rights>.

“In the Penal Colony” can be read in many ways, including as commentary on colonization or the evolving forms of discipline used by governments. A reading that encompasses both of these considerations – and more – analyzes the penal colony’s placement in an intricate web of state power, authority, and sovereignty. Agamben’s major political theories – bare life and the state of exception – explain large swaths of Kafka’s story. Not only do they account for the juridical way that the penal colony exists, but they also explain the way that subjects and officials are treated on an interpersonal and legal level within the colony. A reading of the story using this framework places it alongside real world iterations of the state of exception, such as Guantánamo Bay. Unlike the apparatus, which breaks down and collapses at the end of the story, the machinic operations of the state of exception are unfortunately alive and well in the real world today, waging material violence on populations around the globe in the name of “order” and “security.” Ultimately, Kafka’s story should be read as a herald of warning, as it offers readers insight into how governments have justified illegal practices throughout history and into the present.

Bibliography

- Agamben, Giorgio. 1998. *Homo Sacer*. Stanford, Calif.: Stanford University Press.
- Boyer, Daniel. 2015. "Kafka 'S Law-Writing Apparatus: A Study In Torture, A Study In Discipline".
Yale Journal Of Law And The Humanities 27 (1).
<https://digitalcommons.law.yale.edu/cgi/viewcontent.cgi?article=1423&context=yjlh>.
- Butler, Judith. 2004. *Precarious Life: The Powers of Mourning And Violence*. New York: Verso.
- "Editorial: Guantanamo Detainees Are Still Trapped In A Legal Black Hole". 2019. *Los Angeles Times*. <https://www.latimes.com/opinion/editorials/la-ed-breyer-guantanamo-20190612-story.html>.
- Foucault, Michel, 1926-1984. *The History of Sexuality*. New York: Pantheon Books, 1978.
- "Guantánamo Bay: 14 Years Of Injustice". 2018. Amnesty.org.
<https://www.amnesty.org.uk/guantanamo-bay-human-rights>.
- "Jude Rules Part Of Patriot Act Unconstitutional". 2007. NBC News.
http://www.nbcnews.com/id/20999950/ns/us_news-security/t/judge-rules-part-patriot-act-unconstitutional/#.Xfxnb9ZKi9Y.
- Kafka, Franz. 1919/1971. *Franz Kafka: The Complete Stories*, trans. by Willa Muir and Edwin Muir.
New York: Schocken Books.
- Kafka, Franz. 1919/2003. *In the Penal Colony*, trans. by Ian Johnston.
https://manybooks.net/titles/kafkafraother05penal_colony.html
- Perolini, Marco. 2017. "France's Permanent State Of Emergency" Amnesty.org.
<https://www.amnesty.org/en/latest/news/2017/09/a-permanent-state-of-emergency-in-france/>.
- Richey, Warren. 2009. "Supreme Court Refuses Case On Guantanamo Detainees And Torture". *The Christian Science Monitor*.

<https://www.csmonitor.com/USA/Justice/2009/1214/Supreme-Court-refuses-case-on-Guantanamo-detainees-and-torture>.

Stolen Subsistence: Gardens in West Virginia Coal

Company Towns, 1880-1930

Colin Hutton

Emory University, History (American Labor and Economic)

In the latter part of the nineteenth century, the people in the area now known as West Virginia underwent an economic transition that changed the way that they crafted their livelihoods and connected with their land. As railroad systems expanded through the mountains of Appalachia in the late nineteenth century, newly arrived industrialists increasingly demanded coal for mining and selling. Coal companies set up towns near mines, acted as if they were states, and established West Virginia as an industrial periphery in the burgeoning United States industrial economy. However, as capitalist industry incorporated the people of Appalachia into systems of wage labor, deeply rooted modes of small-scale agricultural subsistence persisted. In West Virginia, from the 1880s to the 1930s, the same gardens that once served as the livelihoods of people living in Mountain towns now emerged in coal company towns.

The coal company town gardens in West Virginia therefore presents a case in the history of industrial development in North America that differs somewhat from a traditional model of absolute dependence on wage labor. In drawing on historical scholarship, primary documents, and federal documents, this paper investigates how subsistence gardens in coal company towns became crucial in the development of capitalism in West Virginia. A central argument of this paper is that to create an industrial Appalachia, coal companies relied on an articulation of capitalist and non-capitalist modes of production that gave them unfettered control over labor power. While workers initially planted

personal gardens to maintain autonomy from the exploitative nature of wage jobs in the unpleasant and dangerous bituminous coal mines, coal companies soon required workers to keep gardens; in doing so coal companies accumulated massive amounts of surplus capital by keeping wages below a level of subsistence.⁸⁶ Simultaneously, coal companies acted like states: to make miners dependent on their employers, they minted their own money, established company towns, and most notably, seized control of their workers' gardens.

