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Third Cinema, radical public spheres and an alternative to prison porn

ABSTRACT

This article considers how media production is framed by class experience, and how this framing mediates exclusion. Drawing on research on 'poverty porn' the article presents an analysis of how experimental exclusion is operationalized in media representations before moving the analysis to consider the framing of an additional exclusion that afflicts mainly working class people – that which comes with the status of prisoner and convict. Here, poverty porn becomes prison porn and we find a double exclusion. After noting the shortcomings of a number of prison documentaries in the framework of Third Cinema, the article finishes with a proposal, based on the production of a prison film made by the author, to more adequately represent such marginalized classes, finishing with a reflection on the perseverance of exclusion.

INTRODUCTION

This article looks at the interweaving of class, public spheres and inclusion, and the double-exclusion faced by prisoners. Whereas discussions of a range of practical and discursive exclusions and inclusion revolve around a variety of supposedly class-transcendent 'identity markers' (Randle et al. 2015), class

exclusion is less frequently interrogated. In addition, and as I argue here, as an extension of this, class-influenced structural relations, such as to the criminal justice system, create secondary exclusions.

Exclusions are investigated in relation to Habermas's theorization of the public sphere, and especially its experiential and intersubjective components which generate our knowledge about the world and people within it. This is to say that where it is generally accepted that a functioning democracy requires a more or less egalitarian public sphere to mediate communication, opportunities to participate are influenced first and foremost by class position.

Critically interrogating the concept of an adequately inclusive public sphere under conditions of systemic distortion, the article moves to outline the ways in which class-bound mainstream or bourgeois public spheres come to structurally and discursively exclude working class experience, both through access to production as well as the formal characteristics of mainstream, or bourgeois, media representation, especially those revolving around 'reality' poverty porn. In this sense, it outlines media representations as process, practice and product (O'Neill 2018: 136–40).

The second part of the article looks at how crime and prison is mediated, and how prisoners face a double exclusion resulting from the class constitution of the prison population, on top of their status as 'offenders' against society. The challenges of representing prison are discussed before moving to consider Third Cinema as a method of opening public spheres to marginalized groups. The article then moves on to the case study of the documentary film *Injustice*, in particular its process, practice and product, to more adequately reflect the reality of prison and the experience of prisoners and therefore to provide an adequate basis for inclusion in the public sphere, and the challenges that faces.

KNOWING AND DECIDING, A SKETCH OF AN ADEQUATE PUBLIC SPHERE

Knowing about the world, people and things in it is always already a difficult task. Debates over objectivity and subjectivity have complicated the notion of there being a reality that humans strive to understand, at worst leading to a form of postmodern bourgeois relativism in which critique is meaningless.

Where Habermas's concept of the public sphere is often evoked as a communicative sphere, it might be best thought of as a framework for a social epistemology that underpins and generates democracy. This is to say that Habermas's (1986) own investigation into knowing, objectivity and subjectivity drove his communication theoretic. In this sense, there is a purpose for the public sphere not just in pragmatic decision-making but also in the stronger sense of a discourse theory of truth. This in turn demands at least an orientation to mutual understanding, which itself demands inclusion of all affected by a decision. For Habermas ([1976] 1999, 1987), this orientation to achieving mutual understanding is based on the concept of intersubjectivity 'between actors who […] want to reach an understanding with one another about something […] and expect one another to take positions on reciprocally raised validity claims' (Habermas 1996: 120). This intersubjectivity enables the release of the moral basis of decision-making.

For Habermas, intersubjective participants are not disembodied liberal monads but are situated material persons who are capable of bringing

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knowledge and experience to moral questions of how we should live. On this account,

> Neither the willingness nor the ability to consider moral questions from the hypothetical and disinterested perspective of a participant in a practical discourse falls from heaven; they result from *interests* that are formed only under certain conditions, as well as from *learning processes* and *experiences* that are open to social groups only in certain situations.
>
> (Habermas 1982: 253, original emphasis)

Of course, as Habermas made central to his (1989) study of the *bourgeois* public sphere, in such archetypal kernels, there are a range of barriers to participation in such discursive sites. Class was the key element of Habermas's analysis in *The Structural Transformation of the Public Sphere* – the same formal public sphere that was so useful for the bourgeoisie came to be seen as a threat when utilized by the working classes, and thereby became refeudalized into a site of presentation to the masses rather than rational communication by the masses.

The transformation of the public sphere into a refeudalized one can be understood through the accompanying concept of colonization of the life-world in particular, the way social relations are instrumentalized. As Habermas (1987) explains, 'to the degree that the economic subsystem subjects the life-forms of private households and the life conduct of consumers and employees to its imperatives, consumerism and possessive individualism, motives of performance and competition gain the force to shape behaviour' (1987: 325). This is to say that the capitalism colonizes institutions, culture and individual reasoning, from universities and education to association football.

Addressing the continued systemic distortion of cooperative communicative endeavour, in *The Theory of Communicative Action*, Habermas argued for the construction of public spheres and 'counterinstitutions' to 'de-differentiate some parts of the formally organised domains of action, remove them from the clutches of the steering media, and return these "liberated areas"' to the action co-ordinating medium of reaching understanding' (Habermas 1987: 396).

For Kluge and Negt (1993), counterinstitutions had always existed alongside the bourgeois public sphere even in its refeudalized state, that they call (colonized) 'public spheres of production'. While the bourgeois public sphere 'excludes substantial life interests [and experiences] and nevertheless claims to represent society as a whole' (Kluge and Negt 1993: xlvi), the public spheres of production, have the 'explicit purpose of making a profit […] voraciously absorb[ing], as their "raw material", areas of human life previously bracketed from representation – if only to appropriate, commodify, and de-substantiate that material' (Hansen 1993: xxx).

As Kluge and Negt (1993) put it,

> one can also define the reality of this [proletarian public] sphere negatively, in terms of the endeavours of the ruling class to extinguish attempts at constituting a proletarian public sphere and to appropriate for itself the material on which this sphere is based – in other words the proletarian context of living.
>
> (1993: 32)

In contrast, 'it is essential that the proletarian counterpublic sphere confronts those public spheres that are permeated by the interests of capital' (Kluge and

Negt 1993: xlvi). They argue that the products of the bourgeois and commer- 1.
cial public spheres 'can only be defeated by counterproducts' (Kluge and Negt 2.
1993: 143). 3.

The capacity for communication in a public sphere varies, which is 4.
especially noticeable for those materially marginalized. Where Habermas's 5.
discourse in the public sphere has been characterized as 'rational', yet the 6.
structures within which this takes place are always already colonized or 7.
'distorted'. This is to say a simple exchange of reason is not always possible 8.
when communication is power-ridden. The visual, the cultural and the expres- 9.
sive are also important aspects of communication in human society. Indeed 10.
Habermas (1984) is quite aware of the role of dramaturgical action and its 11.
contribution to self-expression and understanding of the 'proletarian context 12.
of living' (1984: 90–94). Thus, to expand beyond the remit of political speech 13.
and its reporting, the public sphere and counterproducts generated therein 14.
ought to be seen as a nexus of modes of communication from the factual to 15.
the emotive, but which is subject to reasonable analysis, ultimately including 16.
all those affected by something. 17.

The next sections will outline forms of product and counterproduct in rela- 18.
tion to class and prison. 19.
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FROM CLASS EXCLUSION TO POVERTY PORN 21.
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In both factual and dramaturgical media representations the working class 23.
faces exclusions in factual and dramaturgic spheres of communication. For 24.
example, it has been long established that the 'counter institutions' of the 25.
working class – trade unions – are systematically marginalized and misrep- 26.
resented in the press (Glasgow University Media Group 1976, 1980; Pan et 27.
al. 2001; Kumar 2005). It is perhaps unsurprising in a class-structured soci- 28.
ety that those in the most powerful communicative positions reflect powerful 29.
class positions. In this sense, it is noteworthy that in the United Kingdom, half 30.
of the leading journalists were privately educated (as opposed to 7 per cent of 31.
the UK population) and more than half went to either Oxford or Cambridge 32.
universities (as opposed to less than 1 per cent of the UK population) (Sutton 33.
Trust 2017a: 26–27). In the dramaturgical world, 42 per cent of BAFTA winning 34.
actors went to private schools, only a quarter had attended state comprehen- 35.
sive schools, and 67 per cent of Oscar winners went to private schools (Sutton 36.
Trust 2017a: 38–40). 37.

If intersubjectivity is a key component of the public sphere, such detach- 38.
ment from the experience of most of the population creates significant exclu- 39.
sions. The exact degree of these exclusions is a little difficult to discern as the 40.
category of class became obfuscated in post-Thatcher education, research and 41.
politics. So for example, outside of the Sutton Trust, there is not a great deal 42.
of data on *class* and participation in the media, or indeed in institutions more 43.
generally (including, as we shall see, prisons). For example, whereas 90% 44.
of graduate recruiters monitor gender diversity, 74% ethnic diversity, 66% 45.
disability, and more than 40% monitor sexual orientation, only 38% monitor 46.
socio-economic status (Sutton Trust 2017b: 15). 47.

Indeed, perhaps the key theme of *Structural Transformation* is the way in 48.
which the expansion of formal democracy was accompanied by the substan- 49.
tive exclusion of working-class life and interests through the process of colo- 50.
nization. Class and its structural relations became less fashionable in both 51.
political and academic discourse as identities became constructed through 52.