This paper uses “subsistence” to characterize these non-capitalist modes. Even before 1883—when coal land companies brought enormous amounts of capital into the Appalachian hills—West Virginian farmers and hunters had been exchanging goods for money and producing according to their available land and resources for decades. However, the advent of coal in the 1880s brought with it a transition where money changed from being useful to being necessary. As Dudley Dillard put it, the withholding of money creates effects “more severe under capitalism than under other systems,” with unemployment and fluctuations in output among these. “Subsistence” more accurately describes pre-capitalist West Virginia, a place where, for the most part, people grew their own food and did not sell the majority of what they grew.

Traditional economic and historical thought has produced a narrow teleology of capitalist development that features the historical transition to wage labor as an essential aspect. Adam Smith saw an absolute division of labor in which “every man lives by exchanging” is a necessary concept to establish commercial society.⁸⁷ Indeed, in most of North America, land enclosure and diminishing access to resources in the nineteenth century forced many previously self-sufficient settler populations of farmers and hunters to enter, at least partially, into wage-labor arrangements of employment. While West Virginia existed on the periphery of American industry--neither a part of the growing industrial

⁸⁶ Stoll, *Ramp Hollow*, 222.

⁸⁷ Adam Smith, *An Inquiry into the Nature and Causes of the Wealth of Nations* (London: Routledge and Sons, 1893), 35.

North nor the highly commercialized agricultural South-- capitalism developed in the hills and hollows of Appalachia in a way no less pervasive. Coal companies exerted tremendous private influence on the counties of West Virginia, taking a significant role in printing money, holding private militias, and building roads.⁸⁸ However, in their development process, coal companies utilized aspects of the non-capitalist modes of production that had existed in Appalachian settlements for decades. Above all, they appropriated the gardens in which coal mining families grew their own food.

Largely isolated from both burgeoning Northeastern manufacturing and Southern agriculture, early settlers in West Virginia depended on household and small-scale farm agriculture with limited exchange. Initially, the frontier economy in the early 1800s in West Virginia involved families provisioning their household by selling guns and animal pelts on local markets for extra income. However, this practice greatly diminished when animals became scarcer in the region by 1830.⁸⁹ Furthermore, the Homestead Act of 1862 precluded the possibility of large-scale market agriculture: fertile lands in the Great Plains and Midwest offered better sources of grain production and greatly surpassed Appalachian yields. Financed by industrial capital in the northeastern U.S., increasingly pervasive railroad systems across the American West and Midwest provided viable markets for Midwestern agriculture. Paul Salstrom has argued that the ensuing divergence in labor philosophy is at the heart of the regime of production that came to govern the marginal lands of West Virginia. While the expanses of the Midwestern prairie offered economic security to allow the farmer to invest in technology to expedite and commercialize farming, this high investment of capital was not as appealing to the Appalachian farmer due to the slow returns—while limited commodity exchanges

⁸⁸ Steven Stoll, *Ramp Hollow: The Ordeal of Appalachia* (New York, New York: Hill and Wang, 2018), 221.

⁸⁹ Paul Salstrom, *Appalachia's Path to Dependency: Rethinking a Region's Economic History, 1730-1940* (Lexington, KY: University Press of Kentucky, 1997), 4.

gave most farmers small-to-moderate amounts of money to work with, the high price of technological instruments often proved too steep of an investment for most to consider worthwhile.⁹⁰

By the end of the 1870s, West Virginia remained generally isolated from the reach of eastern capital, with ebbing and flowing trades of agricultural products at times propping up the mostly self-sufficient agricultural population. While farmers exchanged small quantities of agricultural production within and between local communities—family clans that dominated the region, such as the Hatfields and McCoys, often created informal structures of kinship ties between towns—subsistence and hunting still formed the livelihoods of most Appalachian families. Geologists and statesmen had been acutely aware of the rich deposits of coalfields in West Virginia since the late eighteenth century, with Thomas Jefferson writing in his 1785 *Notes on Virginia* that “in the western country coal is known to be in so many places, as to have induced an opinion, that the whole tract between the Laurel mountain, Mississippi, and Ohio, yields coal.”⁹¹ However, the absence of a reliable way to transport coal left the fields almost completely untouched for nearly a century: as Corbin notes, at the time of the U.S. Civil War, 185 mines employed less than 1600 workers in West Virginia to extract coal for salt manufacturers and blacksmiths.⁹² While railroads sent crop harvests and manufactured goods between the industrial east and agricultural west by the 1870s, the Appalachian Mountains proved impenetrable until the 1880s, when Northeastern industrialists—namely J. P. Morgan, John D. Rockefeller, and E. H. Harriman—had accumulated the capital necessary to build the roads, tunnels, and bridges that would transform West Virginia into what Corbin calls an American “economic colony,” a region divorced from federal regulation, where corporate quasi-statesmen made rules according to the demands of coal extraction.⁹³

⁹⁰ Ibid, 23.

⁹¹ Thomas Jefferson, *Notes on the state of Virginia*, 57.

⁹² Corbin, *Life, Work, and Rebellion*, 2.

⁹³ Ibid, 1.

The advent of coal mining required a profound transformation of the lands on which West Virginians had grown their food for decades. In the years after the Revolutionary War, statesmen awarded and sold land grants to the Western “wastelands” of Virginia to former soldiers and land speculators, but the recipients’ failure to pay federal taxes led to the state seizing the lands and giving them to later settlers in the nineteenth century. However, by the 1880s, Northern capitalists began to buy the original grants and hire local federal judges—with some judges speculated to have been the subjects of bribery—to exert the validity of the grants in court, eventually gaining legal access and removing prior landowners. Land companies quickly leased out land to a series of newly-established coal companies, who named themselves after geographical landmarks: Flat Top, Blue Stone, Crane Creek, Widemouth, Rich Creek, and Indian Ridge.⁹⁴ This rapid and intensive privatization of land also served to separate prior landowners from their traditional means of survival. As coal companies moved in, mountaineers’ farms declined in size and productivity, with a typical 187-acre farm of the early 1880s only inhabiting between 47 and 76 acres by 1930. As Corbin notes, the widespread establishment of railroads also drove back wild game into the Appalachian hills, leading to the rapid decline of hunting.⁹⁵

Tens of thousands of agricultural families were thus swiftly thrust into coal mining work. Coal companies, who across the state employed 28,017 by 1900 and 116,726 by 1921, mined in 35 counties from the northern Fairmont fields to the southern Pocahontas-Flat Top region.⁹⁶ The most robust coal companies lengthened workdays by setting up “company towns”, where employees and their families lived in close proximity to mines. Among the wealth of coal fields across the state, the sloped regions of the Appalachian landscape presented the most ideal location for mines, with the slopes

⁹⁴ Joseph T Lambie, *From Mine to Market: the History of Coal Transportation on the Norfolk and Western Railway* (New York: New York University Press, 1954), 38.

⁹⁵ Corbin, *Life, Work, and Rebellion*, 7.

⁹⁶ Roger Fagge, *Power, Culture, and Conflict in the Coalfields: West Virginia and South Wales, 1900-1922* (Manchester: Manchester Univ. Press, 1996), 12-13.

offering easy access to exposed coal beds and good drainage. Still, households in company towns used their access to personal land as a mechanism of resistance against wage dependency. Salstrom notes the persistence of what he refers to as “local subsistence-barter-and-borrow” systems: to preserve independence from employers, mining families turned to maintaining gardens for subsistence and small-scale exchange. According to Salstrom, class antagonism was at the root of this struggle; while the farmers and hunters of Appalachia placed great value on their labor investment, this value was unreciprocated by coal companies, whose commitment to efficient capital flows came at the cost of poor working conditions and health danger for miners.⁹⁷

Often located in the narrow valleys between mines, company towns offered little space for extensive gardens. Workers therefore turned to the hillsides to grow most of their personal crops. Although the topography and soil quality of this land proved marginal, natural (and some crude man-made) terraces allowed planters to plant large numbers of crops in close proximity to each other and, in some cases, lay stone walls around their personal plots.⁹⁸ A 1923 publication by the American Constitutional Association reported that 53 percent of employees across 41 West Virginia company towns had installed personal gardens; among these, corn and beans were the most commonly grown crops, with some households also planting potatoes, beets, lettuce, onions, and tobacco.⁹⁹ Gardens varied in both size and location: a small plot of vegetables in a backyard might inhabit less than 100 square feet, while a hillside garden could occupy up to a few acres. At times, larger-scale gardens served a group of houses or even a small community, with men and women of different households working in tandem to raise the rows of vegetables.