1. consumerism and bureaucracy – even what were conceived as radical
2. recognition-based categories come to conspire with capital and the state to
3. become consumer markets and state-sanctioned 'equal opportunities' meas-
4. ures. Whether consumers of sugar-based mass-produced drinks or discrete
5. university courses, all becomes marketized. Yet class remains the category that
6. cannot be reconciled due to its structural relations – to do so would be to
7. fundamentally undermine capitalism. As Mike Wayne puts it in the documen-
8. tary *The Fourth Estate* (Salter 2015, UK),
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10.   you can lack the discursive structures to talk about class but the thing
11.   itself is still active, so what you have is a situation where people can't
12.   map what's going on, so there's all these effects but people can't trace
13.   them back to their causes.
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15. Still, however, class becomes entwined in commodified relations as a specific
16. 'cultural' product carrying ideological connotations.
17.   Without class as an explanatory mechanism, other explanations are gener-
18. ated, and experience becomes decontextualized. As Deirdre O'Neill explains
19. in *The Fourth Estate*, in these circumstances, media 'take […] decontextualised
20. aspects of working-class life […] and use them to batter people and make fun
21. of them until people's subjective idea of themselves becomes people who are
22. worthless'. To this end working class people shoulder individual responsibility
23. for their structural position. Accordingly, the endogenous psychological traits
24. of a mass of individuals come to structure a culture which itself reproduces
25. their psychologies.
26.   Perhaps the most obvious sense in which the experiences of working-
27. class people are appropriated by the media and turned into decontextualized
28. displays of cruelty is in what has become known as 'poverty porn'. Although
29. Jensen traces the term 'poverty porn' to 2013, it seems to have become espe-
30. cially prevalent after the start of the 2007 economic crisis, an event which was
31. rapidly reframed from a capitalist crisis of banking and finance to a crisis of
32. government spending, and therein a problem of, or caused by, the poor (Salter
33. and Kay 2014).
34.   Barton and Davis (2016: 2–3) explain in their work on shame and empow-
35. erment in 'reality TV', that poverty porn is built on foundations of televisual
36. 'poor-hate' laid out over decades, itself build upon centuries of malevolence
37. aimed at the have-not (Williams 1965). The process of shaming, argue
38. Ingraham and Reeves (2016), generates an 'evolving orientation to public life
39. fostered by […] new technologies (which) has created a culture of shaming
40. whereby citizens often prosecute their own discrete moral panics amid the
41. more sustained sense of political crisis that characterizes contemporary life'
42. (2016: 456).
43.   Barton and Davis's description of poverty porn explains how it is animated
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46.   neo-philanthropic 'empowerment' of the ('deserving') poor, neoliberal
47.   shaming of the unrespectable (but potentially redeemable), derision of
48.   the unrespectable, unredeemable and shameless poor'.
49.   (Barton and Davis 2016: 5)
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Poverty porn, then, works to

> scrutinise, 'expose' and moralise the lives of the poor and create the 'spectacle' of poverty. They manufacture 'epidemic problems' that seem to require urgent remediation. Yet the status and nature of these problems are defined through deception and the forms of intervention required are determined through individualised and moralised neoliberal prescription.
>
> (Barton and Davis 2016: 6)

Such programmes are also noteworthy for their grounding of negative connotations. For example, Mooney's (2011) research notes the interesting inference that such programmes contribute to an anti-welfare discourse. This is to say that in affirming certain relations they tend to negate others.

Accordingly, central political questions are avoided, and the solution appears to be one of the individual choices of the subject or of the individual choices of their saviour, such as the secret millionaires. Social policy is at best a passive reference point. The notion of there being structural, systemic factors to consider and perhaps radically change is anathema.

To better understand, how limited the poverty porn programmes are, it is useful to employ what in semiotics and film studies (Barthes 1967; Chandler 2007) is referred to as the 'commutation test' – replacing one signifier with another to draw attention to the choice of semiotic indicators.

The Secret Millionaire, for example, sees a millionaire live in 'poverty' and then later, when he or she is revealed, donate money to projects in a poor community that the individual millionaire deems 'worthy'. Such programming would be considerably transformed with, for example a millionaire donating to a local trade union branch to help recruitment and organization to secure jobs and higher wages, or a housing group campaigning to reclaim empty property, let alone fund political and social movements seeking to tackle a structurally unequal society.

PRISON CLASSES

If working class people are systematically excluded and misrepresented in the public sphere, the lot of prisoners is far worse. Moreover, from what little data is available, we can see that prisoners are largely drawn from the working class, leaving them with a double exclusion – both in the legal sense (prisoners have restricted voting rights and restricted rights to the media) and in the representational sense.

What Randle et al. (2015) refer to as 'identity markers' such as gender, age and ethnicity, prevail in 'understanding' and 'addressing' perceived 'inequalities' in the criminal justice system. We know that 95 per cent of prisoners are male (Sturge 2019). We know that 25% of prisoners are from a minority ethnic group (Prison Reform Trust 2018) and foreign nationals make up 11% of the prison population (Sturge 2019). We know that there are 894 children in prison, and nearly half of those are from minority ethnic groups, and that 65% of women prisoners and 42% of male prisoners reported suffering mental health issues (Prison Reform Trust 2018). We know that 58% of Scottish prisoners are religious (Sturge 2019).

Yet, despite the existence of the Nuffield Class Schema, the Standard Occupational Classification and the National Statistics Socio-economic