⁹⁷ Salstrom, *Appalachia's Path*, xxi.

⁹⁸ American Constitutional Association, *Life in a West Virginia Coal Field*, 55.

⁹⁹ *Ibid*, 54-55.

By providing a safety net for their basic needs, gardens gave miners autonomy from the increasingly pervasive presence of coal companies in their lives. As historian Ronald Eller notes, miners often abandoned mines or disobeyed assignments to contest industrial authority:

[Absenteeism] was only one way that the mountaineers rejected the industrial norms of the mine managers. By ignoring work schedules, mining routines, and other innovations which worked at cross-purposes with their traditional way of life, they sought to maintain their individualism and freedom from authority. In this manner, they hoped to benefit from the economic rewards of industrialization without sacrificing their long-held cultural values.¹⁰⁰

In this context, gardens initially served as a space of resistance against industry; as Steven Stoll notes, each family's plot became a "contested ground between the poor and the powerful over who controlled food and the terms of labor."¹⁰¹ However, employers at no point prevented miners from growing their own food; on the contrary, over time they began to encourage or even require families to use any available land for personal gardens. The American Constitutional Association found that in 1924 most company towns offered each family a plow and mule, with some companies even hiring an external laborer to plow gardens "at the company's expense."¹⁰²

Coal companies quickly realized that their project of dispossession in West Virginia worked most efficiently when they appropriated workers' personal gardens and incorporated them into a system of wage dependency. This use of the garden form created what Marx refers to as a "double fund": on one side, a fund guaranteeing the continued health and existence of the worker, and on the other, a surplus uninhibited by the subsistence needs of the worker.¹⁰³ As Marx writes:

¹⁰⁰ Ronald D. Eller, *Miners, Millhands, and Mountaineers: Industrialization of the Appalachian South, 1880-1930* (Knoxville: University of Tennessee Press, 1995), 167.

¹⁰¹ Stoll, *Ramp Hollow*, 214.

¹⁰² American Constitutional Association, *Coal Field*, 54.

¹⁰³ Karl Marx, *Pre-Capitalist Economic Formations*, Edited by E. J. Hobsbawm, (New York: International Pub), 107.

The process of dissolution which turns a mass of individuals... into potential free wage-laborers... does not presuppose the disappearance of the previous sources of income or (in part) of the previous conditions of property of these individuals. On the contrary, it assumes that only their use has been altered,...that they have passed into other people's hands as a free fund, or perhaps that they have partly remained in the same hands... [This] process... is also the same process which has liberated these objective conditions of labor potentially from their previous ties to the individuals which are now separated from them... They are still present... as a free fund, one in which all the old political, etc., relations are obliterated, and which now confront those separated, property-less individuals merely in the form of values, of values maintaining themselves and each other.¹⁰⁴

Under coal capitalism, the personal garden became one of these values used by miners to “maintain themselves and each other.” One can therefore best understand the fate of gardens in West Virginia as an articulation of both capitalist and non-capitalist forms, where forced subsistence production simultaneously maintained wage dependency and allowed super-exploitation of the workforce by lowering coal mining wages under a wage floor. Super-exploitation affected West Virginian mothers most harshly: as subsistence gardens became necessary for survival, they simultaneously took on the responsibilities of productive and reproductive labor, both of which are constructed as uncompensated and private affairs of the household. As James Watt Raine noted in his study of Appalachia, women were made to tend the fields after they were plowed, raise crops and livestock, and eventually can and barter with what they had produced. “Some women in the remotest coves have never had a dollar in their

¹⁰⁴ Marx, *Economic Formations*, 105-106.

own hands,” Raine recorded. “Many of them have never been more than a few miles away from the place where they were ‘borned.’”¹⁰⁵

As Michael Burawoy has argued, building an industrial economy upon articulated modes of production allows the industry to more effectively control laborers by creating a “twin dependency”—on one side, a dependency on the capitalist economy, and on the other, a dependency on the subsistence economy.¹⁰⁶ However, in studying the migrant economy of South Africa, Burawoy came to another conclusion: the reproduction of a system of imported labor depended on a coercive separation of workers and their pre-existing resources for maintenance.¹⁰⁷ In West Virginia, this culminated in coal companies thrusting families from their historic farms and settlements into the valleys of coal beds in company towns. Above all, Burawoy found that authority figured into the process of “twin dependency”: in an articulated capitalist economy, the state (or its equivalent) needs to provide for some needs of the subsistence economy to ensure agricultural production remains. What Burawoy labels “Supramarket intervention” is an essential aspect of maintaining stability.¹⁰⁸ In the West Virginian case, companies provided seeds and fertilizer to their workers to keep them in a state of reliance, even under the guise of independent subsistence. For, in a region isolated from federal political institutions, coal companies began to act like states.

Providing gardening materials proved to be only one method in a system where coal companies took on the perceived role of a public assistance entity for mining families. In West Virginia, Burawoy’s supramarket intervention blurred with corporate jurisdiction. On the

¹⁰⁵ James Watt Raine, *The Land of Saddle-Bags: A Study of the Mountain People of Appalachia* (Lexington: The University Press of Kentucky, 2015), 11.

¹⁰⁶ Michael Burawoy, “The Functions and Reproduction of Migrant Labor: Comparative Material from Southern Africa and the United States,” *American Journal of Sociology* 81, no. 5 (1976), 1057.

¹⁰⁷ *Ibid.*, 1058.

¹⁰⁸ Burawoy, “Reproduction of Migrant Labor,” 1059.

ground, coal companies simultaneously took on the roles of employers and states in carving legal and political institutions that dictated the lives of workers. As Stoll notes, companies nurtured twin dependency by printing their own currencies:

Coal companies issued coins or coupons, redeemable in stores owned by the companies themselves or allied merchants. The system obscured the dollar value of work by paying and charging miners in unconvertible units. It also kept miners in hock to the companies. Owners paid out less than miners and their families needed to live, subtracting rent, medical services, and even funeral expenses. Whatever scrip miners had left, they handed right back to management for food. If their scrip fell short of their household needs, they ended up in debt, their flour and bacon charged against future labor, with interest. A hard-won raise bought workers nothing. Companies simply recollected it by jacking up prices at the store.¹⁰⁹

In reaction to laborers' defiance backed up by kinship networks, Stoll notes that by 1900, coal companies began to import miners from across the United States and the Atlantic to create a more dependent population.¹¹⁰ By claiming legal jurisdiction over the areas where their workers grew food, coal company owners could better harness their corporate power by legally restricting access to food during labor actions; Stoll treats this as a mode of exploitation by coal companies to "mask the violence they inflicted by depicting unions and strikers as acting illegally and indecently."¹¹¹ A 1924 report by the United States Bureau of Labor reported a de-unionization of the Fairmont Coal Field as a result of litigation protecting companies from "interference and intimidation" in the interest of workers.¹¹²

¹⁰⁹ Stoll, *Ramp Hollow*, 222.

¹¹⁰ *Ibid*, 220.

¹¹¹ Stoll, *Ramp Hollow*, 224.

¹¹² Boris Emmet, *Labor Relations in the Fairmont, West Virginia, Bituminous Coal Field* (Washington: Government printing Office, 1924), 6.

By claiming jurisdiction over their worker's gardens and achieving legal support against worker organizing, the threat of hunger forced workers into relationships of exploitation with their employers.

Despite the stately violence adjudicated by the coal companies, workers continued fervent resistance. In his work on labor relations in West Virginian coal territory, David Corbin recalls an interview with a former Mingo County coal miner, Marion Preece, who, at the age of sixteen, found himself stumbling into a rebellion on his way home from a job in the late summer of 1921:

He had just started climbing the huge, steep ridge, called Blair Mountain, when he was suddenly grabbed from behind, an arm wrapped around his chest, and a hand placed over his mouth. A voice whispered: "Any noise and you are dead." Looking around, the young coal digger hundreds of miners, dressed in blue jeans and wearing red handkerchiefs around their necks, hiding in trenches and behind trees, armed with rifles, shotguns, and machine guns.¹¹³

Preece had incidentally come across the armed organizers of the Mingo County strike, a conflict in which 10,000 unionized mine workers clashed with coal companies and state forces in the largest labor uprising in American history. The strike, while eventually violently quelled by the United States Army and West Virginia National Guard, in some ways erupted two years of rising class antagonisms between miners and their employers as strikes rose in frequency and disruption across southern West Virginia.¹¹⁴ It nonetheless simultaneously belonged to a long and violent history of dispossession, poverty, and class conflict that dated back more than four decades: when American industrialists first gazed upon the Appalachian landscapes and dreamed of mining the vast fields of coal.