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1. Classification, there is no official recognition of the class constitution of pris-
2. oners. The Home Office, Ministry of Justice and a range of 'prison reform'
3. organizations such as The Howard League for Penal Reform and the Prison
4. Reform Trust collect significant data on the constitution of the prison popula-
5. tion, yet class is not deemed significant or useful demographic data.
6.   To extrapolate from the available data, 42% of prisoners had been expelled
7. from school, 47% had no qualifications, 68% had no employment in the four
8. weeks before custody, 13% had never had a job and 15% were homeless before
9. custody (Prison Reform Trust 2018). Given that qualification level, employ-
10. ment status and housing status tend to reflect class position, it is reasonable to
11. suggest that prisoners are largely working class.
12.   Yet to admit a class analysis of the prison system or the criminal justice
13. system would entail admitting some consequences of capitalism that under-
14. mine the very principles on which its system of political and penal legitima-
15. tion is based. How can principles of equality of opportunity be maintained
16. when it is known that opportunities are truncated by class position? How can
17. the notion of 'pure and simple' criminality be maintained when it is clear that
18. much of the prison population is in fact from a specific class demographic?
19. Is it not the case that there's a causal relation experienced by some and not
20. others? If, ultimately, working-class people experience unequal access to the
21. material means of survival, is the act of theft not redistributive justice? Yet such
22. questions are rarely articulated by or on behalf of prisoners. Instead the focus
23. is on their status as pariahs, folk devils and offenders against society. Their role
24. becomes instrumentalized and their personas dehumanized.
25.   Whether through the prism of penal populism (Pratt 2007), moral panic
26. theory (Cohen 1973) or social constructivist approaches (Hall et al. 1978;
27. Schlesinger and Tumber 1994; Jewkes 2008, at the very least prisoners, and
28. offenders more generally, have little say in their media representation, beyond
29. playing up to their labels – as Ioannou et al. (2015) note, narratives can be
30. formed by offenders themselves and then feed into other discourses. Certainly,
31. the larger, class-based and historic questions are rarely heard.
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33. **FROM POVERTY PORN TO PRISON PORN**
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35. Media representations of crime tend to follow ongoing patterns and values,
36. such as sensationalism, othering, stories threshold, predictability, simplifica-
37. tion, individualism, celebrity and status, its proximity, violence, graphic images
38. and the like (Jewkes 2011). At the same time, topics of interest do also change
39. over time, such that reports on property crime were more prevalent in the
40. 1950s, anti-social behaviour in the 1990s, yet there is an overarching focus
41. on violent crime and misrepresentation, under reporting and de-sensation-
42. alizing of other crimes, such as financial crime (Solomon 2006: 50–55). As
43. Mason (2000) explains, changing representations and perceptions tend to
44. be 'shaped by the political mood of the time' (2000: 42). However, there is
45. a general tendency for offenders to be 'demonised as dangerous predators
46. whose vicious actions called for harsh but justified retribution on behalf of the
47. vulnerable innocents they savaged' (Reiner cited in Solomon 2006: 51).
48.   Such representations are of course not generated by the media acting on
49. their own, but rather result from a thematic consonance shared between offi-
50. cial institutions such as courts, police, politicians and media, as exemplified
51. by Hall et al. (1978), that interface to generate and sustains such perceptions.
52.   Beyond the synchronic relations that generate such discourses are the
ongoing, historic relations, that, as Carrabine (2016) suggests, 'banishment,

confinement, exile, torture and suffering' (2016: 47) are central to western civilization (see also Cohen 1973). For Bailey and Hale (1998: 16) this othering is a trait of human community but one which is significantly enhanced by the media:

> Humans have always shared with each other stories of good and evil, murder, and revenge. But since the nineteenth century with the improvements in technology that have made a 'mass culture' possible, stories of crime and justice have been commodities packaged and offered to consumers in newspapers, magazines, novels, and, later, on radio, in film, and on television. Today crime and justice is even a commodity for cyberspace.
>
> (Bailey and Hale 1998: 16)

Similar tendencies in poor-shaming can be seen in offender-shaming. In this sense, prison is a spectacle akin to the eponymous council estate or slum, with their occupants cast as caricatures. As Parker (2010) explains prison porn, it exists as a 'hectic compendia of horrors and enlightenments'. For (Garrison 2018), '"Prison porn", in which lawbreakers are put on display for curious gawkers' (2018: 212) is another facet of the trend of public shaming (cf. Barton and Davis 2016; Ingraham and Reeves 2016).

At the same time as shaming takes place, Parker (2010) points out that prison porn takes us into 'unexpected zones of sympathy and catharsis'. Attention may be drawn to significant issues such as overcrowding and inadequate rehabilitation, but there is less emphasis on context or alternatives to prison (Solomon 2006: 56). For Turner (2013: 225), televisual visibility of prison life may carry important criticisms but also carries with it the 'presentation of punished bodies as a spectacle'. Accordingly, even well-meaning representations that seek to educate and inform may 'do little to challenge the prevailing views of the tabloid-reading, channel hopping majority for whom prisons remain full of bad girls, nonces and narks' (Jewkes 2006: 152). In this sense, Bougadi (2016: 2) argues that even sympathetic fiction films 'tacitly accept imprisonment as a necessary part of the criminal justice system. None poses radical criticism of imprisonment'.

Such exclusions are not necessarily wilful, but rather systemic. As O'Neill (2018) suggests of representations of apparently sympathetic working-class life,

> while they appear to be realistic portrayals of the working class and working-class communities, (they) in fact contribute to the construction of those people and communities in ways that reinforce other negative representations currently in circulation.
>
> (2018: 47)

So, for example in Channel 4's 2016 *Secret Life of Prisons*, you can learn about drugs and phone smuggling and violence as problems that afflict prisoners. Similarly, the BBC's 2017 *Panorama* investigation into HMP Northumberland showed how drugs and violence and smuggling took place and how considerable a problem they are for the authorities and for the prisoners themselves. Such programmes can act as fodder for cementing mass mediated public perceptions – whilst there is no doubt a cathartic effect on the audience, at the same time, without history and without context the problems of

prison are almost deserved for making the choice of a 'life of crime' in the first place. There are some television programmes, such as Paddy Wivell's three-part series *Prison* (Channel 4, UK, 2018) that look at more systemic problems within prison, from the point of view of prisoners and guards.

However, again there is lack of attention to historical and socio-structural elements. Such television documentaries are classed as *current* affairs and therefore tend not to address more complex historical factors. Moreover, the perceived need to film on the inside sets the filmmaker into institutional relations with the authorities that act as a subtle control mechanism. For all the enthusiasm that met the US prison documentary *13th* (DuVernay, USA, 2016) in the UK for highlighting how the prison system in the USA grew up as a way of managing black Americans, cognitive dissonance seems to have failed to transfer these concerns onto the UK system. Whether a non-custodial sentence such as 'community payback' (colloquially known as 'unpaid work') or imprisonment itself, convicts in the English and Welsh prison systems are set to work for little pay or free (either in 'training programmes' or through menial tasks such as emptying bins), systemically. Where *13th* tied together the relation between slavery and prison, with the general obfuscation of class as an analytical category, few if any of the prison programmes and documentaries make the structural and historical connection between class and prison.

In this sense prison mediations feed into hegemonic representations that subsume critique. The drama and scandal of prison conditions become part of the 'knowledge' of prison and prisoners – but an exogenous knowledge generated by outside perspectives. O'Neill (2018: 77) goes on to explain that

> Visual representations of the working class become intrinsically linked in various ways to the narratives that construct them negatively, and in the process become part of the hegemonic knowledge of the working class.

Narratives of the prison and of prisoners that focus on the drugs-violence-transgression narratives that revolve around individual conduct may lead to calls for changes to conditions. While of course such issues are critically important for the individual people suffering inside prisons, they dramatize and too often dehumanize. The beaten inmate is akin to the poverty stricken individual in poverty porn – worthy of a modicum of sympathy but at the end of the day, ultimately responsible for their own predicament. Without intersubjective insight, the knowledge on which analysis of prison takes place remains at a surface level.

In this sense, prison porn tends to focus on epiphenomena – the prison crisis can be explained as overcrowding, a prevalence of drugs, the inability of authorities to stop criminal activities continuing inside (such as the availability of mobile phones inside), and the epidemic levels of horrific violence taking place. As such, managing prisoners becomes the concern, the status of prisons and prisoners remains unquestioned.

This means that just as poverty porn is surrounded by an epistemological barrier through which certain discourses are privileged and affirm the necessary relations of poverty (Mooney 2011), so Bougadi (2016) and Solomon (2006) refer to prison representations as affirming the necessity of carceral society. At the same time, the deeper yet visually unrewarding problems of time, space, sleep, trauma and depression are personalized at best rather

than seen as a central and necessary aspect of the criminal justice system as constituted.

Whereas the poor working class may be derided for the presumed choices that have made them poor, prisoners have more explicitly chosen their lot. Where the politics of individual responsibility in liberal society positions the subject as an intentional actor, the politics of prison concretizes such a position beyond mere ideology. Indeed, it is the immutable basis of rational legal systems that the individual is both an intentional actor and wholly individually responsible for their actions. Without these two principles the legal system cannot function. The concept of individual responsibility and the refusal to contextualize 'crime' in relation to poverty and discrimination allows for the myth of justice as blind to flourish.

Accordingly, prisoners are unlikely recipients of sympathy or pity, let alone to be constructed as active *political* agents. Again, though, this is not merely a function of the media representation but rather of an intersection of institutions. It is the very nature of prison that their agency is stripped away – the loss of liberty is among the founding principles of the prison system. In a same way that the meta-principles of poverty are usually untouched in poverty porn, so too the principles of prison tend to be untouched in prison porn. The fundamental notion that punishment and harm is an appropriate response to social problems is usually unaddressed – the references to personal narratives may elicit sympathy, but that sympathy is then entrenched in othering, wherein the 'bad' prisoner is identified and further ostracized.

The exclusions from the public sphere faced by prisoners and other offenders are not merely questions of representation but rather involve the deeper question of presentation and participation. In a sense, akin to poverty porn, prison porn reflects that 'gaze', the view from the outside and therein lacks what Habermas refers to as hermeneutic intersubjectivity.

PRISON, FILM AND THIRD CINEMA

Against mainstream representations of marginalized groups, Third Cinema plays a crucial role in mediating the world in a way appropriate to the politics of class experience. The power of Third Cinema comes not just from its politics, content or aesthetic but from the whole of the production process.

Third cinema is, as Mike Wayne (2001: 5) explains, political cinema that has a political orientation in its content, as 'a body of theory and filmmaking practice committed to social and cultural emancipation'. It also has a political orientation in its mode of production: 'It challenges both the way cinema is conventionally made (for example, it has pioneered collective and democratic production methods) and the way it is consumed. It refuses to be mere entertainment, yet banish from your mind a cinema that is worthy but dull or a cinema of simplistic polemics. Third Cinema is passionate, angry, often satirical, always complex'.

It is worth citing Mariano Mestman (2011: 29) at length on his conception of Third Cinema and Militant Cinema:

> the notion of 'Third Cinema' referred to a cinema of 'cultural decolonisation' for the Third World that was defined in opposition to the cinema of Hollywood (First Cinema) and sought to overcome the limitations attributed to the so-called 'auteur cinema' (Second Cinema), 'Militant cinema', by contrast, was conceived as the most advanced category of