Even as coal companies seized their means of food production during strikes, David Corbin notes that miners "drew upon the traditions and habits acquired in their earlier, preindustrial days and

¹¹³ David Corbin, *Life, Work, and Rebellion in the Coal Fields: The Southern West Virginia Miners* (Morgantown: West Virginia University Press, 2015), 195.

¹¹⁴ *Ibid*, 196.

used them in a meaningful, pragmatic way” to survive in moments of protest.¹¹⁵ When companies restricted their gardens, miners took to the peripheries of company townland jurisdictions, where hidden reserves of beans and corn allowed them to continue to feed their families; at times they also hunted wild game that wandered into the hills. Above all, however, they collaborated with their fellow workers within and between company towns, forming bonds of solidarity in sharing food and supporting each other in times of company denial. These bonds would later formalize into mining workers unions such as the United Mine Workers of America, where strikes and demonstrations—some like the one Marion Preece stumbled upon in 1921-- received a more structured backing. Finally, in the wake of a nationwide economic crisis, in 1933 President Franklin D. Roosevelt responded to the demands of miners by establishing the federal Division of Subsistence Homesteads, partially reinstating the ownership of gardens among the workers hit by the effects of the Great Depression.¹¹⁶ The agency’s projects often tied garden distribution to those employed in wage jobs, in some ways reproducing the systems of dependency that had plagued mining workers for decades. Yet they reinstated a fragment of the autonomy that had been stolen from West Virginians decades ago.

¹¹⁵ Corbin, *Life, Work, and Rebellion*, 33.

¹¹⁶ Stoll, *Ramp Hollow*, 228.

Bibliography

- American Constitutional Association. *Life in a West Virginia Coal Field*. 1923.
- Burawoy, Michael. "The Functions and Reproduction of Migrant Labor: Comparative Material from Southern Africa and the United States." *American Journal of Sociology* 81, no. 5 (1976): 1050-087. www.jstor.org/stable/2777555.
- Corbin, David. *Life, Work, and Rebellion in the Coal Fields: The Southern West Virginia Miners, 1880-1922*. Morgantown: West Virginia University Press, 2015.
- Eller, Ronald D. *Miners, Millhands, and Mountaineers: Industrialization of the Appalachian South, 1880-1930*. Knoxville: University of Tennessee Press, 1982.
- Emmet, Boris. *Labor Relations in the Fairmont, West Virginia, Bituminous Coal Field*. Washington: Government printing Office, 1924.
- Fagge, Roger. *Power, Culture, and Conflict in the Coalfields: West Virginia and South Wales, 1900-1922*. Manchester: Manchester Univ. Press, 1996.
- Jefferson, Thomas. *Notes on the state of Virginia*. 1st hot-pressed ed. Philadelphia, June, 1801. 504pp. Sabin Americana. Gale, Cengage Learning. Emory University Robert W. Woodruff Library / Hugh F. MacMillan Law Library. 03 December 2019 <http://galenet.galegroup.com.proxy.library.emory.edu/servlet/Sabin?af=RN&ae=CY102086024&srchtp=a&ste=14>.
- Lambie, Joseph T. *From Mine to Market: The History of Coal Transportation on the Norfolk and Western Railway*. New York: New York University Press, 1954.
- Marx, Karl. *Pre-Capitalist Economic Formations*. Edited by E. J. Hobsbawm. New York: International Pub., 1969.
- McGill, Nettie P. *The Welfare of Children in Bituminous Coal Mining Communities in West Virginia*. Washington, D.C.: United States Department of Labor, Children's Bureau, 1923.

Raine, James Watt. *The Land of Saddle-Bags: A Study of the Mountain People of Appalachia*. Lexington: The University Press of Kentucky, 2015.

Salstrom, Paul. *Appalachia's Path to Dependency: Rethinking a Region's Economic History, 1730-1940*. Lexington, KY: University Press of Kentucky, 1997.

Smith, Adam. *An Inquiry into the Nature and Causes of the Wealth of Nations*. London: Routledge and Sons, 1893.

Stoll, Steven. *Ramp Hollow: The Ordeal of Appalachia*. New York, New York: Hill and Wang, a division of Farrar, Straus and Giroux, 2018.