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1. Third Cinema and was associated with a type of immediate, direct inter-
2. vention intended to generate discussion at a political 'event', during or
3. after the projection. Thus, the notion of film event, as a tool to convert
4. the spectator (in the traditional cinematic sense) into protagonist of the
5. exhibition and 'actor' (militant) in the political process, assumed a funda-
6. mental role. The principal hypotheses of 'militant cinema' also followed
7. from this notion: on the one hand, the necessary involvement and inte-
8. gration of the cinema group with specific political organisations; on the
9. other, the instrumentalisation of film in the process of liberation.
10.
11. In this sense, Third Cinema can be explained in terms of its process, practice
12. and product, with attention to resistance to appropriation. As O'Neill puts it
13. in relation to her working class film-making, it can only be adequate 'when
14. the working class produce critical work rooted in working class experience'
15. (O'Neill 2018: 136–40). Outsiders cannot do that.
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17. **INJUSTICE: AN ATTEMPT AT A RADICAL MEDIATION OF PRISON AND**
18. **CONVICTION**
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20. My own documentary practice developed in partnerships with one of the pre-
21. eminent Third Cinema documentarians, Michael Chanan, with whom I made
22. *Secret City* (UK, 2011) and *Money Puzzles* (UK, 2016). In each instance we had
23. each been embedded in the issues we were filming. Between those films I
24. made *The Fourth Estate* (UK, 2015) with Liz Mizon, again being embedded in
25. the subject. This method of being 'in the subject' is crucial to Third Cinema. As
26. Chanan (1997) points out, Third Cinema entails 'a radical conception not only
27. of the content of the film but also of the production process'.
28. Where *Secret City* emerged from my earlier confrontation with the
29. Corporation of London, *The Fourth Estate* from involvement in radical media
30. projects and *Money Puzzles* from campaigning against austerity politics, my
31. experience of conviction led me to make the prison documentary *Injustice*.
32. Where Marx wrote that man makes history but not by conditions of his own
33. choosing, the circumstances of making *Injustice* were not chosen. Yet immer-
34. sion in the criminal justice system enabled the filmmaker to see from the
35. inside intersubjectively, in a way that documentary filmmakers from the
36. outside might not.
37. The film effectively started when I was on community service, using my
38. phone to take notes of the stories of 'offenders', noting the complexity of
39. their lives, reflecting on friends and family from my childhood, and garner-
40. ing a strong sense of frustration on their parts that they were, in the main,
41. unheard outside their friendship circles. Their tales would tell of their lives,
42. backgrounds, stories from court, access to legal representation, friends and
43. the experience of punishment. At the end of each day, I would look through
44. notes, spotting overlaps in stories and experiences and emerging themes.
45. These stories and reflections were collected in the blog that became the film's
46. website: injustice-film.com.
47. At the same time that relations and friendships began to develop with
48. the young men on community service alongside ex-prisoners, 2016–17 saw
49. a wave of prison riots in England, and it was evident there was a significant
50. disjuncture between the people with whom I was associating and the repre-
51. sentations in the news. Moreover, everyone I knew who had been a prisoner
52. knew how media and political discourses would unfold – ultimately lots would
be said but nothing would change. They were correct at the time of writing.

Perhaps most tellingly, the riots were framed by mainstream media as a reflection of exceptional conditions within the prison system rather prison reflecting a 'normal' and ongoing social crisis. Following a theme that framed *Secret City*, wherein the subtext (reflected in a piece of graffiti we filmed) capitalism *is* the crisis, *Injustice* posits that prisons are themselves part of a social crisis.

Whereas documentary series such as *Strangeways* (Rex Bloomstein, UK, 1980) that seek to give voice to prisoners have their merits, they still face the problem dissonance between the prisoner and the filmmaker. In one sense, the subjects may carry their narrative constructs into the film (cf. Ioannou et al. 2015; see also Allison 2011 for an insider's analysis of filming in prison) but at the same time, having sought permission to film from the authorities, they risk institutional framing.

The development of *Injustice* was led by two ex-prisoners (Tommy and Gethin) with whom I had become friends, and whose relationships with me had facilitated an intersubjective dialogue. I had discussed with them filming inside prison and we discussed the issues involved – especially the nature of the gaze: without *showing*, there is no documentary. However, the framing of 'offenders' in prison also means that visual representations of become 'intrinsically linked in various ways to the narratives that construct them negatively' (cf. O'Neill 2018) – as prison dehumanizes, so representations of it carry that negative symbolism. Rather, the intention was to humanize.

A further problem of filming inside prison is one of performance – i.e. the ways in which narratives as set to meet expectations (Ioannou et al. 2015). As with any institutionalized source, there are likely to be preferred, interested narratives, but it also became apparent that life inside prison meant that radical honesty was unlikely due to possible repercussions inside either from prison authorities or fellow prisoners. Therefore, decisions were made to film only outside prisons and to use other forms to mediate the experience of prison: what became black and white footage of the outside, animations of the phenomenological experience, and live footage inside shot only by prisoners themselves.

Tommy and Gethin were filmed in places of their choosing with no predetermined questions on my part. Both interviews were filmed over a couple of days, and their insights drove the investigation. A woman ex-prisoner was advised not to take part because of possible repercussions in making her story public (i.e. because of the threat of her participation in the public sphere), and a refugee ex-prisoner had been interviewed but pulled out, again in fear of possible implications for his career.

Parker's (2010) reference to 'unexpected zones of sympathy and catharsis' is well illustrated in the characters of Tommy and Gethin, with all the contradictions of real life: Gethin grew up in a dysfunctional childhood, often in care. Tommy grew up on the estates of Hackney, did well at school, won a scholarship and had educational opportunities, but, as he puts it in the film, 'I fucked it up'. As Peter Squires (2017) put it in his review for the British Society of Criminology, Tommy 'is surprisingly frank, articulate and reflective about the decisions that took him into prison in the first place. But he is also clear about the way in which imprisonment compounded and entrenched his problems'.

The complexity of the characters emerged as they explained their positions – Tommy 'loved' prison and had a good time. Tommy is not unambiguously 'good' or 'bad', and is more human as a result. The point is for the audience to wrestle with the characters, and afterwards discuss what they thought of

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1. them, and whether their stories invalidate the questions being asked in the
2. film.
3.   Tommy describes a suicide attempt of a young man setting himself on fire,
4. laughing his way through it before he jolts to a halt saying, 'it ain't funny!'
5. Tommy's not a reformer, Gethin is. Their different experiences and different
6. life patterns generate different discourses. What is perhaps most powerful
7. about Tommy's performance is that in spite of the ease with which he expe-
8. rienced prison, the viewer is left shocked and in sympathy with those who
9. didn't handle it so well. The point emerges rather than being forced.
10.   Another character, Charlotte May Henry, whose brother is in prison for a
11. 'joint enterprise' murder, demonstrates how mundane application of the law
12. can be unjust, especially when judicial procedure and the law itself is unjust.
13. In this case, a young man was murdered, and Charlotte's brother, Alex, was
14. imprisoned for the murder without being accused of committing murder at
15. any stage. We are left wondering how one can be locked up for murder with-
16. out having been even accused of it. Of course, the explanation is political and
17. class-based.
18.   An initial decision was made to include only prisoners in the film, but
19. particular criminologists were recommended for their understanding of class,
20. and came to provide a historical context for prison: it emerged as and contin-
21. ues to be a container for social problems. Deirdre O'Neill, who taught film
22. in prisons for many years, provides the contemporary context, through which
23. we can make sense of Alex Henry's case in particular – pointing out that the
24. supposedly progressive Prime Minister Tony Blair introduced more than 3000
25. new crimes, mainly targeting working class communities. She explains in
26. particular how during the 2011 riots arrestees were passed through 24-hour
27. courts and processed as if on a production line. The case of Charlotte's brother
28. becomes more significant, more politicized.
29.   With a former magistrate radicalized by her concerns about the crimi-
30. nal justice system she had been a part of, a perspective emerges of a crim-
31. inal justice system that efficiently processes people who often do not have
32. full access either to a decent life in the first place or to what many would
33. consider a fair trial, and then end up in a system that makes them worse, not
34. better. The picture emerges that such 'injustices' are routine, not exceptions.
35. Once the historical narrative explains how prisons have always been an insti-
36. tution aimed at punishing people for being poor, it becomes apparent that
37. there is a deep-rooted problem in the criminal justice system. The insights
38. from the 'victims' of prison are accompanied by those of a former prison guard,
39. a former prison monitor, and a former governor – all of whom I happened
40. upon by chance.
41.   Each of the 'authorities' from the prison system had their own critical rela-
42. tion to it – each had raised concerns about the system itself, attempted to
43. reform and change things, and were in turn met with the weight of the system
44. itself. The risk, of course, is that even then their institutional authority comes
45. to *validate* the ex-prisoners and others, and to make them believable. The
46. resolution is of course in the edit – to understand their discursive ordering,
47. such that the disruptions and junctures between their narratives and those
48. inside the prison system would be made visible in the edit.
49.   A wife (Karoline) and friend (Marcus) of a prisoner appear, and their
50. stories are harrowing. The simple, basic needs of providing for one's family
51. while in prison or unemployed thereafter are crushing issues, but of course
52. the family left outside finds itself not only in a materially difficult situation

but also facing social exclusion because of stigma. In the case of Karoline and Marcus, we are left not knowing what the husband was sentenced for. The rhetorical point of this is of course whether prison is bad in and of itself, or merely bad 'in this case' – is it a moral or pragmatic issue?

The aesthetics of the film emerged alongside the experience of making it, rather than being pre-planned. In lieu of footage being shot inside prison, a range of techniques were employed to reflect prison as experienced. A former prisoner unknown to me provided his own drawings of his experience of the prison system. Deirdre O'Neill's Third Cinema prison film project *Inside Film* provided footage from her project, shot by prisoners for prisoners. The only footage of prison riots was smartphone footage acquired from prisoners inside the riots. A complex animation of time inside a prison cell was drawn by a delivery driver, animations of sentiments were drawn by a graffiti artist with multiple convictions during a 15-minute break at the call centre in which we were working together. The finale of the film is introduced by an animation performed by an unemployed builder, painting the wall of a shed I was living in at the time. The same man spent a few evenings with me making the music for the film.

DEVELOPING THE COUNTERPRODUCT

It is perhaps because of this approach to filmmaking that it was received so well, particularly by ex-prisoners. Tellingly, *The Guardian's* prison correspondent, who served more than 16 years in prison, told me after a screening at Doughty Street Chambers that *Injustice* is the closest he has seen to what prison is all about – a sentiment echoed by all the ex-prisoners who have communicated with me after watching the film.

As noted above, O'Neill explains Third Cinema as process, practice and product, but it should be noted that these are not necessarily discrete stages but rather elements of the whole, akin to how Kluge and Negt's 'counterproducts' are procedural. To open out film into a properly public sphere means that the boundaries between process, practice and product are not set but rather intertwined.

In this sense, the release of the film sought to engage the prison community, in keeping with the principles outlined by Fernando Solanas writing in 'Towards a Third Cinema':

> We realised that the most important thing was not the film and the information in it so much as the way this information was debated. One of the aims of such films is to provide the occasion for people to find themselves and speak of about their own problems. The projection becomes a place where people talk out and develop their awareness. We learnt the importance of this space: cinema here becomes humanly useful.
>
> (Solana cited in Chanan 1997: 372)

Charlotte Sexauer took charge of the screening process to remove me from it. The premiere drew together prison reformers and ex-prisoners from across London at the Cinema Museum, and was developed around a panel of a prisoner's family, the former magistrate and former prison monitor, all of whom appeared in the film. The film was constructed to open up questions rather

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1. than provide answers, and so the post-screening discussion took longer than
2. the film itself, and as a result a series of small networks began to emerge.
3.   After the success of the first screening, requests for further showings
4. began to roll in. A community screening took place in Brighton, with a panel
5. of Tommy, a prisoners' family organization and a men's self-help network.
6. Thereafter the film showed in cities across the UK, in Oxford, Birmingham,
7. Bristol, Cardiff, London, Llanelli, Leicester, Manchester, Liverpool, Hastings,
8. Edinburgh, Canterbury and many other towns, organized with groups as
9. diverse as the Quakers, the Howard League, individuals and educational
10. institutions, with panels including ex-prisoners and prisoner families, and
11. campaigners. At each turn, prisoners and their families were the centre of
12. these micro public spheres, which themselves led out to broader publics,
13. including developing associations with the likes of Ragged University and
14. elsewhere solidifying and consolidating relationships.
15.   Aside from raising awareness through the film and associated website that
16. contains articles written by campaigners, academics, ex-prisoners and prison-
17. ers' families, the film served as a networking platform. Many attendees as well
18. as interviewees came along to multiple screenings and developed strong rela-
19. tionships. The platform was used to share ideas, petitions, campaign informa-
20. tion and support. A lawyer at Kent University who hosted a screening began
21. to help Charlotte May Henry's appeal against her brother's conviction, the
22. London anti-Joint Enterprise association was connected with a similar organi-
23. zation in Manchester, campaign groups used screenings to speak, discuss and
24. release material, and strengthen connections. Perhaps most importantly were
25. the connections made between prisoners themselves who met and helped
26. each other after meeting at film screenings and associated events. In one of
27. the last screenings, where opponents sought to ban the film, a lifer (whose life
28. story was written up on the accompanying website) entered a university for
29. the first time in his life to join Lord Simon Hughes and speak to imprisoned
30. young men at the Open University's Students in a Secure Environment unit.
31.
32. **AFTERWARD**
33.
34. The passion, anger, satire and complexity (cf. Wayne 2001: 5) that underpins
35. *Injustice* of course does not always connect with audiences as intended. The
36. problem with *Injustice* is the same as that which Chanan said of our earlier
37. film, *Secret City* – it creates an unanswerable discourse, a trap in which any
38. objection must be contradictory. And indeed, as with *Secret City*, opponents
39. became tangled in a web of contradiction, essentially proving the point of the
40. film – the voice of the prisoners can only be heard with the permission of
41. moral guardians.
42.   Perhaps unsurprisingly *Injustice* reached its limits, as radical projects do,
43. when reactionary forces, aided by the *BBC* and *The Times*, recast the film as
44. something completely different to what it is – namely a film attacking victims
45. of crime, when in fact one of the few criticisms it had faced was the lack of
46. perspective of victims of crime. Of course, the film was intended, as Third
47. Cinema, to give voice to convicts, offenders and prisoners, and produced a
48. counter public around the film. As such, there was no mention of victims,
49. aside a moment of silence for the young man killed in Alex Henry's case. Yet
50. despite the empirical falsity of the claim, given the authority of the main-
51. stream media, it was believed by many.
52.

The mainstream media's misrepresentation was to be expected – decon-textualizing, lying and scandalizing, with no apparent concern for factual real-ity. The convict filmmaker is of course the convict first, which obscures other aspects and removes voice, again proving the point of the film. None of the journalists for *The Times* and the *BBC* (nor their sources, nor a criminolo-gist who wrote 'a critique' of the film without conducting even rudimentary research) had watched the film, attended screenings or spoken to participants or attendees. Even the most basic, elementary aspects of research and jour-nalism were ignored, as the film itself suggests is a general facet of reaction-ary social elements. Instead they amplified misinformation seeking to shut down the film and the sphere that had grown around it; a process that speaks volumes about the plight of marginalized groups and issues and their relation to the mainstream public sphere.

In a sense the point of Third Cinema is that it will always and perhaps ought to be faced with animosity from its opponents. Indeed, much of the practice of Third Cinema arose directly from the conditions and circumstances of production – the literal existential threats to the filmmakers, the lack of resources to film and the clandestine methods of making the film.

The rhetoric and the style of the film are unapologetic and disinterested in those outside its remit. To make a film from the perspective of the marginal-ized is to stoke the ire of those marginalizing. In a sense, without this latter taking place, the film itself would have failed.

Most curiously, and perhaps what is most distinctive about Third Cinema, is that it cannot be reproduced as a commodity-type, because the condi-tions of its production are unique. It was made under conditions that were not chosen, and that one would be foolhardy to reproduce. Indeed, while a number of short films followed, documenting other aspects of prison, the space that opened up around *Injustice* was opened organically from the inside, as O'Neill (2018: 47) suggests is necessary in adequate representations. This distinction prevents colonization of space, it prevents it being appropriated, commodified, and de-substantiated (Hansen 1993: xxx) as a practice, process or product.

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SUGGESTED CITATION

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